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COMMITTEE ON ECONOMIC, SOCIAL  
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**IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON  
ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
IN ACCORDANCE WITH ARTICLE 16 OF THE INTERNATIONAL  
COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

**Replies by the Government of Chad to the list of issues (E/C.12/TCD/Q/3)  
to be taken up in connection with the consideration of the third periodic  
report of Chad concerning the rights referred to in articles 1 to 15 of the  
International Covenant on Economic, Social and Cultural Rights  
(E/C.12/TCD/3)\***

[7 August 2009]

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\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

## I. GENERAL FRAMEWORK WITHIN WHICH THE COVENANT IS IMPLEMENTED

***Question 1. Please specify whether the provisions of the Covenant have been incorporated into the State party's domestic law so as to make them directly applicable by the Chadian courts, and give examples as appropriate. What measures have been taken to enable victims of violations of economic, social and cultural rights to benefit from judicial remedies and to ensure that court decisions and judgements are implemented?***

1. The principle of the rights of peoples has been an abiding feature of the international policy of Chad since it acceded to international sovereignty. As a Member State of the United Nations mindful of its international obligations Chad freely decided to ratify the International Covenant on Civil and Political Rights on 9 June 1995. In so doing it not only incorporated the Covenant into its domestic legislation pursuant to the preamble to the Constitution of 31 March 1996, as amended in 2005, but also gave the Covenant precedence over domestic legislation. Article 222 of the Constitution states in that regard: "Duly ratified treaties or agreements take precedence over national legislation upon promulgation, subject, for each agreement, to its implementation by the other party." As with any other convention duly ratified by Chad, citizens may invoke the Covenant. There is no provision at the national level, however, for applying the provision of the Covenant.

***Question 2. Please indicate whether the State party has created a national institution for the protection of human rights in accordance with the Paris Principles and whether it has been accredited by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), as well as the measures taken to guarantee its autonomy. Please also indicate whether the promotion and protection of economic, social and cultural rights fall under its mandate.***

2. The National Human Rights Commission (CNDH) was created in 1994 by Act No. 031/PR/94 of 9 September 1994. It has very broad responsibilities, as follows:

(a) It submits advisory opinions to the Government on human rights issues, including the status of women and the rights of children and persons with disabilities;

(b) It provides assistance to the Government and other national institutions with regard to all human rights issues in Chad;

(c) It helps review existing legislation and draft new provisions in the light of the Charter on Human Rights and Freedoms adopted by the Sovereign National Conference and regional and international instruments, with a view to promoting the rule of law and strengthening democracy;

(d) It carries out surveys and studies and prepares publications; advises the Government on all issues relating to human rights and fundamental freedoms, in particular current practices and the ratification and implementation of international instruments.

3. The following measures have been taken to guarantee the independence of the Commission:

- (a) It was established by law;
- (b) Its membership is balanced, with half its members from the administration and half from civil society;
- (c) It is free to choose to review any issue whatsoever on its own initiative;
- (d) It may freely express its advice to the Government and ensures that that advice is made public;
- (e) It may accept an application from any citizen who believes they are a victim of a human rights violation.

4. The Commission is, not yet in line with the Paris Principles, however, and the Government is currently making efforts to ensure that it is.

***Question 3. Please indicate whether the State party has set objectives and adopted indicators enabling progress in the exercise of the rights recognized in the Covenant to be measured. Please also indicate whether there has been an evaluation of development policies from a human rights and environmental perspective.***

5. The need to provide appropriate protection for certain categories of vulnerable people has led the Government to draw up special protective measures. To provide the population with better access to quality basic health care, the Chadian health system has a three tier structure: central, intermediate and local. In order to provide special protection in the field of reproductive health and particularly in order to put an end to the harmful traditional practices affecting this sector, the Government promulgated the Reproductive Health Promotion (Act No. 006/PR/02) of 15 April 2000. Under this Act all individuals are recognized as being equal in law and dignity where reproductive health is concerned, without any discrimination based on age, sex, religion, ethnic group, marital status or any other circumstance (art. 3). Article 7 of the Act provides that “every individual or couple has the right to benefit from the best possible quality health care and to be protected against practices that are harmful to reproductive health. Every individual or couple has the right to have access to nearby health services that are safe, effective, affordable and acceptable”. In order to protect disabled persons, the Government adopted Act No. 007/PR/07, on the protection of disabled persons. This Act states that disabled persons have the same rights as those recognized for any Chadian citizens under the Constitution. The protection of disabled people is one of the main concerns of the Ministry for Social Action, Solidarity and Family Affairs. This Ministry, through its Department for Disabled Persons, attempts to ensure at the legal level that such persons are able to exercise all their rights. In the area of environmental protection, the Government has set up a national environmental protection brigade, which is responsible for protecting the fauna and flora.

