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**REPORT OF THE JOINT HUMAN RIGHTS PROMOTION MISSION TO  
THE REPUBLIC OF CHAD**

**11 - 19 MARCH 2013**

## **ACKNOWLEDGEMENTS**

The African Commission on Human and Peoples' Rights (the Commission) is grateful to the Government of the Republic of Chad for kindly hosting, from 11 to 19 March 2013, a joint human rights promotion mission undertaken by a delegation of the Commission.

The Commission expresses its sincere gratitude to the country's highest authorities for providing the delegation with the necessary facilities and personnel for the smooth conduct of the mission.

The Commission expresses its appreciation to Ms Amina Kodjiyana, Minister for Human Rights and the Promotion of Fundamental Freedoms, and her advisers for their key role in organising the various meetings and for ensuring the success of the mission.

## ACRONYMS AND ABBREVIATIONS

AfDB	: African Development Bank
APRM	: African Peer Review Mechanism
AU	: African Union
BEPC	: Secondary School Leaving Certificate
CENI	: Independent National Electoral Commission
CNARR	: National Commission for the Reception and Reintegration of Refugees and Returnees
COBAC	: Central African Banking Commission
CSO	: Civil Society Organisation
DSG	: Deputy Secretary-General
ESCRs	: Economic, Social and Cultural Rights
EU	: European Union
GPS	: Global Positioning System
ICRC	: International Committee of the Red Cross
IDPs	: Internally Displaced Persons
IHL	: International Humanitarian Law
ILO	: International Labour Organisation
LMD	: Bachelor- Master- Doctorate
MFAAI	: Ministry of Foreign Affairs and African Integration
MFB	: Ministry of Finance and Budget
MINURCAT	: United Nations Mission in the Central African Republic and Chad
MPS	: Patriotic Salvation Movement
NA	: National Assembly
NGO	: Non-Governmental Organisation
NHRC	: National Human Rights Commission
NHRI	: National Human Rights Institution
NIYS	: National Institute for Youth and Sports
PG	: Parliamentary Group
PRAJUST	: Justice Support Programme
RNDP	: National Movement for Democracy and Progress
RNDT	: National Movement of Chadian Democrats
SG	: Secretary-General
SNA	: Speaker of the National Assembly
UN	: United Nations
UNDP	: United Nations Development Programme
UNDR	: National Union for Development and Renewal
UNEP	: United Nations Environment Programme
UNFPA	: United Nations Population Fund
UNHCR	: UN High Commissioner for Refugees
UNICEF	: United Nations Children's Fund
URD	: Union for the Republic and Democracy
USA	: United States of America
WFP	: World Food Programme
WHO	: World Health Organisation

## PART ONE

### I. INTRODUCTION

1. The African Charter on Human and Peoples' Rights (the African Charter), adopted on 21 June 1981 by the Assembly of Heads of State and Government in Nairobi, Kenya, became effective on 21 October 1986. Articles 30 et seq. establish that the African Commission on Human and Peoples' Rights (the Commission) remains to date the principal organ of the African Union (AU) for the promotion of human rights.
2. Under Article 45 of the African Charter, the Commission is mandated to promote human rights and fundamental freedoms enshrined in the Charter, ensure their protection, ensure the implementation of the Charter, interpret its provisions, and provide legal advice at the request of the Assembly of Heads of State and Government. In addition, the Commission is given the task to gather documents, undertake studies and research on African problems in the field of human and peoples' rights, organize seminars, symposia and conferences, disseminate information, encourage national and local institutions concerned with human and peoples' rights and, where appropriate, give advice or make recommendations to governments.
3. It is in the context of implementing the mandate of the Commission that Commissioner Béchir Khalfallah, Commissioner responsible for human rights activities in the Republic of Chad and Chairperson of the Working Group on Economic, Social and Cultural Rights in Africa led a joint human rights promotion mission to Chad. The delegation included the following:
  - Commissioner Reine Alapini Gansou, Special Rapporteur on Human Rights Defenders in Africa;
  - Commissioner Maya Sahli Fadel, Special Rapporteur on Refugees, Asylum Seekers, Internally Displaced Persons and Migrants in Africa;
  - Commissioner Med S.K. Kagawa, Special Rapporteur on Prisons and Conditions of Detention in Africa;
  - Ms Anita Bagona and Mr Charles Beautrel Nguena, legal officers at the Secretariat of the Commission.

### II. TERMS OF REFERENCE OF THE MISSION

6. The objectives of the mission were as follows:
  - Promote the African Charter and other regional human rights legal instruments;

- Strengthen relations between the Commission and Chad in the area of promoting and protecting the rights guaranteed by the African Charter and other relevant national, regional and international legal instruments;
- Discuss and share experiences with the Chadian Government and other human rights stakeholders in the country on strategies to promote the enjoyment of these rights;
- Assess the level of enjoyment of economic, social and cultural rights of Chadians, as well as measures taken by the Government to implement these rights;
- Gather information on the situation of human rights defenders in the Republic of Chad and make the various stakeholders to understand the challenges faced, where necessary, in the effective enjoyment of their human rights;
- Discuss with the authorities about the status of implementation of the 1998 UN Declaration on Human Rights Defenders, the 1999 Grand Bay Declaration and Plan of Action on human rights promotion and protection in Africa, and the Kigali Declaration adopted in 2003 by the AU Ministerial Conference on Human Rights;
- Visit prisons and other detention centres in order to learn about the detention condition of prisoners;
- Discuss with partners (UN agencies and national and international NGOs) about the situation of refugees and internally displaced persons in Chad;
- Visit refugees living in camps in Chad and visit internally displaced persons in order to gather information on their situation and needs;
- Discuss with Chadian authorities about measures taken or to be taken by the Government to give effect to the provisions of the Kampala Convention which was ratified by Chad on 11 July 2011 and which has now become effective;
- Discuss with Chadian authorities about the status of implementation of the repatriation policy and measures taken by the Government to ensure that the conditions for return to the country/villages of origin are fully met;

- Disseminate regional and international human rights protection instruments, as well as the resolutions on the granting of observer status to NGOs and affiliate status to NHRIs;
- Encourage NGOs to apply for observer status with the African Commission on Human and Peoples' Rights;
- Promote closer collaboration between the Commission and the Government of Chad, and between the Commission and civil society organisations, including through the regular participation of the latter in the ordinary sessions and other activities of the Commission;
- Encourage the Chadian Government to present its periodic reports on a regular basis, highlighting the challenges faced and underscoring the progress made in implementing human rights;
- Follow up on the recommendations made by the Commission following the consideration of the periodic report of Chad.

### **III. HISTORICAL AND GEOGRAPHICAL BACKGROUND AND INSTITUTIONAL FRAMEWORK OF THE REPUBLIC OF CHAD**

#### **A- Historical facts**

- 1920: Chad became a French colony;
- 1940: Under Governor Felix EBOUE, Chad joined Free France;
- 1958: Chad became an autonomous Republic within the Community;
- 11 August 1960: Proclamation of independence;
- 1962: Mr François TOMBALBYE became President of the Republic;
- 1969: France supported the Government against the rebellion in the north backed by Libya;
- 1975: Coup d'état, Mr François TOMBALBYE was assassinated and Felix MALLOUM took over power;
- 1979: Civil war broke out across the country and Mr MALLOUM left power;
- 1980: Mr Goukouni OUEDDE became President;
- 1982: Forces loyal to Hissène HABRE occupied N'Djamena and Mr HABRE became President;
- 1983-1987: War against the Libyan occupation and victory of the forces of Hissène HABRE;
- 1988: Re-establishment of diplomatic relations between Chad and Libya;
- 1990: Hissène HABRE was overthrown by Idriss Déby ITNO;
- 2 March 1991: Mr Idriss Déby ITNO became President of Chad;

- 1994: The Aozou strip occupied by Libya since 1973 was handed over to Chad;
- 1996: Mr Idriss Déby ITNO won the presidential election;
- January 2000: Case brought against Hissène HABRE for crimes against humanity;
- 31 January 2008: Rebel offensive launched against N'Djamena;
- 3 May 2009: Doha Peace Accord signed between Chad and Sudan;
- 25 April 2011: Re-election of Mr Idriss Déby ITNO.

## **B- Geography**

7. The Republic of Chad is a landlocked country in Central Africa, with a surface area of 1,284,000 km<sup>2</sup>. It is bordered by Libya to the north, Sudan to the east, the Central African Republic to the south, Cameroon and Nigeria to the south-west, and Niger to the west. The country's population is estimated at 11,525.5 million inhabitants<sup>1</sup>, and the capital is N'Djamena<sup>2</sup>.
8. Chad is a vast country with a low population density. Its population is unevenly distributed. Close to half of the population (47%) lives in 10.0% of the country's territory. 72% of the population lives in rural areas while 28% lives in urban areas.<sup>3</sup> The population density is 9 inhabitants per km<sup>2</sup>, and population growth is 2.6%. Life expectancy is 49.6 years, and the population is mainly comprised of the Toubou, Sara and Arabs. The main religions are Islam (54%), Christianity (34%) and Animism (7%)<sup>4</sup>.
9. The country occupies the vast and low altitude Lake Chad Basin. It has an uneven surface topography, with plains alternating with mountains. There is forest vegetation in the south, savannah woodland/grassland in the centre and a desert area in the north, including savannah and steppes<sup>5</sup>.

## **C. Institutional and administrative facts**

10. Since independence, Chad has had three Constitutions: Constitutional Law No. 2-62 of 2 April 1962, 1989 Constitution and the Constitution of 31 March 1996. The Constitution of 31 March 1996 as amended by Constitutional Law No. 8 of 15 July 2005 lays down three branches of government, the executive, legislative and judicial. The President of the Republic is elected by direct

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<sup>1</sup><http://hdrstats.undp.org/fr/pays/profils/TCD.html> (consulted on 5/12/2012).

<sup>2</sup> French and Arabic are the two official languages of Chad. The country has over two hundred (200) national languages.

<sup>3</sup> <http://www.tresor.economie.gouv.fr/Pays/tchad> (consulted on 5/12/2012).

<sup>4</sup> The remaining 5% is for traditional and undeclared religious practices.

