



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

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COMMITTEE ON THE ELIMINATION  
OF RACIAL DISCRIMINATION  
Seventy-fifth session  
3-28 August 2009

**List of issues to be taken up in connection with the consideration  
of the tenth to fifteenth reports of CHAD (CERD/C/TCD/15)**

**Statistics and general information**

1. Please provide statistical data on the number of internally displaced persons and refugees, disaggregated by region.
2. According to paragraph 127 of the State party's report, the judicial system and judicial procedures are not well understood by the population. Please indicate the measures taken by the State party to educate the public about the judicial system and judicial procedures. Please also describe the measures taken to spread awareness of the Convention among the population.

**Institutional framework**

3. In the context of the universal periodic review, the State party accepted a recommendation concerning the National Human Rights Commission (A/HRC/WG.6/5/L.4, para. 82, recommendation No. 8). Please provide information on the measures that have been or will be taken to strengthen the National Human Rights Commission, in particular the allocation of the resources necessary for its operation. Please also indicate the measures that have been or will be taken to bring the National Human Rights Commission into line with the Paris Principles relating to the status of national human rights institutions. Lastly, please indicate whether its mandate includes the promotion and protection of the rights laid down in the Convention.

4. Paragraphs 121 and 123 of the State party's report concern the establishment, in 1997, of the post of National Mediator, whose functions include defusing tensions and settling disputes between different communities (CERD/C/TCD/15, paras. 121 and 123). Please update the Committee on the status of the draft law (CERD/C/TCD/15, para. 126) to strengthen the Mediator's powers, increase his autonomy and enable him to open investigations ex officio on the rights of groups that cannot file individual complaints.

### **Application of the Convention in domestic law**

5. Article 222 of the State party's Constitution of 31 March 1996 provides that treaties take precedence over domestic laws (HRI/CORE/1/Add.88). Please indicate whether the Convention's provisions can be directly invoked in domestic courts.

### **Article 2**

6. Paragraph 68 of the State party's report indicates that Act No. 17/PR/01 of 31 December 2001 regulating the civil service provides for equality of rights in access to public-sector employment (CERD/C/TCD/15, para. 68). Please describe the measures taken and the mechanisms established by the State party to guarantee the implementation of this law and to avoid the overrepresentation of certain ethnic groups in key sectors of the civil service and the armed forces.

7. Paragraph 145 of the State party's report indicates that some ethnic groups have difficulty living in peace with one another (CERD/C/TCD/15, para. 145). Please describe the political and other measures taken by the State party to promote dialogue and peaceful coexistence among ethnic groups and to discourage ethnic and racial division, including steps to encourage integrationist multi-ethnic organizations and movements.

8. Please update the Committee on the practical results achieved by the Ministry responsible for State oversight and ethics (CERD/C/TCD/15, para. 155) in combating the use of the "geopolitical" approach, thereby paving the way for the full implementation of the rights set out in the Convention.

### **Article 3**

9. Paragraph 152 of the State party's report refers to the persistence, within the State party, of the phenomenon of castes in the different ethnic groups, as a result of which certain members of such groups are subject to discrimination and to serious violations of their rights (CERD/C/TCD/15, para. 152). Please indicate, in the light of the Committee's general recommendation No. 19 (1995) and general recommendation No. 29, whether the State party has taken specific steps to enable such individuals to enjoy all their rights, including their right to participate in public life and to have access to education and the justice system. Please also inform the Committee whether the State party has undertaken public education and awareness-raising efforts to promote the eradication of this phenomenon. Lastly, please provide the Committee with disaggregated statistics on this category of people.

#### Article 4

10. Apart from Act No. 29/PR/94 of 22 August 1994 on the press regime, article 47 of which penalizes defamation of a group of persons belonging to a particular ethnic group, region or religion for the purpose of inciting tribal or religious hatred or acts of violence (CERD/C/TCD/15, para. 221), is there any other legislation criminalizing and penalizing actions to spread ideas based on racial superiority or racial hatred, acts of violence or incitement to violence? Please also indicate whether the State party has any specific legislation criminalizing the provision of any assistance to racist activities, including the financing thereof; if so, please indicate the penalties applicable for such acts. Lastly, please provide the Committee with examples of how Act No. 29/PR/94 of 22 August 1994 has been implemented.