**Question 4.** *Please provide statistical data by sex, age and urban/rural area in all sectors related to the Covenant, with particular reference to marginalized and disadvantaged social groups, so as to enable the Committee to better evaluate the implementation of the rights guaranteed by the Covenant.*

6. The statistical data by sex, age and urban/rural area in all sectors related to the Covenant, with particular reference to marginalized and disadvantaged social groups, date from 1993 and are no longer of use in evaluating the implementation of the rights guaranteed by the Covenant. The results of the second population and housing census, which began on 20 May 2009, the results of which were expected at the end of July 2009, are still awaited. The census will take account of the following indicators:

- (a) Condition and make-up of the population;
- (b) Literacy and school attendance;
- (c) Economic activity;
- (d) Marital status and marriage rate;
- (e) Birth rate and fertility rate;
- (f) Mortality;
- (g) Migration;
- (h) Demographic trends;
- (i) Demographic and socio-economic features of ordinary households.

(See annex containing statistical data for 2004).

## **II. ISSUES RELATING TO THE GENERAL PROVISIONS OF THE COVENANT (arts. 1-5)**

### **A. Article 2, paragraph 1. Obligations of States parties**

**Question 5.** *Please indicate to what extent the State party takes into consideration its obligations under the Covenant when negotiating commercial, investment or economic agreements. Please also describe the impact of its investment policies on environmental protection and the enjoyment of economic, social and cultural rights.*

7. The right of peoples to freely dispose of their natural wealth and resources is one of the guiding principles of the State of Chad. Chad has taken steps to prevent any other State or legal person from appropriating anything falling within the scope of its national sovereignty. Thus article 57 of the Constitution states that “the State exercises full permanent sovereignty over all the nation’s natural wealth and resources for the benefit of the entire national community. However, it may license the exploration and exploitation of these natural resources to private

companies". In order to raise the population's standard of living, the Government of Chad has begun to exploit its natural resources. Similarly, in exercise of its right to freely dispose of its natural wealth and resources, Chad's Petroleum Code made it mandatory to obtain a "H" permit in order to conduct any exploration in its subsoil. Of its own free will, Chad launched negotiations leading to the conclusion of the oil agreements of 1988 and 10 May 2004 with an oil consortium that now comprises ExxonMobil, Petronas and Chevron. In order to ensure the proper and efficient management of its resources, Chad adopted Act No. 001/PR/99 of 11 January 1999, on the management of oil revenues. The Act, which is an excellent example of sound management, grants 5 per cent of such revenues to the oil-producing region. Initially one of the conditions for the financing of the oil project by the World Bank, the Act was subsequently amended by Chad (Act No. 02/PR/2006 of 11 January 2006). Recently, having become aware of mistakes due to a certain lack of information at the time the 1988 and 2004 oil agreements were negotiated, Chad decided to renegotiate the agreements in exercise of its right to dispose of its resources. A National Commission for the Negotiation of Petroleum Agreements was also established (Decree of 28 August 2006). Generally, it should be noted that the State's efforts to achieve the full enjoyment of its rights are hampered by the country's extreme poverty. However, Chad hopes to be able to make great strides with the support and cooperation of development partners. Since the environment forms part of the conditions and quality of life, the Constitution requires its protection: "The State and the decentralized territorial units shall ensure the protection of the environment. The conditions for the storage, handling and disposal of toxic wastes or pollutants arising from national activities are determined by law. Transit through, import into or storage, burial or dumping in Chad of foreign toxic wastes or pollutants are prohibited" (art. 48). Article 52 provides that all citizens have a duty to respect and protect the environment. Chad is a party to several international conventions on environmental protection and has a special ministry for environmental issues. Numerous environment projects have been launched. With respect to oil drilling, for example, the Government and the consortium agreed on a whole document on the environment, which is contained in the fifth volume of the petroleum project document. Environmental protection is guaranteed by Act No. 014/PR/98 of 17 August 1998, establishing the general principles for environmental protection. The Act establishes the general principles governing environmental protection in Chad and prohibits any pollution which might compromise or endanger health, public health or the safety or welfare of persons, or harm or damage property or the environment. A special body, the National High Committee on the Environment, was established to implement the Government's environmental policies and strategies, and a special ministry, the Ministry of the Environment and Water, is responsible for implementing government policies with respect to the environment. The Government of Chad nevertheless continues to face difficulties such as desertification, the sheer size of the territory and the lack of substantial human and financial resources.