<sup>5</sup> For more details on the Geography of Chad, consult:

<http://www.presidencetchad.org/geographie.php> (consulted on 13 February 2013).

universal suffrage for a five-year term of office. Parliament comprises a National Assembly with 188 MPs, including 24 women. The judicial system is made up of courts and tribunals, and the Supreme Court is the highest court in the country. The Constitutional Council assesses the constitutionality of laws, international treaties and agreements and hears disputes relating to presidential and legislative elections. It ensures the proper conduct of referendums and announces results.

11. Since 19 February 2008, the Republic of Chad is sub-divided into twenty-three (23) regions, sixty-one (61) districts, and two hundred and fifty (250) communes (outside N'Djamena)<sup>6</sup>.

#### **D. Human rights promotion and protection legal framework**

12. As of March 2013, Chad was a State Party to the following major human rights instruments:

- **African legal instruments**

- OAU Convention Governing the Specific Aspects of Refugee Problems in Africa, ratified on 12 August 1981;
- African Charter on Human and Peoples' Rights, ratified on 9 October 1986;
- African Charter on the Rights and Welfare of the Child, ratified on 20 March 2000;
- AU Convention for the Protection and Assistance of Internally Displaced Persons in Africa, ratified on 11 July 2011;

- **Other universal legal instruments**

- 1948 Universal Declaration of Human Rights;
- International Convention on the Elimination of All Forms of Racial Discrimination, ratified on 17 August 1977;
- Convention on the Rights of the Child, ratified on 20 October 1990;
- International Covenant on Civil and Political Rights, acceded to on 9 June 1995;

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<sup>6</sup> Order No. 002/PR/08 of 2008 to restructure some decentralised territorial units.

- International Covenant on Economic, Social and Cultural Rights, acceded to on 9 June 1995;
- Optional Protocol to the International Covenant on Civil and Political Rights, ratified on 9 June 1995;
- Convention against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment, ratified on 9 June 1995;
- International Convention on the Elimination of All Forms of Discrimination Against Women, ratified on 9 June 1995;
- Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, ratified on 28 August 2002;
- Statute of the International Criminal Court, ratified on 1 November 2006.

## **PART TWO**

### **I. METHODOLOGY AND CONDUCT OF THE MISSION**

13. The mission was conducted in the form of interviews and meetings with the country's highest authorities and various stakeholders involved in the promotion and protection of human rights in Chad.
14. In addition to the meetings and interviews conducted in N'Djamena, the Commission delegation also visited the Kelo and Doba prisons.
15. During the meetings, the head of the delegation, Commissioner Khalfallah, made a brief presentation on the Commission, its organization, composition, mandate, activities and subsidiary mechanisms. He underscored that it was the Commission's second human rights promotion mission to Chad, following the one conducted in 2000. He also highlighted the objectives of the mission, underscoring that these objectives include sharing best practices in the relevant areas and identifying obstacles and challenges in order to make the necessary recommendations.
16. The other Commissioners took turns to introduce themselves and talk about the mandate of their respective special mechanisms. After the exchange of courtesies, the discussions between the Commission delegation and the various authorities and stakeholders centred on the general human rights situation in Chad.
17. At the end of the meetings, the head of the delegation, on behalf of the Commission, paid tribute to the Chadian armed forces for their role in Mali. He commended the solidarity shown by Chadian authorities with the people of Mali. Commissioner Khalfallah also distributed publications and documents of the Commission to the various authorities and stakeholders.
18. It should be underscored that the mission was given wide media coverage by the State print and audio-visual media.

### **II. MEETINGS HELD BY THE COMMISSION DELEGATION**

#### **1. BRIEFING SESSION WITH THE SECRETARY-GENERAL AT THE MINISTRY OF FOREIGN AFFAIRS AND AFRICAN INTEGRATION**

19. The Commission delegation held a briefing session on the objectives of its mission with Mr Moussa Mahamat Dago, Secretary-General, who represented

the Minister of Foreign Affairs and African Integration. He was accompanied by Mr Tordeta Ratebaye, Director of Legal Affairs and Litigation.

20. The discussions focussed mainly on the instruments that are yet to be ratified by Chad, the culture of human rights in the country, refugees and internally displaced persons, prisons, indigenous communities, and failure to present periodic reports in accordance with Article 62 of the African Charter.
21. The Secretary-General started by recalling that Chad has a history marked by three decades of civil wars and aggression. He stated that Chadian authorities are determined to learn from and make use of the Commission's expertise towards building an enabling environment where there is respect for human rights. The Secretary-General noted that the Government's determination is evidenced by the fact that the country has joined the African Peer Review Mechanism (APRM).
22. Regarding human rights promotion and protection instruments that are yet to be ratified by Chad, the Secretary-General informed the Commission delegation that the competent authorities are currently revisiting the country's legal arsenal towards ratifying human rights treaties, conventions and protocols that have not yet been ratified.
23. The delegation commended the provisions contained in the Chadian Constitution which give priority to international conventions over national laws, and which call for an amendment of the Constitution in the event where the latter is inconsistent with an international convention.
24. The Secretary-General assured the Commission delegation that the culture of human rights is gaining ground in the country, adding that human rights and humanitarian law are being taught in military academies.
25. Regarding the situation of refugees and internally displaced persons in Chad, the Secretary-General noted that since the departure of the United Nations Mission in the Central African Republic and Chad (MINURCAT), refugee camps have been secured by Chadian security forces with the objective of working towards the peaceful return of refugees to their countries of origin.
26. With regard to prisons, the officials of the Ministry noted that there were several shortcomings, and that the Government has launched several projects aimed at improving the living condition of prisoners.

27. Regarding indigenous communities, in particular the Peul, the Secretary-General explained that it is not an issue in Chad, adding that it is difficult and even impossible to determine who the indigenous communities in Chad are, and that as a result all citizens are treated equally.
28. Responding to the issue of why Chad is behind with the submission of its periodic reports to the Commission, the Secretary-General said he was not aware of this obligation. The Commission delegation then explained that State Parties are required under Article 62 of the African Charter to present, every two years, a periodic report on the human rights situation in their respective countries.
29. At the end of the meeting, the Commission delegation commended the determination of Chadian authorities to protect human rights, and underscored the importance for Chad to ratify the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights and to make the declaration under Article 34 (6) of the Protocol accepting the Court's competence to receive complaints from individuals and NGOs.

## **2. MEETING WITH THE PRIME MINISTER**

30. The Commission delegation held a working session with the Prime Minister, H.E. Djimrangar Dadnadji Joseph. The members of the Commission raised several issues with the Prime Minister, in particular the poor living condition in Chadian prisons, the country's fragile security situation despite the efforts made, and violations of women's rights.
31. Mr Djimrangar Dadnadji Joseph noted that much still needs to be done in the area of human rights. He further emphasized that human rights as an issue is primarily an internal matter with its country-specific aspects and should not be internationalised. He noted that most of the prisons in the country were constructed during the colonial era and that cognizant of this fact, the Government is rehabilitating prison facilities with the support of the Justice Support Programme (PRAJUST). He emphasized that prison rehabilitation activities are conducted in tandem with judicial sector reforms which, in the long term, will ensure greater justice and fairness. Contrary to some opinions that the Ministry for Human Rights and the Promotion of Fundamental Freedoms is an institution which serves the interests of the Government, the Prime Minister reiterated that the mandate of the ministry is to promote human rights including by collaborating with civil society. Regarding the National Human Rights Commission, Mr Djimrangar Dadnadji indicated that

the National Assembly is working towards its autonomy which, in his view, will require the holding of a constitutional debate.

32. Responding to the issue of security in the country, the Prime Minister underscored that it is high time Chadians understood that the ballot box remains the best way to take over power. He concluded that the country has adopted decentralisation as its means of governance.

### **3. MEETING WITH THE MINISTER FOR HUMAN RIGHTS AND THE PROMOTION OF FUNDAMENTAL FREEDOMS**

33. The Commission delegation was received by Ms Amina Kodjiyana, Minister for Human Rights and the Promotion of Fundamental Freedoms, accompanied by her advisers who included the Secretary-General of the Ministry, Mr Ahmed Bartchiret, and the Deputy Secretary-General, Mr Nassou Bahar Mahoumet.
34. Given the key role played by the Ministry for Human Rights and the Promotion of Fundamental Freedoms in the promotion and protection of human rights in Chad, the Commission delegation explored all the various aspects of the overall human rights situation in the country. They asked questions regarding the situation of prisoners in N'Djamena, the management of vulnerable groups of people, the treatment of child soldiers, refugees and internally displaced persons, and measures taken to promote human rights education. The delegation also inquired about the relationship between the Government and civil society organisations. Other issues discussed included the rights of women, reproductive health and girls' education.
35. Before providing clarifications on the issues raised by the Commission delegation, the Minister and her advisers began by making a brief presentation on the Ministry. They explained that the Ministry was established in 2005, and is headed by a Minister who is assisted by a Secretary-General and a Deputy Secretary-General. It is composed of five departments which include the department of civil and political rights, the department for vulnerable people, the department of economic, social and cultural rights, the department for the promotion and dissemination of human rights, and the department of research, legislation and litigation.
36. Regarding the situation of prisons in N'Djamena, the Minister indicated that given the overcrowding and decay of these prisons, the Government decided to demolish them and to construct new ones that comply with international standards. For this reason, prisoners have been temporarily

relocated to the Kélo prison. The ministry's officials noted that living conditions in Chadian prisons are below expectation and that explains why the Government is taking robust measures to address the situation. The Secretary-General stated that even though the death penalty is provided for in the law, there is a moratorium in force and that the last executions were carried out a long time ago.

37. In the area of providing assistance to vulnerable groups of people, the director of the department in charge of vulnerable groups stated that the Government pays particular attention to children, people with disabilities and older persons. The Secretary-General further said that the issue of child soldiers is no longer a reality in the country as a result of the Government's reintegration programme. Regarding internally displaced persons, the ministry's officials indicated that the problem became less significant since the end of the war, and that current displacements are mostly for economic reasons.
38. In order to promote human rights education, Ms Kodjiyana indicated, the ministry has adopted a plan of action which includes programmes to disseminate human rights documents, adding that there are delegates in all the country's 23 regions whose mandate is to promote human rights among the population. She further stated that human rights education programmes have been implemented in public schools with the support of the Ministry of Primary Education and the Ministry of Secondary Education.
39. Regarding women's rights, the Minister and her advisers indicated that Chadian women are increasingly involved in the management of public affairs and are represented in the Government and the National Assembly. The activities of the Head of State and the First Lady, such as the national women's week, have contributed to the promotion of women's rights in Chad. With regard to reproductive health, the N'Djamena Mother and Child Hospital was cited as a sterling example of the Government's commitment in this area.
40. The Minister noted that relations between the Government and CSOs are good, and that CSOs play a role in the drafting of reports for the Universal Periodic Review. She also underscored the fruitful collaboration with the Office of the UN High Commissioner for Human Rights which assists the efforts of the Government. She ended by stating that the National Human Rights Commission which was established in 1994 is yet to have an A status and does not have offices nationwide.

