

## CHAD

### CERD A/34/18 (1979)

185. The initial report of Chad (CERD/C/15/Add.2) was considered by the Committee without participation of the representative of the reporting State.

186. The Committee, while noting the special situation created in that country as a result of the confrontations which were partly of an ethnic character, regretted that the Convention had not been given effective implementation at the legislative, judicial or administrative levels.

187. It was recalled, with reference to the final paragraph of the report, that States parties to the Convention were required to adopt specific legal texts to combat racism and racial discrimination. A member stated consequently that the Committee should invite the Government of Chad to announce what measures it had taken to fulfil its obligations under articles 3, 4, 5, 6 and 7 of the Convention. In view of the fact that the Constitution of Chad has been suspended since 1975, it was imperative that a future report should provide particulars on the judicial regulations which currently guided the actions of the public authorities.

188. The Committee recognized that Chad had not respected its obligations under article 9 of the Convention concerning the presentation and content of reports to the Committee. At the proposal of the Chairman, the Committee decided that the guidelines and general recommendations of the Committee concerning the presentation of reports should be brought to the attention of the Government of Chad so that the Government could give due account in its next report of all measures taken to implement the Convention.

## **CERD A/39/18 (1984)**

434. The third periodic report of Chad (CERD/C/87/Add.2) was considered by the Committee without the participation of a representative of the reporting State.

435. The Committee was mindful of the situation existing in Chad which was involved in an internal and external war at the same time. It therefore expressed its understanding of the Government's difficulties in providing a satisfactory report. The Committee commended the Government of Chad for its frank attempt to depict the true situation in the country. In that connection, it expressed the hope that the Government would be able to achieve national reconciliation, to implement fully all the provisions of the Convention and to submit a more substantive report soon in accordance with the Committee's guidelines (CERD/C/70/Rev.1).

436. Commenting on the information provided, the Committee stated that further information was needed with regard to the demographic composition of Chad and the relations existing among the many ethnic groups forming the population of the country. The Committee also observed that it could not accept the statement in the report to the effect that there was no need for legislation to implement the Convention in Chad because there was no trace of racial discrimination in the country. It pointed out that States parties had to enact specific legislation in order to fulfil their obligations under the Convention. In addition, it was noted that the 1962 Constitution of Chad, which contained guarantees with regard to human rights, had been repealed and that the Fundamental Act of the Third Republic served as the Constitution, and it was asked whether the Fundamental Act maintained some of the provisions of the 1962 Constitution in force. Clarification was also requested on legislative, judicial, administrative and other measures which existed in Chad to give effect to the provisions of article 6 of the Convention.

437. The Committee finally noted from the report that numerous United Nations documents had disappeared in Chad as a result of the armed conflict. In order to help the Government of Chad to comply with the Convention and to produce a satisfactory report, the Committee requested the Secretary-General to transmit to the Government the summary record of the proceedings relating to its consideration of the report of Chad, the Committee's guidelines as well as all other relevant documentation relating to the Convention.

## **CERD A/44/18 (1989)**

180. The fourth periodic report of Chad (CERD/C/114/Add.2) was considered by the Committee at its 838<sup>th</sup> meeting, held on 11 August 1989 (CERD/C/SR.838), without the participation of a representative of the reporting State.

181. Member emphasized the importance of having the participation of a representative of the reporting State when the report was being considered, and regretted the fact that the State concerned was not represented at its meeting.

182. Members observed that the fourth periodic report of Chad had not been prepared in accordance with the revised general guidelines concerning the form and contents of reports by States parties under article 9, paragraph 1, of the Convention (CERD/C/70/Rev.1). In the first part of the report some information relating to the composition of the various ethnic groups of the population was provided. However, it would assist the Committee in the performance of its task if the future report could give information on the different ethnic groups, as far as their language and participation in public service and in the economy of the country were concerned.

183. With regard to the application of articles 2 to 7 the Convention, the Committee felt that the information furnished in the fourth periodic report remained inadequate. It was observed that the Government had not responded to the questions raised during the consideration of earlier reports. The Committee therefore, considered it necessary to renew its request to the Government of Chad to provide in its next periodic reports information relating to, and texts of, its general legal norms prohibiting racial discrimination. The Government was also called upon to supply information relating to measures it had taken in order to fulfil its obligations under articles 2 to 7 of the Convention.