***Question 6. Please provide specific updated information on measures taken to put an end to corruption, including corruption within the judiciary, and indicate whether there have been any prosecutions of senior officials during the past five years and, if so, whether they have resulted in convictions.***

8. Articles 229 and 322 ff of the Criminal Code define and punish misappropriation of public funds and acts of corruption by State employees. There have always been specific procedures to address this problem, however, the one currently in force being Act No. 004/PR/00, on embezzlement of public property, corruption, misappropriation of public funds, influence peddling and similar offences. In addition to this legal framework, the Government established a

Ministry for State Oversight and Ethics in 2004, with a view to making the administration more ethical and monitoring the management of public funds. Hundreds of audits have been carried out by this Ministry, resulting in the referral to the justice system of several complaints of embezzlement or corruption and convictions being handed down.

### **B. Article 2.2. Non-discrimination**

***Question 7. Please provide precise detailed information on current legislative provisions and specific measures taken by the State party to eliminate all forms of discrimination and in particular to implement article 40 of the Constitution relating to the rights of disabled persons.***

9. Since persons with disabilities are a vulnerable group, Chad is a party to the Convention on the Rights of Persons with Disabilities and has put in place relevant constitutional provisions. Various articles of the Constitution (e.g., arts. 14, 31, 32 and 35) address the protection of persons with disabilities. Under article 14, paragraph 1, “the State guarantees to everyone equality before the law, without distinction as to origin, race, sex, religion, political opinion, or social position”. Paragraph 2 establishes that the State has a duty to eliminate all forms of discrimination against persons with disabilities and to protect their rights in all areas of private and public life. It is clear in this respect that discrimination against persons with disabilities and their exclusion from the enjoyment of rights recognized to all citizens is strictly prohibited. In addition, article 31 of the Constitution provides that “access to public service is guaranteed to all Chadians without discrimination, subject to the inherent requirements of each position”. However, despite the State’s efforts to create jobs, demand remains high. The result is that unemployment, which used to be negligible, rose significantly in 1991. In that context it is possible that certain persons with disabilities may be affected. Lastly, the provisions of article 35 on education for the Chadian population in general may be considered a measure in favour of persons with disabilities in particular, since it states that “every citizen has the right to education”. In addition to this constitutional provision for the protection of the rights of persons with disabilities, administrative measures have also been put in place for them at the national level.

10. The Chadian State is concerned for the well-being and protection of persons with disabilities and has put special measures in place for this vulnerable group, including:

(a) Act No. 007/PR/07, on the protection of disabled persons;

(b) In terms of the rights of persons with disabilities, chapter 1 of the Act deals with their right to health; chapter 2 with their right to education and training; chapter 3 with their right to socio-economic integration; chapter 4 with their right to culture, sports, leisure activities and communications; and chapter 5 with their right to transport, housing and security. As to administrative measures, national institutions have been established to promote and protect the rights of persons with disabilities. The National Human Rights Commission (CNDH), created by Act No. 031/PR/94 of 9 September 1994, has a mandate to carry out surveys and studies and prepare publications, and to advise the Government on all measures relating to human rights and fundamental freedoms.

11. In that context persons with disabilities who believe their rights have been violated may apply to the Commission in order to uphold those rights.