41. At the end of the discussions, the Commission delegation again commended the efforts made by the Government of Chad in promoting human rights and called on the latter to strengthen its collaboration with CSOs.

#### **4. MEETING WITH THE SECRETARY OF STATE AT THE MINISTRY OF FINANCE AND BUDGET**

42. The Commission delegation was received at the Ministry of Finance and Budget by Ms Amina Mahamat, Secretary of State, and Mr Tahir Souleyman Haggar, Secretary-General. The Commission delegation underscored the importance of economic, social and cultural rights and the link between this category of human rights and the drawing up of the State budget. The discussions focused on the distribution of the budget (consideration of ESCRs, budget allocated to the NHRC, subventions for CSOs), key areas of Government activities, policy to promote companies, impact of oil revenue on the State budget, and integrating a gender approach into the drawing up of the budget.
43. The Secretary of State informed the Commission delegation that the Government has given priority to the issue of human rights. She mentioned the establishment of a ministry in charge of human rights, adding that her ministry has funded projects and activities proposed by other ministries. With regard to the budget allocated for ESCRs, Ms Amina Mahamat indicated that the Government allocates over 20% of the national budget to the education and health sectors which are the Government's priority areas. She informed the delegation that in the area of health, the Government has taken measures to provide free health care to pregnant women and children below the age of five years. She further said that efforts have been made to improve the living condition of people with disabilities. The Secretary of State also indicated that gender is taken into account when drawing up the budget, and informed the delegation of the existence of a ministry which provides micro-credits for the promotion of women and the youth.
44. The Secretary of State however indicated that other stakeholders involved in human rights promotion and protection do not receive Government funding. As such, CSOs, unlike the NHRC, are not funded by the Government.
45. Regarding oil revenue, the Secretary of State was unequivocal, stating that the revenue from oil is used for investment projects and not for running

expenses. Oil proceeds, she said, have enabled the Government to carry out vast projects in the areas of road infrastructure, education, health, etc.

46. The Commission delegation agreed with the Secretary of State that much is being done by the Government. The delegation commended the N'Djamena development plan and suggested that roads should be created to decongest the capital's main market.

## **5. MEETING WITH THE MINISTER OF HEALTH**

47. The Commission delegation was received by Mr Ahmat Djidda Mahamat, Minister of Health, accompanied by his advisers. The discussions centred on the Government's health policy, training of health personnel, health challenges in rural areas, health infrastructures, maternal and child mortality, access to drugs, legal documents relating to health, social security, drug addiction, health situation in refugee camps and prisons, private health sector, HIV/AIDS, and the role of traditional healers.
48. Mr Ahmat Djidda Mahamat indicated that the Government has a broad plan which includes providing health care to the entire population. To this end, the Government is setting up health centres and health districts across the country, as well as identifying groups of vulnerable people – in particular nomadic and remote communities, and providing them with mobile teams that are equipped with GPS. The Minister added that the Government plans to lay emphasis on rural populations given that women and children face specific problems as a result of the poor road infrastructure.
49. The Government also plans to make vaccination accessible across the country. Mr Ahmat Djidda Mahamat stated that other objectives include eradicating diseases such as yellow fever, poliomyelitis and Guinea worm disease. As such, routine vaccination programmes are being conducted in the region along the border with Sudan where there are often cases of yellow fever.
50. The Minister further stated that the Government spends close to 40 billion CFAF for the purchase of insecticide-treated mosquito nets, and that a factory to produce essential drugs is under construction. He emphasised that efforts are being made to reduce child mortality and provide universal and free emergency health care, adding that pregnant women and children below five years now benefit from free health care

51. On the issue of health personnel, the Minister indicated that there is a severe shortage of human resources in the country. The country has a total of 7,345 health workers of all categories, 726 doctors (with a ratio of one doctor per 10,000 inhabitants) and 467 midwives. According to Mr Ahmat Djidda Mahamat, the Government has taken measures to address the situation, such as expanding training facilities, managing private training facilities, standardising training modules and instituting a national training diploma for health personnel. At the national level, the Minister indicated that the Government, in partnership with UNICEF, has trained about 200 health workers, while the N'Djamena and Abéché faculties of medicine trained 47 doctors last year. The Minister also informed the delegation of the establishment of specialised training centres. Regarding bilateral cooperation, the Chadian Government has signed a partnership agreement with Cuba with the objective to train 150 doctors in the next seven years. The Minister stated that other partnership agreements are being implemented with Tunisia, Egypt, Saudi Arabia, Sudan, Algeria and Benin.
52. Regarding legal documents relating to health, the Minister of Health stated that the Government is in the process of preparing a number of texts, including a health code, a text for the medical association, a hygiene code, and a decree on medical ethics. The Government is also trying to relax its laws in order to make it easy for foreign doctors to enter the country.
53. For his part, the Ministry's Legal Adviser indicated that the Government is paying close attention to the issue of social security and has given priority to a social protection system in order to cover the majority of the population.
54. With regard to the concerns raised about drug addiction, the ministry's officials indicated that it is a reality in the country even though there is an anti-tobacco law. They indicated that alcoholism is a more serious problem compared to smoking, and that the country lacks the necessary expertise in this domain. The Minister stated that anti-drug campaigns are being organised in collaboration with UNICEF and WHO.
55. Regarding the existence of a private health sector, the Minister noted that there are some private clinics and pharmacies in the country, adding that there is competition between the private and public sectors as a result of the lack of human resources. The Minister also talked about the case of traditional healers and emphasised that there is a ministerial department specifically mandated to ensure that they operate in accordance with the rules of the

profession. He stated that traditional rulers cannot be sidelined given the effect they have on the population.

56. On the issue of providing health care in refugee camps, the Minister indicated that all refugees are administered yellow fever vaccines free of charge upon their entry into the country, and that the Government assists UNHCR in providing health care. The Minister also noted that health care is free in prisons under the supervision of the Ministry of Justice.

57. Regarding HIV/AIDS, the Minister indicated that it is difficult to give precise information on the prevalence rate in the country. He however stated that the HIV prevalence rate is estimated at 3.7%, with more women affected than men.

58. The meeting ended with the Commission delegation encouraging the ministry's officials to keep up the good work towards effectively providing health care in the country.

## **6. MEETING WITH THE MINISTER OF PUBLIC MANAGEMENT AND GOVERNANCE PROMOTION**

59. The Commission delegation was received by the Minister of Public Management and Governance Promotion, Mr Hinsou Hara. The discussions focused on the ministry's mandate and its activities to combat corruption in the country.

60. Mr Hinsou Hara stated that the ministry was established in 2004 with the objective to combat corruption. According to the Minister, it used to be the Ministry of General State Control and Moralisation until 2010 when, in a bid to strengthen the fight against the embezzlement of public funds, the name was changed to the Ministry of Public Management and Governance Promotion.

61. The Minister indicated that the ministry's mandate is to ensure the effective and transparent management of public affairs. He underscored that the ministry implements its mandate with the support of civil society, political parties of the opposition, and partners such as UNDP, AfDB, US Embassy and the EU. The ministry's activities include anti-corruption sensitisation campaigns, with emphasis on professional ethics. The objective of these campaigns is to change mentalities and remind managers of public institutions of their accountability obligation. Mr Hinsou Hara further indicated that sensitisation activities are conducted alongside audit. As a

result of these activities, the Government has been able to sanction individuals involved in the poor management of public funds and to recover over 25 billion CFAF.

62. Regarding the role of political parties of the opposition, the Minister stated that the latter signed a political agreement with the presidential majority in August 2007 which led to the establishment of an Independent National Electoral Commission (CENI) and the organisation of peaceful elections in 2011. Presently, the Minister added, the opposition, the presidential majority and civil society are working towards having a computerised system and restructuring the CENI ahead of the 2014 regional elections, the 2015 legislative elections and the 2016 presidential election.
63. The Minister noted that Chad is a party to several conventions aimed at eradicating corruption, including the AU Convention on Preventing and Combating Corruption.
64. He concluded by assuring the Commission delegation that his country is taking necessary measures to combat corruption, adding that Chad has ratified the African Charter on Democracy, Elections and Governance. The Minister further indicated that an independent committee has been established to deal with issues of governance and the fight against corruption, and is composed of six representatives from the presidential majority, six from the opposition and three members representing civil society.

## **7. MEETING WITH THE MINISTER OF HIGHER EDUCATION**

65. The Minister of Higher Education, Dr Adoum Goudja, discussed with the Commission delegation about the situation of universities in the country, in particular the number of universities, number of students, quality of education, and the issue of bursaries and movement of students abroad.
66. The Minister informed the delegation of the Government's commitment to improve the higher education sector, underscoring that the Government has disbursed 4 billion CFAF as part of a partnership agreement with Cuba aimed at training about one hundred doctors. He added that the country today boasts of several public universities, including the University of N'Djamena which has a faculty of medicine, the Roi Fayçal University whose language of instruction is Arabic, the University of Abéché which also has a faculty of medicine, the Saar University and Bongor University.
67. Dr Adoum Goudja also noted that Chad has several public institutes, including the Abéché Fishing Training Institute and the Mao Petroleum

University Institute which is a sub-regional institute for the training of engineers in the area of petroleum. The Minister further stated that there are over one hundred private institutes most of which have their campuses in N'Djamena. He added that these private institutions have been established in accordance with the regulations in force and receive Government subvention.