184. The Committee recommended that the summary records of its deliberations during the consideration of the fourth periodic report should be sent the Government of the reporting State so as to enable the Government to take into account the questions raised and comments made in the preparation of its fifth and sixth periodic reports, which were due in September 1986 and September 1988 respectively, and which should be submitted in one consolidated document.

## **CERD A/48/18 (1993)**

162. At its 980<sup>th</sup> and 983<sup>rd</sup> meetings, held on 17 and 18 March 1993 (see CERD/C/SR.980 and 983), the Committee reviewed the implementation of the Convention by Chad based on its previous report (CERD/C/114/Add.2) and its consideration by the Committee (see CERD/C/SR.838). The Committee noted that no report had been received since 1986.

163. The representative of the State party explained that, during the previous dictatorial regime of President Hissène Habré, there had been many discriminatory policies in favour of the Goranes, the tribe of the President. During the years of dictatorship, 1982 to 1990, more than 40,000 persons had been killed, more than 80,000 children orphaned, more than 30,000 women widowed and more than 200,000 persons deprived of material and moral support. The new democratic Government had initiated a number of steps in an effort to establish the rule of law and guarantee respect for human rights. Among the measures adopted were the establishment, by Decree No. 14/P-CE/CJ/90, of a commission to investigate crimes committed under the dictatorship. The post of Minister for Humanitarian Affairs had recently been established with a view to creating the conditions necessary for the exercise of human rights, coordinating humanitarian undertakings, monitoring respect for human rights and educating the general public in that regard, and providing a mechanism for reparations to victims of human rights abuses. Additionally, the newly created National Human Rights Commission investigated reports of human rights abuses, including torture, disappearances and arbitrary detention, and promoted human rights education. Fundamental human rights were now guaranteed in the new Charter of the Republic, which had been adopted in March 1991 under Decree No. 001/PR/91. Lastly, the Government had taken the necessary steps to ratify the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

164. The representative of the State party assured the Committee that there were no political prisoners in Chad and no journalists in detention. There had not been a state of emergency since 1 December 1992. The present Government was doing everything possible to restore peace in the country following 30 years of civil war. Although Chad had not been represented at the deliberations of the Committee since 1986, it would be in the future.

165. Members of the Committee welcomed the presence of the representative of Chad and expressed their satisfaction with the re-establishment of a dialogue with that State party. The representative had provided the Committee with much useful information. However, there were still many areas that required further clarification. In particular, members of the Committee wished to have more information regarding the size of the various ethnic groups in Chad and the extent to which their economic, social and cultural rights were respected. In that connection, the results of the 1993 census should be communicated to the Committee by the Government. Members of the Committee stated that steps needed to be taken to assist the various ethnic groups with regard to culture, education and their social welfare. Members of the Committee expressed their concern over the reported persecution of the Hajerai ethnic group, which had been closely associated with the previous regime. Information was also needed on whether vulnerable ethnic groups were adequately represented in the new National on Human Rights Commission.

166. Members of the Committee invited the State party to follow up the dialogue by submitting a new report that would conform to the Committee's revised general guidelines for the submission of reports.

167. In his reply, the representative of the State party stated that Chad counted among its population no less than 110 tribes. He assured members of the Committee that racial discrimination was not a tradition in Chad. During the previous regime, an attempt had been made to create divisions in the country between north and south, between Christians and Muslims and between French speakers and Arab speakers. All of those discriminatory practices had since been terminated. At present, there were 33 political parties in Chad. In order to prevent the rise of tribalism, each party was required by law to have membership in at least 10 of the country's 14 regions. The Hajerai ethnic group had been reintegrated; those persons who had been arrested in the clashes of October 1991 had been released.

168. Further responses to the questions posed by members of the Committee would be contained in the next report submitted by Chad.

Provisional concluding observation 4/

169. The Committee welcomed the presence of the Minister of Humanitarian Affairs of Chad, who had come to present his Government's point of view, thus demonstrating Chad's willingness to reopen the dialogue with the Committee after many years of silence.

170. The Committee took note with satisfaction of the commitment made by the representative of Chad to submit the written periodic report in the prescribed manner at the next session and reiterated its offer of the advisory services of the Centre for Human Rights to assist Chad in preparing the report, if it so wished.

171. The Committee emphasized the particular importance it attached, during the country's present transition period, to the measures taken by the Government of Chad to consolidate the rule of law and to prevent the return of any dictatorial regime or of any policies of discrimination or repression against particular ethnic groups.