11. Apart from articles 6 and 10 of Act No. 45/PR/94 on the code for political parties (CERD/C/TCD/15, para. 105), is there any other legislation in the State party that prohibits organizations, propaganda and any other type of activity that incites racial and ethnic discrimination? Please also indicate whether there is any legislation penalizing participation in such organizations or their activities. If so, please specify the nature of the penalties. Lastly, please provide the Committee with examples of how Act No. 45/PR/94 has been implemented.

12. Please indicate whether the Government of the State party would be willing to reconsider the draft law, currently abandoned, "prohibiting discriminatory practices in the Republic of Chad", which is referred to in the State party's report (CERD/C/TCD/15, para. 164).

13. According to paragraphs 112, 113 and 114 of the State party's report, the Supreme Court has handed down two judicial decisions concerning discrimination. The Committee would like to know whether decisions have been rendered in any other cases since then and would like information and statistics on the number and nature of any complaints filed regarding racist acts, as well as the follow-up action taken on them.

14. Please inform the Committee of the measures that have been or will be taken by the State party to investigate, prosecute and punish those responsible for the abuses that took place in N'Djaména in February 2008, in particular the abuses against persons belonging to the Gorane and Ouaddai ethnic groups. Please specify whether the victims will receive compensation.

#### Article 5

15. Paragraph 198 of the State party's report (CERD/C/TCD/15, para. 198) notes the persistence of customary practices that impede the implementation of article 5 (b) of the Convention. Please inform the Committee of the measures taken and results achieved in terms of training all personnel responsible for enforcing laws relating to provisions of the Convention.

16. Please provide the Committee with statistics on the composition of the civil service, disaggregated by ethnic origin.

17. Please indicate whether the State party's legislation guarantees the right to form trade unions and the right of aliens to join them.

18. With respect to the expropriation decisions concerning residents of N'Djaména, please indicate whether the relevant compensation measures are based on objective criteria for all, without discrimination on grounds of ethnicity.
19. Please inform the Committee whether the State party has any specific legislation protecting internally displaced persons and refugees against racial discrimination, as well as other measures guaranteeing their right to return freely to their homes, the principles of non-refoulement and non-expulsion, the restoration of their property or the provision of compensation once they have returned, their full participation in public affairs, rehabilitation assistance and the enjoyment of all their rights, in particular their equal access to public health and education services, in accordance with the Committee's general recommendations No. 22 and No. 20. Please also provide information on measures to protect displaced persons from the effects of the tension that their presence can create in host communities.
20. Please indicate what specific measures the State party has taken to ensure that indigenous and other groups enjoy the right to participate on an equal footing in cultural activities, including cultural programmes on television and radio. In this regard, please also provide the Committee with information on the meaning of the concepts of "national cultural identity" and "national values" contained in article 3 of Act No. 19/PR/03 on the composition, powers and functioning of the High Council on Communication and in articles 21, 16 and 29 of Act No. 43/PR/94 on audio-visual communication, referred to in the State party's report (CERD/C/TCD/15, paras. 269 and 270).

#### **Article 6**

21. Please describe the impact of the measures taken by the State party with respect to access to justice (CERD/C/TCD/15, paras. 273-276 and 281-283), particularly in terms of ensuring that indigenous populations, internally displaced persons and vulnerable groups have equal access to justice and remedies. Please specify what measures the State party has taken to inform the public about the rights of parties to legal proceedings and what impact legal assistance measures have had in improving access to justice.
22. Please indicate whether the Supreme Court's decisions in discrimination cases (CERD/C/TCD/15, paras. 112, 113 and 114) have resulted in the award of compensation to the victims and whether domestic courts have awarded compensation in any other racial and ethnic discrimination cases.
23. Pursuant to a recommendation made by the Committee in its consideration of the State party's preceding report, paragraph 285 of the present report (CERD/C/TCD/15) indicates that the State party has undertaken a reform programme carried out by the follow-up commission on the recommendations made at the Forum on Justice. Please indicate how far this judicial reform has advanced and the results achieved thus far in addressing corruption, the independence of the judiciary, the working conditions of magistrates, the intimidation of judges and the prevailing climate of impunity, which are obstacles to the implementation of the right to effective remedies and to reparations for racial and ethnic discrimination, as noted in paragraph 284 of the report (CERD/C/TCD/15, para. 284).

**Article 7**

24. Please provide specific, detailed information on the measures taken to familiarize the public with international human rights instruments, including the Convention, and to introduce human rights education into school curricula. Please also provide examples, where applicable.

25. Please indicate whether the media (radio, television and print media) regularly broadcast programmes or publish material aimed at promoting tolerance among the ethnic groups that make up Chad's population, and provide detailed information on such programmes or material, where applicable.

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