68. Dr Adoum Goudja noted that the current student enrolment figure stands at 25,000, a significant improvement compared to the 5,000 registered students in 2000. He stated that the Government resolved the issue of student strikes over a year ago by providing bursaries. He indicated that students are part of academic councils and are consulted when important decisions are to be taken. The Minister stated that as a result of the inadequate university infrastructures which cannot accommodate the population of high school leavers, families are forced to send their children to private universities and universities abroad.
69. Regarding the quality of education, the Minister informed the Commission delegation that the Chadian university system now follows the LMD (Bachelor - Master - Doctorate) system. The Minister also stated that a national BTS has been instituted as well as a professional bachelor programme to help make up for the shortcomings of private institutes. He underscored that the Government's priority is to improve the quality of education in areas such as medicine, agronomy and stock breeding. Responding to the question of whether human rights as a subject is taught in all universities, Dr Adoum Goudja said it is not the case, adding that it is mostly taught in law faculties as a result of the lack of human resources. The Commission delegation informed the Minister that the teaching of human rights should be done in a systematic manner in all faculties.
70. Regarding gender, the Minister underscored that the Government is making significant efforts, adding that there are women who are ministers, deans of faculty, etc. He indicated that among primary school teachers there are more women than men, and that in Chad it is strictly prohibited to dismiss pregnant students.
71. Dr Adoum Goudja concluded by indicating that despite the political will to resolve problems in the higher education sector in Chad, there are still problems of limited human resources, as well as the lack of infrastructure. In order to resolve these problems, cooperation agreements have been signed with foreign universities such as the University of Liège and other universities in Arab countries.
72. The Commission delegation was satisfied with the Minister's explanations and promised to make the necessary recommendations in its mission report.

## 8. MEETING WITH THE MINISTER OF BASIC EDUCATION

73. The Commission delegation was received by the Minister of Basic Education, Mr Hassan Tcholnaye, accompanied by his advisers. The discussions focused on the situation of basic education in Chad, in particular the various levels of basic education, the number of students and teachers, quality of education, human rights teaching, and the education of girls.
74. The Minister informed the delegation that Chad has made significant efforts in its education sector since 1992 despite the periods of conflict. He underscored that basic education in the country includes the pre-primary, primary and secondary. He indicated that Chad has about 2 million pupils and students and 20 thousand teachers among whom 70% are community teachers and who, until recently, were supported by parent-teacher associations. The Minister further indicated that education is free and compulsory in the country, stating that even though there are religious schools (Christian and Muslim), the principle of secularity and the rules established by the Government are respected.
75. Regarding the quality of education, the Secretary-General at the Ministry indicated that there is emphasis on moral values, adding that civic education is taught in schools and that a national curriculum centre was established to ensure the effective teaching of civic education. Education manuals were distributed in the 23 regions across the country. The ministry's officials stated that the training syllabus includes human rights and that very often, programmes to end violence are broadcast by radio stations.
76. Regarding the education of girls, the Minister stated that it remains a major challenge in the country, adding that only 47% of women are educated. However, since 2011 efforts have been made to reverse the situation, and women's education has been made compulsory. Practices such as forced marriage and early marriage, some of the major causes of drop out among girls, are prohibited and penalized.
77. Regarding the fight against illiteracy, the Minister said it concerned mostly older persons. As a solution, the Government has built literacy centres, including the one in Ndjore. Law No. 16 of 2004 to organise the Chadian education system also addresses the issue of literacy. Moreover, the Government has received support from the Islamic Bank through the PALAM programme.
78. With regard to the informal education sector, the Minister indicated that emphasis has been laid on street children and, to an extent, child soldiers.

Centres were opened in the 10 districts of N'Djamena, even though the number is insufficient. With the support of Qatar under the education reform support project (13 million dollars), the Government plans to build more centres across the country and to develop functional literacy. The Minister stated that the Government is ensuring the education of child soldiers and is gradually modernising the situation of the Talibé.

79. The ministry's officials indicated that there are general inspectors who supervise the education sector. There is a national examination commission and a commission responsible for the transfer of teachers. The Minister added that each region has a regional delegation of the ministry of education, with offices in all districts. These institutions are responsible for enforcing measures taken at the national level.
80. The Minister concluded by highlighting the challenges faced, in particular the limited resources, low education rate for girls, and adult illiteracy.

## **9. MEETING WITH THE MINISTER OF JUSTICE AND KEEPER OF THE SEALS**

81. The Commission delegation met with the Minister of Justice and Keeper of the Seals, Mr Abdoulaye Sabre Fadoul. The discussions focused on respect for the right to a fair trial, the situation of prisoners, judicial sector reform, training of magistrates, and the judicial harassment of human rights defenders.
82. The Minister expressed his appreciation to the members of the Commission for visiting Chad in order to acquaint themselves with the human rights situation in the country. Regarding the right to a fair trial, Mr Abdoulaye Sabre Fadoul stated that even though the country still has texts which date back to the colonial days, the Government respects the principle of the independence of the justice system, and that the right to a fair trial, which originates from this, is also respected. The Minister indicated that there is a High Judicial Council chaired by the President of the Republic. He further stated that the country's Constitution contains all major democratic principles, adding that the penal code and criminal procedure code are being amended to reflect all major democratic achievements.
83. The Minister indicated that a lot needs to be done regarding the situation of prisons in Chad, adding that there are no prisons for women and minors. He informed the delegation that minors are placed under a special regime, by which the detention of minors is an exception and there is a judge for cases

involving minors. He also indicated that a child protection project will soon be finalised and adopted.

84. On the issue of the N'Djamena prison, the Minister of Justice affirmed that the prison was built in the 1960s to house 300 prisoners. At the time it was destroyed, the prison accommodated over 1,000 prisoners. He noted that the prison was destroyed because the living condition of prisoners no longer complied with international standards. The Minister indicated that prisoners were temporarily moved to the Missene prison situated around N'Djamena and to the Moussoro and Kelo prisons where living conditions are much better. He further informed the delegation of the construction of a new prison in N'Djamena which is estimated to cost close to 3 billion CFAF. He further indicated that the Government is doing everything in its power to ensure appropriate treatment for prisoners, and that there is no prison in the country where prisoners do not have at least two meals a day.
85. With regard to the training of magistrates, Mr Abdoulaye Sabre Fadoul indicated that there is a national school for the training of magistrates and court registrars where candidates are admitted through competitive entrance exams. He noted that a law school will soon be opened. Even though a bilingual country with French and Arabic as the official languages, the country is yet to have lawyers and court registrars who master Arabic. The Minister stated that French-speaking magistrates are transferred to Arabic-speaking countries and vice-versa, with the objective to make them bilingual. He also added that the training package for magistrates (theory and practice) takes into account human rights programmes.
86. Regarding the organisation of the judicial system in the country, the Minister stated that the second hearing principle is not applied in Chad. There are courts of first instance (20), courts of appeal (3) and a supreme court. The Minister informed the delegation that the country has 173 magistrates (1 magistrate per 70,000 inhabitants), most of whom are men. He noted that the country has adopted a new judicial structure and plans to have 30 courts and 6 courts of appeal by 2015.
87. Regarding judicial assistance, the Minister noted that a draft law on the establishment of a judicial assistance framework is being prepared with the support of the Justice Support Programme (PRAJUST).
88. On the issue of harassment of human rights defenders, the Minister mentioned the 2012 strike action by the Chadian Trade Union Association. He informed the delegation that arrests were made not because the strike was prohibited but because demonstrators launched a direct attack against the family of the Head of State. An investigation was conducted and three trade

unionists involved (Michel Barka, Younous Mahadjir and François Djondang) and the publication manager of *N'Djamena-bihebdo* were given 18 months of suspended prison sentences. The Minister indicated that these individuals have appealed and that their case is pending before the competent court.

89. Regarding the disappearance of the Chadian opposition leader Ibni Oumar Saleh, the Minister noted that Mr Saleh was several times minister and presidential candidate. He indicated that Mr Ibni Oumar Saleh disappeared during the attempted coup of February 2008 and during which the regime lost control over almost all of N'Djamena. The Minister noted that the Government has made search efforts, including the setting up of a commission of inquiry that worked for three months on over 1,050 cases including that of Mr Saleh. The commission was composed of several personalities and heard several individuals including ministers and generals. After its investigation, the commission recommended that justice mechanisms should be seized. This was done and a monitoring committee was established to that effect.
90. The Commission delegation commended the efforts made by the Government. They underscored the need to address the problem of prisoners in N'Djamena and that of the social reintegration of minors. The delegation also insisted on the need to respect the rights of human rights defenders and to protect them. The Commission delegation highlighted the lack of communication between the Government and the Commission, and called on Chadian authorities to present periodic reports on the human rights situation in the country.

#### **10. MEETING WITH THE SECRETARY OF STATE AT THE MINISTRY OF SOCIAL WELFARE, FAMILY AFFAIRS AND NATIONAL SOLIDARITY**

91. The meeting with the Secretary of State at the Ministry of Social Welfare, Family Affairs and National Solidarity, Mr Ngomdigue Badi Lomey, focused on gender issues, child soldiers and child prisoners, the adoption of the family code, people with disabilities and older persons.
92. On the issue of gender, the Secretary of State noted that the Government is working towards integrating a gender dimension into government policies. He indicated that his ministry has a department for the promotion of women and gender. The department works in collaboration with partners, and has contributed to the development of a national gender policy and a national strategy to combat gender-based violence, including the fight against female

genital mutilation. He emphasised that the programme will be implemented throughout the country.

93. On the issue of child soldiers, the ministry's officials indicated that the new name used for them is "children associated with armed forces and groups". They stated that the phenomenon began in 2004 during the security crisis. In order to put an end to this practice, the Government signed a partnership agreement with UNICEF in 2007, which led to the adoption of a programme for the social reintegration of children associated with armed forces and groups. Another agreement was signed in 2008 between the Ministry of Social Welfare and the Ministry of Defence with the aim of training military officers on the issue of children associated with armed forces and groups. In 2009, a joint commission was set up to visit the military, gendarmerie and police services to verify the use of children. This measure helped to remove children recruited by these forces and to send them to re-education centres.
94. With regard to legislation, the ministry's officials noted that a draft child protection code in conformity with the UN Convention on the Rights of the Child, the ILO Convention on Child Labour and the African Charter on the Rights and Welfare of the Child will be considered in April 2013. They also noted that the penal code is being reformed in order to ensure greater protection for children. They underscored the draft law on birth registration which will address the issue of children who do not have birth certificates, in particular refugees. Regarding abandoned children, the ministry's officials indicated that there was a day-care centre that was forced to close as a result of the war. These children, however, have been handed over to CSOs and orphanages. The policy of adoption is implemented in accordance with the law and priority is given to sterile couples. Regarding imprisoned minors, they noted that there are no special prisons for minors, adding that the latter are placed in separate quarters.
95. With regard to the family code, the Secretary of State noted that the 1958 French civil code is still being implemented. He assured the delegation that a new draft family code has been approved and will soon be adopted. The new code is sensitive to gender and all sociological issues.