4/ At its 980<sup>th</sup> meeting, held on 17 March 1993, the Committee decided to adopt provisional concluding observations pending the submission by Chad of its promised report and the ~~consideration of that~~ report by the Committee.

## **CERD A/49/18 (1994)**

552. At its 1060<sup>th</sup> meeting, on 12 August 1994 (CERD/C/SR.1060), the Committee examined the implementation of the Convention by Chad on the basis of the previous report of the State party (CERD/C/114/Add.2) and its consideration by the Committee (CERD/C/SR.838).

553. The Committee noted that, despite the resumption of the dialogue with the State party in 1993, the fifth, sixth and seventh periodic reports of Chad that were to be presented in a single document had still not been submitted to the Committee. The Committee therefore noted that Chad had not fulfilled its obligations under article 9, paragraph 1, of the Convention.

554. The Committee was concerned about reports that tensions between ethnic groups continued in Chad, that the use of force by the authorities was frequent, that violent acts were being committed by the security forces, including members of the President's ethnic group, and that the security of civilians was not assured.

555. The Committee expressed concern over reports on the impunity enjoyed by perpetrators of human rights violations and over the lack of independence of the judicial system. It also expressed concern over information that the administration was paralyzed by lack of resources and corruption.

556. The members of the Committee noted with satisfaction that, according to information received, international and Chadian non-governmental organizations had permission to work in the country and that some progress had been observed in the area of freedom of expression.

### Concluding observations

557. At its 1067<sup>th</sup> meeting, held on 18 August 1994, the Committee adopted the following concluding observations.

558. It is regretted that the State party has not submitted any report to the Committee since 1986, despite the resumption of the dialogue with the State party in 1993. It does, however, note the difficulties deriving from the civil war in Chad, and from the fact that there is no permanent mission of Chad to the United Nations Office at Geneva.

#### (a) Principal subjects of concern

559. It is noted with concern that, according to information available two years after the end of the change of government in Chad, tensions between ethnic groups persist, and violent acts and multiple violations of human rights are still being committed, inter alia by the military forces and the security units.

560. Concern is also expressed regarding information on the impunity enjoyed by perpetrators of human rights violations who, despite the Government's promises, have still not been prosecuted by the authorities.

561. The members of the Committee note with concern information received about the paralysis in the administration which affects all sectors of the public service, including the judicial sector. They express their concern over the attacks on the independence of the judicial authorities.

562. It is noted with satisfaction that international and Chadian non-governmental organizations can now work in the country and that some progress has been achieved in regard to freedom of expression.

(b) Suggestions and recommendations

563. The Committee recommends that the State party include in its next periodic report information on developments in the situation within the country, the strengthening of the rule of law in Chad, the composition of the population, the introduction of legislation to combat racial discrimination (article 4 of the Convention), the means available to individual victims of human rights violations to obtain justice and reparation (article 6 of the Convention) and the measures taken to promote education with a view to combating racial discrimination (article 7 of the Convention).

564. In the light of the above, the Committee requests the Government of Chad to expedite its overdue reports as a matter of urgency.

565. The Committee suggests that the Government of Chad avail itself of the technical assistance offered under the advisory services and technical assistance programme of the Centre for Human Rights.

## **CERD A/50/18 (1995)**

637. The fifth, sixth, seventh, eighth and ninth periodic reports of Chad, grouped together to form a single document (CERD/C/259/Add.1), were considered by the Committee at its 1120<sup>th</sup> meeting, held on 14 August 1995 (see CERD/C/SR.1119).

638. The representative of the State party supplemented the report orally to a substantial extent. The representative explained that for several decades his country had experienced a series of crises characterized by political instability, the stifling of freedom and an infernal spiral of violence that had led to the total disruption of the State apparatus.

639. The representative pointed out that the Sovereign National Conference had drawn up a National Transitional Charter whose basic principles were: the defense of human rights and public freedoms, the establishment of true democracy based on the separation of powers, multi-party politics and free trade unions and print media. In that context of growing awareness of individual rights and fundamental freedoms and of each person's duties towards society, the National Commission on Human Rights had been established in September 1994. It was also to be noted that non-governmental human rights organizations had been legally recognized and a large number of international and regional human rights instruments had been ratified. Such instruments took precedence over domestic laws in the domestic legal order.