## **11. MEETING WITH THE MINISTER OF YOUTH AND SPORTS**

96. The Commission delegation was received by the Secretary-General, Mr Makota Koode Rimtemadj, who welcomed the delegation on behalf of the

Minister. The issues discussed included the situation of the youth in the country and sport activities.

97. The Secretary-General informed the delegation of the various measures taken by the Government to meet the challenges faced by the youth in Chad. As such, several departments have been created at the ministry to address issues affecting the youth such as the departments of youth activities, socio-educative and leisure activities, youth social reintegration, and youth association. These departments implement activities aimed at youth development. He noted that there is a programme that will cover several regions of the country aimed at inviting the youth to be involved in youth activities.
98. The Secretary-General also noted that there is a National Institute for Youth and Sports (NIYS) which follows the LMD system and has several departments. The institution trains youth instructors, sports and youth counsellors and sports and physical education counsellors. In addition to this institute, the Government has also established a Youth Advisory Council as part of the Conference of Ministers of Youth and Sports. The Council serves as an interface between youth associations and the ministry. Among other initiatives, the Secretary-General mentioned the Youth Reintegration Fund (about 600 million CFAF), the National Network of Young Chadian Entrepreneurs, and the Counselling/Reproductive Health Unit for Adolescents. These activities are aimed at combating youth unemployment. There is also a project for the construction of youth centres to provide the youth with leisure activities. He indicated that the Government is committed to addressing problems relating to the youth, adding that Chad has ratified the African Youth Charter.
99. Regarding sports activities, he noted that there are two football championships (1<sup>st</sup> and 2<sup>nd</sup> divisions). He indicated that sports activities are for men and women, and that there are women's teams in all the disciplines except volley ball. He stated that the ministry has created teams in schools as part of the national schools sports week. With regard to sports infrastructures, he indicated that every regional capital is expected to have a multi-purpose stadium, adding that with its current infrastructures the country has presented its candidature to host the 2017 8<sup>th</sup> Francophonie Games.
100. Regarding measures taken to stop violence in sports, the ministry's officials indicated that the Government lays emphasis on the culture of fair play. The Secretary-General noted that the ministry does not provide direct funding support to sports clubs, something which is only done through the sports federations. He indicated that under the law of 14 March 2001, the ministry however finances the organisation of competitions.

101. On the issue of delinquent minors, the ministry's officials stated that youth delinquency has a negative image in society and that the elderly have an important role to play by serving as good examples.
102. The Secretary-General concluded by noting that much is still to be done to address issues relating to the youth in the country and that the lack of human resources remains a major challenge.

## **12. MEETING WITH THE MINISTER OF MICROCREDIT FOR THE ADVANCEMENT OF WOMEN AND THE YOUTH**

103. The meeting with the Minister of Microcredit for the Advancement of Women and the Youth, Mr Martin Bagrim Kibassim, focused on the various activities of the ministry and how they contribute to improving the living condition of Chadians.
104. The Minister indicated that the ministry was established in 2006 with the objective to alleviate poverty and to improve the living condition of women and the youth. He stated that a 2009 population census showed that 50% of the population live in poverty and that 85% of this population live in rural areas. The ministry gives priority to the advancement of women and the youth in areas such as trade and the informal sector in urban and suburban areas. Since its establishment, the ministry has implemented activities for the promotion of women and the youth to the tune of 3 billion 500 million CFAF. Mr Kibassim also mentioned the "1,000 ideas, 3,000 jobs" project which will target 500,000 people.
105. Regarding conditions for granting credit, the Minister noted that credit is for everyone and that the interest rate is about 4%. He underscored that a credit is not a donation and that the population has been sensitised to this fact. Donations are however made to people with disabilities. Credits range between 50,000 CFAF and 1 million CFAF, and are available in all the regions in the country with the support of the Sudanese Microcredit Agency. Credit institutions have to be authorised by the Central African Banking Commission (COBAC). Mr Martin Bagrim Kibassim indicated that credit repayment deadlines vary according to the type of activity. He noted that the repayment period for agricultural activities is eight months, and that credit repayment control measures have been set up at the national and local levels. The Minister added that missions will be conducted to Senegal and Benin to further experiment on how to implement credit schemes. The objective is to implement a "faire-faire" approach.

106. Mr Martin Bagrim Kibassim noted that credit repayment is still a major challenge, with the current repayment rate being 15%. He indicated that measures have been taken to address this situation such as the setting up of a control brigade at the Ministry of Finance and that for the purpose of greater efficiency a request has been made to transform the brigade into a full department.

107. The Commission delegation commended the efforts made by the Government and called on the latter to effectively implement the “faire-faire” approach which compels beneficiaries of credit to make judicious use of funds and to repay their credit.

### **13. MEETING WITH THE REPRESENTATIVE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES IN CHAD**

108. The Commission delegation was received by the Resident Representative of the Office of the UN High Commissioner for Refugees (UNHCR) in Chad, Ms Aminata Gueye, accompanied by her advisers. The discussions centred on the situation of refugees in Chad and the role played by UNHCR.

109. The Representative briefed the delegation on the number of camps located across the country. She stated that there are 17 refugee camps in total, among which 12 are located along the eastern border with Sudan and 5 along the southern border with the Central African Republic. According to data collected in February, there are close to 378,390 refugees in Chad, most of whom are from Sudan, the Democratic Republic of Congo and the Central African Republic. The UNHCR country office in Chad has 5 sub-delegations which have sub-offices. Ms Aminata Gueye indicated that the UN refugee agency works in collaboration with 17 NGOs, including 6 national NGOs and 11 international NGOs, which all have direct access to refugee camps. She indicated that their objective is to work with more national NGOs even though donors are not very comfortable with such an approach.

110. Regarding the budget of the N'Djamena office, she stated that there have been huge budget cuts since 2010. The budget has been reduced by half, while other constraints include land problems. This situation has made it difficult for refugees to look after themselves. She indicated that there are ongoing discussions with the Minister of Agriculture in order to enable refugees to benefit from natural resources.

111. Regarding collaboration between the agency and government authorities, she commended the important role played by the National Commission for the Reception and Reintegration of Refugees and Returnees

(CNARR). She also commended the work of the Ministry of Health which manages health facilities providing health care to refugees, even though a lot still needs to be done. The Ministry of Education needs to step up efforts to harmonise the education system in camps. Ms Gueye recommended that the Chadian education system should be used in all the camps in order to reduce the cost of Sudanese exams which are very expensive. She indicated that there are ongoing discussions between UNHCR and the Ministry of Planning and Regional Development aimed at taking into account refugee-related issues in regional development. She underscored the need to work in close collaboration with the Ministry of Interior and regretted that the latter is not working enough with the agency.

112. Ms Gueye indicated that there is close collaboration between UNHCR and other UN partner agencies such as WFP, UNICEF, UNEPS and UNDP. She noted that there are serious concerns regarding the challenges faced by WFP (donors are not honouring their financial commitments). As a result, food rations for refugees will be drastically reduced, and this will affect the health of children especially in the southern region where WFP is warning against a serious disaster if urgent measures are not taken.
113. Regarding internally displaced persons, the UNHCR Representative indicated that since 2011 the Chadian Government decided to no longer consider this group of people. As a result, the funds used by the refugee agency to support this group of people were cut and logically, the agency can no longer assist these people. The situation is much better for refugees living in urban areas. Most of them live in N'Djamena and integrate more easily.
114. Regarding the return of refugees, progress has been made on the ground, including Sudanese refugees who have accepted to return under some conditions. UNHCR officials indicated that the return of Central African Republic refugees was delayed by the attacks carried out by the Seleka rebels. These attacks jeopardised the plan for the return of refugees.
115. On the issue of legal challenges faced by refugees, the UNHCR Deputy Representative for Protection, Mr Olivier Guillaume BEER, indicated that the legal protection of refugees is not fully provided in Chad, adding that of the 380,000 refugees living in Chad, only 350,000 are registered. He further indicated that the Chadian Government does not issue birth certificates to Sudanese refugees born in Chad. Some Chadian laws are inconsistent with international laws regarding human rights protection, such as the criminal responsibility of minors which starts from 13 years in Chad. Mr Beer noted that this inconsistency is as a result of some customary practices that do not comply with human rights principles. He also stated that some regions in the country do not have magistrates, a situation which leads to impunity since

there is nobody to deal with cases that are brought before the courts. He noted that cases of arbitrary detention are common, that mobile court hearings cannot be conducted without UNHCR funding, and that the civil and humanitarian aspects of camps are not respected. According to Mr Beer, these challenges will require solutions such as the enactment of a law on asylum and establishing partnerships with NGOs towards raising the awareness of refugees about their rights.

116. In addition to the above challenges, the UNHCR officials highlighted the lack of drinking water and shortage of food in camps. They called on the Commission to advocate towards finding solutions to these problems. They also called on the Special Rapporteur to undertake a mission on the situation of refugees in order to acquaint herself with the realities on the ground.

117. It should be noted that due to lack of the necessary logistical resources, the Commission delegation was unable to visit refugee camps located in faraway regions.

#### **14. MEETING WITH THE REPRESENTATIVE OF THE INTERNATIONAL COMMITTEE OF THE RED CROSS IN CHAD**

118. Mr Chris Wabnitz received the Commission delegation on behalf of the ICRC Representative. The discussions centred on the ICRC activities in Chad.

119. Mr Chris Wabnitz indicated that the ICRC has been in Chad since 1998, and that the office was very active between 2004 and 2009 when the country went through several crises. The objective of the organisation, he said, is to ensure that victims of violence, civilians and soldiers alike, have access to adequate emergency health care.

120. Regarding economic security, he stated that the ICRC keeps in N'Djamena and Abéché a stock of basic non-food items (tarpaulins, cans, mats, blankets) in order to be able to respond to emergency situations.

121. Regarding health, Mr Wabnitz indicated that the ICRC is implementing an emergency surgery programme aimed at assisting Chadian authorities. The organisation provides financial assistance to health centres and centres for people with disabilities, and supports stakeholders managing refugee camps in the country. The ICRC provides training to student nurses at the Abéché Regional Hospital, assists the Chadian National Red Cross Society, and raises awareness among religious, government and military officials about international humanitarian law. The ICRC Deputy

Representative indicated that the organization strives to ensure that international humanitarian law is included in curriculums used in training schools for gendarmes, national guard, police and the military. The ICRC also strives for universities to adopt the same strategy

122. Mr Wabnitz indicated that the ICRC works with NGOs in an indirect manner. He noted that much is being done to restore family links and that the ICRC is working in close collaboration with the country's authorities. The ICRC Deputy Representative indicated that he is subject to the confidentiality requirement and cannot talk about prisons, even though he added that they work in close collaboration with prison authorities. There is an ICRC team responsible for prisons and which provides food and water supply to prisoners. Mr Chris Wabnitz concluded by indicating that impunity is a very politicised issue, and that the phenomenon of "missing people" is not very common.

#### **15. MEETING WITH THE REPRESENTATIVE OF UNITED NATIONS DEVELOPMENT PROGRAMME IN CHAD**

123. The Commission delegation held a working session with Mr Thomas Gurtner, UNDP Resident Representative/Resident Coordinator/Humanitarian Coordinator in Chad. He was accompanied by Mr Agbesi Ahowanou, Human Rights Adviser, and Mr Pierre Yves, Mediation Adviser. The discussions centred on the human rights situation in Chad.
124. Mr Thomas Gurtner indicated that generally the Government of Chad is making a lot of effort to improve the human rights situation in the country. However, he said, such efforts have been limited due to some challenges such as the conflict with Libya which is yet to be completely resolved, the conflict in Sudan and the Central African Republic, and the lack of security along the borders with Nigeria and Niger where Boko Haram terrorists are based. At the national level, he mentioned the issue of child soldiers which made the Government to sign an agreement with the UN in 2011, as well as press freedom which has faced some challenges. He noted that in spite of the contributions of the First Lady and UNFPA, there are still several areas of concern such as the education of girls, women's participation in the management of public affairs, harmful traditional practices, and gender mainstreaming.
125. The UNDP officials noted that there are serious problems with regard to prisons. They indicated that prison planning was poorly conducted and that the lack of magistrates is a handicap. UNDP has contributed to problem-

solving efforts by sponsoring mobile court hearings and setting up a rule of law programme.

126. The UNDP Representative commended the efforts of the Government which have contributed to reducing cases of arbitrary arrest. According to Mr Agbesi, Human Rights Adviser, the rule of law is effective, the Constitutional Court hands down the right decisions, the Government works in close collaboration with CSOs (consultation meetings between the Government and CSOs are held every three months), and the Personal and Family Code is among the Government's ten-point priorities. He indicated that there is a moratorium on the use of the death penalty, and that the UNDP country office organises awareness raising seminars on HIV/AIDS.

127. Regarding the impact of petrol revenue on the living condition of Chadians, Mr Agbesi suggested that there should be dialogue between the Government and the population regarding the Government's policy of not using petrol revenue to pay salaries.

128. Mr Agbesi indicated that Chad is up to date with the submission of its reports regarding the Universal Periodic Review, and has presented its reports to the Committee on the Rights of the Child and the Human Rights Committee. The objective should be to train civil society on the preparation of shadow reports. Members of Parliament are being trained on the domestication of international laws. He further stated that the country is yet to receive a formal invitation from the UN special procedures.

129. The UNDP officials indicated that the National Human Rights Commission was established since 1994 and still does not operate in conformity with the Paris Principles.

130. At the end of the discussions, the Commission delegation commended the activities conducted by UNDP and took note of the agency's wish that Chad should have an independent Office of the UN High Commissioner for Human Rights.

## **16. MEETING WITH THE SECRETARY-GENERAL AT THE MINISTRY OF INTERIOR AND PUBLIC SECURITY**

131. The Commission delegation met with the Secretary-General at the Ministry of Interior and Public Security, Mr Goundoul Vikama. The discussions focused on detention conditions, the regime governing associations and NGOs, training of police officers, civil registration and the situation of refugees.

132. Mr Vikama began by talking about the country's past, in particular the various wars and aggressions. He noted that the country is determined to move away from its past and to embark on a new era characterised by human rights promotion and protection. As such, the country has ratified several human rights instruments. He briefed the delegation on the structure of the ministry, which includes the National Security Agency and the Department of Research.
133. Mr Vikama indicated that there is much to be done regarding detention conditions in Chad. He mentioned cases of abuse that have tainted the image of the police such as the killing of a prisoner by a group of people, and after which the President of the Republic suspended all police officers and took stringent measures to reorganize the police force. He noted that even though people can only be held in custody for a maximum of 48 hours, there are cases of abuse where police officers do not comply with this rule. Regarding the use of torture in detention centres, the Secretary-General indicated that torture is no longer used in detention centres in the country.
134. On the issue of the regime governing associations, the ministry's officials informed the delegation that there are three categories which include associations, NGOs and public welfare associations.<sup>7</sup> They indicated that associations are registered in accordance with the law at the Ministry of Interior, and that the Ministry of Regional Planning is responsible for granting authorisations to NGOs. The Secretary-General also noted that associations are legalized within the stipulated timeframes and have only been delayed as a result of strikes in the public service.
135. With regard to police training, the ministry's officials noted that there are about 6,000 police officers, most of whom are trained in police schools, and are admitted through competitive entrance exams for men and women between the ages of 18 and 33. The training programme includes theoretical and practical components, and lasts for nine months for prison officers (with secondary school certificates) and police officers (with high school certificates). The Secretary-General underscored that there is no school for the training of police commissioners, and that the training of police officers has human rights modules. Mr Vikama informed the delegation that for the purpose of efficiency a control exercise was recently conducted which led to the dismissal of close to 1,400 police officers of different ranks. Still as part of its control efforts, Chadian authorities are working in collaboration with the EU, Egypt, US, Russia and France.

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<sup>7</sup> Public welfare associations receive government funding.

136. Regarding civil registration, the Secretary-General indicated that the ministry has a department that deals with the issue and works in close collaboration with UNICEF. He noted that a draft law on civil registration is being finalised and will be presented to the National Assembly in due course. He stated that there is a law on asylum which takes into account issues relating to refugees, migrants and internally displaced persons. He also underscored the important role played by the National Commission on Asylum which is supported by the Government.
137. The Commission delegation commended the efforts made by the Ministry of Interior and called on the ministry's officials to lay emphasis on the security of persons and property, law enforcement and the strict implementation of the African Charter.

#### **17. MEETING WITH THE SECRETARY-GENERAL AT THE NATIONAL ASSEMBLY AND REPRESENTATIVES OF THE VARIOUS PARLIAMENTARY GROUPS**

138. The Commission delegation held talks with the Secretary-General at the National Assembly, Mr Mahamat Hassan Brémé. The latter was accompanied by representatives of some parliamentary groups of the Chadian National Assembly, including the Republicans, the National Movement for Democracy and Progress (RNDP) and the Patriotic Salvation Movement (MPS).
139. The Secretary-General began with a brief presentation on the Chadian National Assembly. He indicated that the institution has a bureau of 17 members which is chaired by a representative of the MPS (the ruling party). The members of the bureau are appointed after consultations. Members of the MPS occupy the positions of president, vice-president, treasurer and three session secretaries. Other political parties such as the Union for the Republic and Democracy (URD), the Republicans and the National Union for Development and Renewal (UNDRP) are also represented in the bureau.
140. The Secretary-General noted that the National Assembly is composed of 10 general and standing committees, including the standing committees on foreign affairs, health, social affairs, women's affairs and the rights of the child, new information and communication technology, and culture, youth and sports. The committees are established at the beginning of every new parliament and work throughout their term of office. The members are chosen from the various political parties represented in parliament.
141. Regarding the privileges of MPs, the Secretary-General indicated that they enjoy parliamentary immunity and are provided with clearly marked

vehicles. MPs wear sashes during formal occasions and are paid lump-sum allowances. The Secretary-General stated that parliamentary groups constitute delegations during visits abroad, and that of the five MPs representing Chad in the African Parliament, two or three are from political parties of the opposition.

142. On the issue of women's representation, the Secretary-General noted that there are not many women in parliament, adding that there are 28 women out of the 188 MPs. Four women are members of the bureau and only one committee is headed by a woman.

143. Talking about the role of session secretaries, the Secretary-General indicated that the eight secretaries have the duty to verify accounts, ensure that there is a quorum and prepare session minutes.

144. Regarding the allocation of speaking time in the National Assembly, the Secretary-General noted that all political parties are entitled to take the floor and in accordance with the Standing Orders, speaking time is five minutes for each MP. Reports to be discussed have to be submitted no later than 72 hours prior to the plenary session and an indicative calendar for the session is drawn up accordingly. The Secretary-General noted that the agendas of sessions are known in advance.

145. Mr Mahamat Hassan Brémé indicated that in Chad laws are initiated by the Government (draft laws) and the National Assembly (proposed laws). Regarding the budget, budget sessions are held for three months and budget lines are flexible. Voting, he added, is done by a show of hands.

146. At the end of the meeting, the Commission delegation thanked the Secretary-General and the MPs present for the useful information provided. They however called upon the members of the National Assembly to review their voting system by adopting a secret ballot given that the practice of voting by a show of hands may become a source of intimidation and danger for the voters.

## **18. MEETING WITH THE SPEAKER OF THE NATIONAL ASSEMBLY**

147. The Commission delegation had the honour to be received by the Speaker of the National Assembly, Honourable Haroun Kabadi.

148. The Speaker expressed his satisfaction to receive the members of the Commission. He informed them that his country has experienced several crises that left serious consequences. As such, he said, there is a lot to be done in a short time.