640. The population of Chad consisted of some 200 ethnic groups that fell into 12 major groups.

641. The representative, commenting on the implementation of articles 2 and 5 of the Convention, said that all Chadian citizens, without distinction as to race, origin or religion, enjoyed the right to bring legal proceedings, the right to security of person, the right to freedom of movement and residence, the right to leave the country and to return to it freely, the right to nationality, the right to marriage, the right to own property, the right to freedom of conscience and religion and to freedom of association, the right to work, the right to form and join a trade union, the right to take part in the country's cultural life, and the right of access to any place or service intended for use by the general public.

642. Concerning article 6 of the Convention, the representative said that there was no special judicial or administrative procedure ensuring protection against acts of racial discrimination but that anyone who had been a victim of such acts could always bring criminal indemnification proceedings.

643. The members of the Committee welcomed the presence of the Chadian delegation, despite the country's domestic difficulties and the absence of permanent representation in Geneva, and expressed their appreciation of its oral presentation which had very extensively supplemented the periodic report, thereby constituting practically an additional periodic report. The members of the Committee regretted, however, that the report had not been drawn up in accordance with the Committee's consolidated guidelines on reporting.

644. Commenting on the general context in which the implementation of the Convention had to be



considered, the members of the Committee expressed utmost concern at information about serious human rights violations occurring in the State party. Such varied sources as the most recent reports to the Commission on Human Rights by the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/1995/61 and E/CN.4/1995/111), the report by the Working Group of the Commission on Human Rights on Enforced or Involuntary Disappearances (E/CN.4/1995/36), the report by the Secretary-General to the Commission on Human Rights on persons belonging to national or ethnic, religious and linguistic minorities (E/CN.4/1995/84), the 1995 report by the Committee of Experts on the application of ILO Conventions, the observations by the Sub-Commission on Prevention of Discrimination and Protection of Minorities and various reports by Amnesty International, the International League for the Rights of Man and the Chadian League for Human Rights, attested to summary executions, arbitrary arrests, disappearances, extrajudicial detention, torture, and the harassment and intimidation of members of non-governmental organizations working for human rights.

645. The members of the Committee stressed the largely ethnic character of the violence characterizing the domestic situation of the State party. Most of the armed conflict rife in Chad was linked to ethnic issues. Accordingly, the Special Rapporteur on extrajudicial, summary or arbitrary executions, in an urgent appeal to the Chadian Government on 26 August 1994, had expressed particular concern over information concerning the execution of members of ethnic minorities. Numerous abuses against civilians, committed by members of the Republican Guard belonging to the same ethnic group as the President of the Republic, were also reported. The members of the Committee once again deplored the continuing impunity enjoyed by the perpetrators of such acts and the inoperativeness of the judicial system.

646. According to the sources of information mentioned in paragraph 644 above, ethnic minorities close to power, representing roughly 1 per cent of the population, exercised a predominant influence over appointments and the decision-making process in the army and the administration. Furthermore, the widening gap between the north and the south of the country was reflected even in the capital where entire districts were said to have been formed composed of people from the north or from the south. The members of the Committee reiterated their request for precise socio-economic data in respect of each major ethnic group.

647. Following those remarks, the members of the Committee expressed a desire to have precise information regarding the following points: regarding the general section of the report what texts had finally been adopted after the beginning of the process of national reconciliation? What was the position regarding the reform of the Constitution, the proposed adoption of an electoral code, the Amnesty Act and the Human Rights Violations Compensation Act? What reforms had been adopted and implemented to reorganize the security forces and the national police force and to strengthen the judicial system and protect its independence? At what date could it be expected that presidential elections would actually be held? What means of action were actually available to the National Commission on Human Rights? Had it started operating?

648. In that worrying national context, the members of the Committee nevertheless noted a few encouraging points, such as the recognition of non-governmental human rights organizations, some improvement in the exercise of freedom of opinion and expression and the emergence of a free press.

649. Concerning article 4 of the Convention, members of the Committee recalled their request for information as to the existence of legislative provisions recognizing as an offence and punishing acts of racial discrimination within the meaning of article 1 of the Convention.

650. Information was requested about the measures taken by the Government to guarantee the effective exercise of remedies through the courts, which should be available to the victims of acts of discrimination, enabling them to obtain punishment and effective reparation for such acts, in accordance with article 6 of the Convention. Members of the Committee reiterated in that connection their concern regarding reports from non-governmental organizations of government and army interference in the operation of justice, even entailing threats against magistrates, lack of training and a persistent shortage of resources from which all the judiciary personnel were suffering and which was paralysing the institution.