149. Concerning the delay in adopting the Personal and Family Code, Honourable Haroun Kabadi indicated that there are political, social and religious tensions that have to be taken into account. He stated that the code must not be out of step with society. Mr Kabadi however emphasised that the ball is still in the Government's camp and that when the code will be presented to the National Assembly the latter will act on it promptly. He noted that the reform of the civil code will follow the adoption of the family code.
150. Mr Kabadi indicated that generally speaking the human rights situation in the country has improved. The establishment of a Ministry for Human Rights and the Promotion of Fundamental Freedoms, the ongoing reform of the NHRC and Chad's intervention in Mali and the Central African Republic are testimonies to the Chadian Government's commitment to human rights.
151. The head of the delegation commended the efforts made by the country, adding that Chadian authorities have demonstrated their genuine determination. He recommended that the Speaker of the National Assembly should expedite the reform of the NHRC to ensure that the latter conforms to the Paris Principles. Commissioner Khalfallah concluded by stating that Chad needs to do more in order to build a country where there is the rule of law and respect for human rights.

## **19. MEETING WITH MEMBERS OF THE NATIONAL HUMAN RIGHTS COMMISSION**

152. The Commission delegation held a working session with members of the Chadian National Human Rights Commission (NHRC). The NHRC delegation included the Chairperson, Mr Domaye Nodjigoto, and his staff. The discussions focused on the mandate and the challenges faced by the NHRC.
153. The Chairperson made a brief presentation on the history of the NHRC, indicating that the institution was established in 1994 following the 1993 sovereign national conference. Mr Domaye Nodjigoto indicated that the NHRC became fully operational in 1996, and its composition is based on the Paris Principles. It is made up of 39 members including representatives appointed by the President of the Republic and the Speaker of the National Assembly. It also comprises representatives of the Ministry for Human Rights, workers' unions, human rights associations and women's associations. On the whole, the NHRC reflects the country's political plurality.

154. At the beginning, the NHRC members had a right to vote contrary to the Paris Principles which requires members appointed by the authorities to seat in an advisory capacity. Mr Domaye Nodjigoto indicated that the NHRC does not have an autonomous budget, and that it is attached to the Office of the Prime Minister and is placed under the budget of the latter.
155. Regarding its mandate, the Chairperson indicated that the NHRC is the Government's advisory organ in matters of human rights. It advises the Government and investigates cases of human rights violations. Even though it can act on its own initiative, it does not denounce. It meets in four sessions a year and has a permanent bureau.
156. The NHRC officials mentioned the several challenges faced. They indicated that despite the institution's several years of existence and the efforts made by the Minister for Human Rights and the Promotion of Fundamental Freedoms, the NHRC still lacks the necessary resources for its proper functioning. They stated that the institution does not conform to the Paris Principles and does not have regional delegations. To date, it does not have permanent personnel and its members do not enjoy any form of immunity.
157. The Commission delegation promised to raise the issues discussed with the Prime Minister for the latter to take necessary measures to ensure that the NHRC conforms to the Paris Principles.

## **20. MEETING WITH HUMAN RIGHTS CIVIL SOCIETY ORGANISATIONS**

158. During human rights promotion missions, the Commission delegation always tries to hold a working session with civil society organisations working in the area of human rights. As part of this practice, the Commission delegation met with close to fifteen Chadian human rights promotion associations.
159. The issues discussed included the situation of indigenous communities, harassment of human rights defenders, cases of torture, and violation of freedom of association.
160. The representative of the Association of Chadian Peul Indigenous Women stated that it is difficult to be accepted as a member of an indigenous community in Chad. She indicated that this category of people do not have any legal recognition in the country. As such, she wanted to learn about the Commission's role in protecting this category of vulnerable people. The

representative of the Women's Association for Development and the Culture of Peace in Chad noted that there is a lot of contradiction between CSOs and the Government. She alleged that the Government has created associations to serve its interests and which receive subvention from the Government, while barriers on freedom of expression have increased. Talking about women's rights, she indicated that women are unable to fully enjoy their rights as a result of religion and harmful traditional practices. The representative of the association Human Rights without Borders raised the issue of child trafficking, violations of freedom of expression and demonstration and the judicial harassment of human rights defenders. He also called on the Commission to assist them in participating in the ordinary sessions of the Commission.

161. The Commission delegation provided answers to the various issues raised by the representatives of human rights associations. Regarding the issue of indigenous peoples, they indicated that the issue is one of the Commission's priorities and that a working group has been established in order to respond to the challenges faced by this category of people. They called on Chadian CSOs to apply for observer status with the Commission, adding that such a status will enable them to fully participate in the sessions of the Commission.

## **21. VISIT TO THE KELO AND DOBA PRISONS IN THE SOUTH OF THE COUNTRY**

162. The Commission delegation visited the Kelo and Doba prisons in the south of Chad.

### **VISIT TO THE KELO PRISON**

163. The Kelo prison is located in the Tandjilé West district at about 375 km away from the capital N'Djamena. It was constructed in 2012 as part of the EU-Chad partnership through the Justice Support Programme (PRAJUST). The prison has a design capacity of 200 prisoners.
164. The Commission delegation visited the prison accompanied by the Minister for Human Rights and the Promotion of Fundamental Freedoms and representatives of the Ministry of Interior and the Ministry of Justice. The delegation was received and shown around by the prison director.
165. The prison director informed the delegation that as of 15 March 2013 the Kelo prison contained 558 prisoners, including 317 prisoners serving

sentences, 172 persons awaiting trial, 66 persons awaiting sentence and 3 people detained for indebtedness. There are 4 women and 4 minors. Most of the prisoners are from N'Djamena, Bongor and the Kelo region. The prison has three quarters, one for men, one for women and one for minors. There is an infirmary (which still lacks a nurse), a traditional kitchen and a storage room.

166. Regarding the transfer of prisoners, the director indicated that the decision is made by the penitentiary administration in N'Djamena, and that prisoners and their relatives are not consulted.
167. Concerning family visits, the director noted that for prisoners from N'Djamena and other places, they receive family visits during weekends.
168. Regarding food rations, he indicated that prisoners are entitled to two meals a day, comprising mainly of beans, rice and flour. He also noted that access to drinking water remains a serious challenge.
169. Talking about the health of prisoners, he informed the delegation that the prison officials call on the regional health services whenever a prisoner falls ill. Special treatment is given to prisoners with HIV/AIDS even though some prefer to hide their status. He also mentioned that the prison is short of medicines.
170. The director noted that the Kelo prison lacks an education scheme to provide training to prisoners, and that the uniforms used to identify prisoners are not enough for all prisoners.
171. The Commission delegation was shown around the prison and was able to visit the various cells and quarters of the prison. The delegation noted that except for the administrative quarter, the hygienic conditions need improvement. It also noted that foodstuffs are stocked in a storage room with no ventilation. The delegation also used the opportunity of the visit to raise the awareness of prisoners about the need to maintain good hygienic conditions for their health and wellbeing.
172. During the guided tour, the Commission delegation noted that in Cell 6 for sentenced prisoners from N'Djamena, there was a prisoner whose legs were cuffed because of his recidivism. The delegation recommended other alternative treatment such as isolation.
173. The head of delegation discussed with the prisoners who informed the Commission delegation of the challenges they face in communicating with their families as a result of the long distance between Kelo and N'Djamena. He gave them a message of support and comfort.

## VISIT TO THE DOBA PRISON

174. The Commission delegation accompanied by the Minister for Human Rights and the Promotion of Fundamental Freedoms left the Kelo prison and later visited the Doba prison. The latter is located in the Logone East region at over 500 km from the capital N'Djamena. They were received by the director of the prison facility.
175. The Doba prison was also constructed as part of the EU PRAJUST project. It has a design capacity of 300 to 350 prisoners. There are 342 prisoners, including 152 people serving sentences and 190 awaiting sentence. The prisoners included 14 women (9 awaiting sentence and 5 serving sentences) and six minors. Unlike the situation in Kelo, the Doba prison does not have prisoners from other regions.
176. Prisoners receive two meals a day, and there is an infirmary and a kitchen used by prisoners. Prisoners with HIV/AIDS are administered special treatment but receive the same food rations as the other prisoners.
177. The director indicated that, similar to the situation in Kelo, they do not have an education scheme or professional training projects for prisoners.
178. The Commission delegation made a tour of the prison and discussed with prisoners. Prisoners indicated that their living condition has significantly improved despite some complaints about moral torture, lack of judicial assistance for minors and inadequate sports facilities.

## 22. MEETING WITH THE MEDIA

179. The head of the delegation, Commissioner Khalfallah Béchir, granted a press conference. The press briefing was attended by over ten journalists of the audio-visual and print media. The discussions centred on the objective and conduct of the mission and the preliminary observations of the Commission. A press release was distributed to journalists at the end of the press briefing.

## PART THREE

### I. OBSERVATIONS AND ANALYSIS ON THE HUMAN RIGHTS SITUATION IN CHAD

180. Through the meetings and working sessions held with stakeholders involved in human rights promotion and protection in Chad, the Commission delegation was able to assess the progress made and the challenges regarding the human rights situation in the country.
181. Regarding the progress made, it is important to highlight the Government's genuine political will to promote and strengthen human rights protection in Chad. The Government's determination is evidenced at the international and regional levels by the ratification of a significant number of human rights legal instruments<sup>8</sup>. The Republic of Chad has presented its report to the Human Rights Council as part of the Universal Periodic Review. At the regional level, Chad has joined the African Peer Review Mechanism (APRM) and plays a key role in regional conflict resolution efforts, in particular in the crises in the Central African Republic and Mali.
182. At the national level, the delegation noted, in several areas, several positive steps to promote human rights. At the institutional level, the Commission welcomes the establishment of several human rights institutions, in particular the Ministry for Human Rights and the Promotion of Fundamental Freedoms, Ministry of Public Management and Governance Promotion, National Human Rights Commission, Commission for the Reception and Reintegration of Refugees and Returnees, and the Independent Governance and Anti-Corruption Committee.
183. Regarding human rights education, the Commission delegation noted that human rights education programmes are taught in Chadian universities and in training schools for magistrates, the police and military. However, the delegation hopes that human rights education will be systematically included in all the various disciplines and all levels of the educational system.
184. Regarding the health sector, the Commission notes with satisfaction the Government's health policy, which includes the establishment of several health centres across the country, free emergency medical care for pregnant women and children below the age of five, the taking into account of the situation of vulnerable populations (nomadic communities, remote populations, etc.), implementation of a vaccination programme for all which has helped to reduce cases of poliomyelitis and yellow fever, construction of a pharmaceutical factory, training of health professionals, and measures to combat HIV/AIDS.

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<sup>8</sup> See list of regional and international human rights instruments ratified by Chad (p 8-9).

185. Regarding the educational sector, in spite of the enormous amount of work to the done, the Commission commends the Government of Chad for its efforts, in particular the establishment of new public and private schools and universities, education centres and a national curricula centre; regularisation of the granting of bursaries to students; and the harmonisation of the Chadian educational system with the LMD (Bachelor-Master-Doctorate) system. The Commission also notes the efforts made by the authorities to integrate a gender dimension in this sector, including through the education of girls and the appointment of women to decision-making positions.
186. With regard to women's human rights, the Commission commends the implementation of a national gender policy and a strategy to combat gender-based violence, in particular female genital mutilation. The Commission commends the efforts of the President of the Republic and the First Lady in this regard. The Commission also welcomes the implementation of a strategy to facilitate women's access to credit.
187. With regard to child soldiers, the Commission sincerely appreciates the steps taken by Chadian authorities, in particular the activities conducted by the Ministry of Social Affairs. The Commission welcomes the 2007 Agreement between Chad and UNICEF which led to the reintegration of several child soldiers. The Commission also welcomes the agreement between the Ministry of Defence and the Ministry of Social Affairs which led to the training of the armed forces on issues relating to child soldiers. Still with regard to its efforts to combat the use of child soldiers, the Commission commends the 2011 Agreement signed between the Government and the United Nations.
188. Regarding refugees living in Chad, the Commission commends the close collaboration between UNHCR and Chadian authorities. The Commission commends the measures taken to promote health and education, and encourages the Government of Chad to continue to lay special emphasis on the issue of refugees living in its territory.
189. The Commission commends the various activities conducted by Chadian authorities towards promoting sports in the country. The Commission welcomes the organisation of various championships for women and men in almost all sport disciplines, the establishment of sports activities in schools and universities, functioning of a national institute for youth and sports and the Government's plan to construct sports facilities across the country.
190. The Commission welcomes the measures taken by the Chadian authorities to combat unemployment, in particular the "100 ideas, 3,000 jobs" project.
191. The Commission also commends the dynamism and motivation of Chadian civil society organisations which, despite their various challenges, strive for constructive dialogue with the relevant authorities.

192. All these achievements notwithstanding, a lot still needs to be done in the area of human rights promotion and protection in Chad.
193. At the regional level, the Commission regrets that Chad is yet to present its second periodic report on the human rights situation in the country in accordance with Article 62 of the African Charter.
194. Regarding the country's legislation, the Commission regrets that there are administrative bottlenecks that have prevented Chad from having a personal and family code and a child protection code. Still as a result of red tape, the country has been unable to reform its civil and criminal codes which have been used for several decades.
195. While welcoming the reforms in the justice sector, the Commission is concerned by the limited number of courts and justice personnel. The Commission notes that the insufficient number of courts across the country is an obstacle to curtailing human rights violations.
196. Regarding the management of public affairs, the Commission is concerned by the limited representation of women in government, the national assembly, police, diplomacy, administration and other decision-making positions. The Commission is also concerned by the low education rate among Chadian women in spite of the Government's efforts.
197. The Commission notes that harassment of human rights defenders and members of the opposition is still a reality in the country. In this regard, the Commission condemns the arrest of some opposition party members and human rights defenders. The Commission regrets that for over four years now the issue of the disappearance of the Chadian opposition leader Ibni Oumar Saleh is yet to be resolved.
198. The Commission is concerned about violations of freedom of expression and the harassment of some private media journalists.
199. With regard to prison conditions in Chad, the Commission is concerned that despite the construction of new prisons, including the Kelo and Doba prisons, prison conditions in the country are still difficult. A visit to the newly-constructed Kelo and Doba prisons revealed that health and hygienic conditions are not respected. These prisons lack well-functioning dispensaries with adequate resources. Even though overcrowding is not a problem in the two prisons, prison overcrowding is reported to be a common phenomenon in other detention centres. The Commission also regrets that there are no specific prisons for women and children, and the fact that it was unable to visit the N'Djamena prison even though it is being rehabilitated.
200. The Commission noted that the N'Djamena prison was completely destroyed by the authorities and that its prisoners were transferred to distant locations

away from their families without their consent, to the Kelo and Moussoro prisons. This situation restricts the rights of prisoners to receive family visits.

201. The Commission also noted that there is no specific policy for indigenous communities living in Chad. The Commission is concerned that Chadian authorities refuse to acknowledge the existence of such category of persons in Chad.

202. Lastly, the Commission notes that even though the Chadian NHRC has existed for close to two decades, the institution is barely functioning and lacks the necessary personnel, facilities and resources for the effective implementation of its mandate. Moreover, the institution does not comply with the Paris Principles.

## **II. RECOMMENDATIONS**

203. Following the mission and taking into account the human rights situation in Chad, the Commission makes the following recommendations:

### **TO THE GOVERNMENT OF CHAD**

#### *Legislation*

- Ratify the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights and make the declaration under Article 34 (6) of the Protocol;
- Ratify the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol);
- Enact a specific law to criminalise violence against women, including domestic violence;
- Enact a law on gender equality to promote women's greater representation in elected and administrative positions;
- Finalise without delay the adoption of the personal and family code and the child protection code;
- Expedite the ongoing process to prepare a bill on asylum;
- Expedite the reform of the civil code, and the civil and criminal procedure codes;
- Take all necessary measures to abolish the death penalty and establish a moratorium in the meantime.

### *Submission of Periodic Reports under Article 62 of the African Charter*

- Prepare an effective strategy that will enable the Government to present, on a regular basis, its periodic reports in accordance with Article 62 of the African Charter.

#### *Justice*

- Speed up the construction of courts in regions where courts are lacking;
- Increase the number and build the capacity of justice personnel;
- Strengthen the independence of the High Judicial Council, including by integrating personalities from different backgrounds;
- Take the necessary measures to investigate without delay the disappearance of the opposition leader Ibni Oumar Mahamat Saleh;
- Take the necessary measures to institute free judicial assistance for vulnerable and underprivileged people, including individuals facing trial.

#### *Police*

- Build the human rights capacity of police officers;
- Sanction acts of police abuse without discrimination.

#### *Health*

- Allocate 15% of the national budget to the health sector as provided by the Abuja Declaration;
- Facilitate access for foreign health personnel, in particular those from Africa, in order to meet the demand for health personnel;
- Increase the number of health faculties and nursing schools in the country.

#### *Education*

- Take necessary measures to ensure access to education for all citizens;
- Increase the number of universities and schools to meet the needs of the population.

#### *Prison*

- Improve hygiene and sanitation in prisons;

- Provide prisons with well-functioning infirmaries;
- Resolve the problem of shortage of anti-retroviral drugs;
- Find a lasting solution to the problem of prison overcrowding;
- Facilitate the enjoyment of the rights of prisoners to receive visits by refraining from keeping them far from their families;
- Find a lasting solution to the problem of prisons in N'Djamena by reconstructing the city's prison without delay;
- Provide training opportunities in various areas, including woodwork and construction, in order to facilitate the integration of prisoners at the end of their prison sentence;
- Set up infrastructures, in particular sports facilities, for the wellbeing of prisoners;
- Construct specific prisons for women and children.

#### *Protection of women's rights*

- Take appropriate measures to promote women's education and access to sexual and reproductive health;
- Strengthen measures to combat forced and early marriages.

#### *Child protection*

- Continue and increase efforts to combat the use of children for military purposes;
- Take all necessary measures to combat child trafficking.

#### *Protection of human rights defenders*

- Put an end to the harassment of human rights defenders;
- Implement the 1998 UN Declaration on Human Rights Defenders, the Kigali Declaration and the Grand Bay Declaration;
- Enact a specific law to protect human rights defenders.

#### *Freedom of expression*

- Conduct radio and television human rights programmes;

- Take all necessary measures to ensure the effective enjoyment of the right to freedom of expression for all;
- Ensure the protection of journalists.

### *Rights of refugees*

- Take all necessary measures to ensure that refugee camps are located at acceptable distances away from the borders of the countries of origin of refugees;
- Strengthen the role of the Ministry of Interior in collaborating with UNHCR towards a more effective protection of refugees living in Chad;
- Provide security in refugee camps;
- Facilitate the issuance of birth certificates to children born in refugee camps;
- Ensure the right to education of refugees;
- Facilitate, with the support of UNHCR, access by refugees to arable land to enable them meet their food needs;
- Provide legal protection to refugees.

### *Protection of the rights of indigenous communities*

- Take the necessary steps to recognise the existence of indigenous populations in Chad.

### **NHRC**

- Take all necessary measures to ensure that the NHRC complies with the Paris Principles;
- Increase the human, technical and financial resources of the NHRC.

### **TO THE NATIONAL HUMAN RIGHTS COMMISSION**

- Continue to advocate for the Government to conduct the necessary reforms to enable the NHRC to comply with the Paris Principles;
- Present projects to partners in order to obtain financial and material resources to be able to implement its mandate;
- Contribute to popularising human rights universal and regional instruments;

- Apply for affiliate status with the African Commission;
- Carry out its mandate in an impartial manner;

#### **TO HUMAN RIGHTS CIVIL SOCIETY ORGANISATIONS**

- Continue to play an active role in the promotion and protection of human rights;
- Popularise human rights promotion and protection instruments;
- Set up networks to improve their activities;
- Work in collaboration with the authorities and the NHRC;
- Work in compliance with the laws and regulations in force;
- Strengthen their capacity in project design and fundraising;
- Apply for observer status with the Commission and participate in Sessions of the Commission, including the NGO Forum which is held twice a year before the Ordinary Sessions of the Commission.

#### **TO UN AGENCIES**

##### **➤ UNHCR**

- Increase its budget in order to ensure the effective protection of the rights of refugees;
- Take measures to combat famine which may affect refugee camps in the country;
- Increase the number of personnel in order to effectively manage the increased number of refugees in the country.

##### **➤ OHCHR**

- Open a country office in Chad in order to closely monitor the human rights situation in the country.

#### **TO THE INTERNATIONAL COMMITTEE OF THE RED CROSS**

- Continue to contribute expertise to the training of military officials on international humanitarian law;
- Increase assistance in the health sector.