651. The members of the Committee reiterated their request for information as to the measures taken, in accordance with article 7 of the Convention, to help the various ethnic communities culturally, educationally and socially and to promote education to combat racial discrimination. In that connection the members of the Committee expressed their concern about reports they had received that members of the "National Civic Campaign", a movement launched by several human rights organizations in order to educate the population, particularly with a view to the next elections, had been the victims of harassment and intimidation.

652. The members of the Committee again suggested that the State party, in that difficult context, appeal to the United Nations Centre for Human Rights for technical assistance. It was also suggested that the oral presentation of the representative of the State party be published in the form of an addition to the periodic report.

#### Concluding observations

653. At its 1125<sup>th</sup> meeting, held on 17 August 1995, the Committee adopted the following concluding observations:

##### (a) Introduction

654. The Committee observed with satisfaction the desire of the Government of the State party and its delegation to renew its dialogue with the Committee, despite the grave domestic problems confronting Chad. It regretted the fact that the fifth, sixth, seventh and eighth reports had not been submitted within the specified times and that the ninth periodic report was extremely brief and did not comply with the Committee's guidelines for the preparation of reports or the provisions of the Convention. It was, however, pleased that the oral presentation by the delegation of the State party - markedly better than the written report - very extensively supplemented the periodic report.

655. It was noted that the State party had not made the declaration provided for in article 14 of the Convention, and members of the Committee requested that consideration should be given to the possibility of making such a declaration.

##### (b) Positive aspects

656. The extensive additional information provided in the delegation's oral presentation, both on institutional matters and on the breakdown of the population and the country's leading socio-economic indicators, was particularly appreciated. As a result, the delegation was requested to circulate the text of its oral presentation as a supplementary report.

657. The Committee noted Chad's admission to its territory of several non-governmental human rights organizations, and an improvement in the exercise of freedom of expression, in the press and elsewhere. It also considered highly encouraging the recent ratification of a number of international human rights conventions.

(c) Principal subjects of concern

658. Concern was expressed over the allegations of serious human rights violations in the State party, including violations of the Convention. Concern was also expressed over the paralysis of the judiciary, associated with the lack of resources allocated to the courts, the inadequate training given to judges and political interference.

659. Other causes for concern related to the ethnic aspect of the human rights violations, the predominant influence of certain ethnic minorities close to the State within the administration and the army, and the growing antagonism between the north and south of the country.

660. The information given on the socio-economic situation of the population was considered inadequate in the ninth periodic report but much fuller in the delegation's oral presentation.

661. The written report also failed to provide enough information on the existence of legislation giving effect to article 4 of the Convention.

662. As regards the implementation of article 6 of the Convention, the report had not enlightened the Committee as to the steps taken to ensure the effective use of remedies so that victims of racial or ethnic discrimination could secure the punishment of discriminatory acts and compensation for the injury caused.

(d) Suggestion and recommendations

663. The Committee recommends the State party to provide in its next report, due on 16 September 1996, fuller information on the practical implementation of the Convention and to supply written replies to the questions raised orally during the consideration of the report of Chad, including information on the ethnic characteristics of the population, in accordance with paragraph 8 of the guidelines for the preparation of reports.

664. More precise information was requested on the reforms undertaken following the National Conference intended to begin the process of national reconciliation: the constitutional reform, the draft electoral code, the amnesty act, the law on compensation for victims of human rights violations, the reorganization of the security forces and national gendarmerie, and the strengthening of the judicial apparatus.

665. The next report should also inform the Committee of the actual lines of action open to the National Commission on Human Rights and its activities in terms of the implementation of the Convention.

666. The Committee strongly recommends the State party to make every effort to ensure that the system of justice functions properly, since that is a necessary condition for a return to the rule of law. Help in arranging a solid training programme for judges should be sought from the United Nations Centre for Human Rights.

667. The Committee considers it to be of the utmost importance to set up a training programme in humanitarian law and human rights for members of the armed forces, the police, the national gendarmerie and other State employees. Assistance could be sought from the United Nations Centre for Human Rights and the International Committee of the Red Cross.

668. The Committee recommends the State party to ratify the amendments to article 8, paragraph 6, of the Convention adopted by the 14th meeting of States parties.