12. In addition, the Ministry for Human Rights and the Promotion of Freedoms, established in 2003, is responsible for the drafting, implementation and monitoring of government policy on human rights. It is responsible for taking action to promote freedoms and defend human rights, and for planning and monitoring the implementation of international human rights instruments, including the Convention on the Rights of Persons with Disabilities. The Ministry is a body to which persons with disabilities may apply if their rights are violated, and such applications will then be referred to ministers or other competent bodies so that action can be taken on their behalf. Under article 12 of Decree No. 753/PR/PM/MCDHPL/07, on the organizational structure of the Ministry for Human Rights, the Directorate for the rights of vulnerable persons is required:

(a) In cooperation with the Ministry of Social Action, National Solidarity and the Family, to put forward draft legislation and regulations on behalf of persons with disabilities;

(b) To monitor the implementation of legislation to protect the rights of persons with disabilities;

(c) To help combat all forms of violence against persons with disabilities, as well as violations of their physical and mental safety;

(d) To support associations and organizations working for persons with disabilities.

***Question 8. Please provide detailed updated information on the situation of internally displaced persons and on the special measures taken by the State party during the period 2003-2008 to protect their economic, social and cultural rights, if any.***

13. Displaced persons are persons or groups who have been forced or compelled to flee or leave their home or normal place of residence as a result of an armed conflict, widespread human rights violations or natural disaster but who have not crossed the international borders of their State. Although this is a new problem in terms of its extent and the sociopolitical context in Chad, the situation of internally displaced persons in this country has brought together all those involved in the issue in the areas concerned. Thus host populations, local administrative and traditional authorities and humanitarian workers have done their best to provide assistance to the displaced persons, each according to their means. In fact any discussion of internally displaced persons is really a discussion of the roles and responsibilities of all the authorities concerned, political, administrative and other. Protection and assistance for displaced persons is primarily the responsibility of the national authorities. The State also has some responsibility for dealing with displaced persons' problems in accordance with its national obligations such as the provisions on fundamental rights contained in the Chadian Constitution, and with its international obligations regarding the human rights of populations and their protection, the Guiding Principles on Internal Displacement. What displaced populations need is to be received

and settled in a safe place, protected and given help with housing, food and other necessities that will help them to live a normal life, albeit on a temporary basis. To that end a national legal framework for the protection of displaced persons should be put in place, with appropriate mechanisms.

14. In the absence of any special provision, articles 17 to 20 of the Constitution, on civil liberties and fundamental rights and their protection by the State, currently serve as a legal framework. However, since January 2006 internally displaced persons in Chad have been looked after by, among others, the local populations, humanitarian organizations and the administrative and traditional authorities, despite their limited resources.

### **C. Article 3. Equal rights of men and women**

***Question 9. Please provide detailed updated information on the State party's legal framework with respect to equality between men and women.***

15. Chad recognizes the same rights to men and women, including economic, social and cultural rights. Under article 13 of the Constitution, "Chadians of both sexes have the same rights and the same duties. They are equal before the law." In order to further promote equality between men and women, the Government has introduced quotas for women's representation in institutions. Six out of the 30 members of the Government are women, for example, and around 20 out of the 155 members of the National Assembly.

***Question 10. Please indicate the measures taken to guarantee that women's right to enjoy all economic, social and cultural rights on an equal basis is not threatened by discriminatory customary and religious laws and practices, and the measures taken to combat stereotyping and to make women aware of their rights.***

16. The 1996 Constitution, which prevails over all other national laws, condemns all forms of discrimination (art. 14) and affirms the desire of the people of Chad to live together in respect for ethnic, religious, regional and cultural diversity. In practice, however, some social and cultural constraints prevent women from enjoying certain rights on an equal footing with men. Paradoxical though it may seem, women themselves take part in the perpetuation of the stereotypes that marginalize them, particularly by educating daughters to be obedient and sons to assume leadership roles. This is due to the internalization of models of learned behaviour passed on from generation to generation through a wide variety of channels such as school, the family and religion. In the area of education, girls and boys now have equal access to schooling. The tiny number of girls in school compared to boys is essentially attributable to sociocultural obstacles. However, awareness is spreading and Chadians are gradually starting to realize the importance of sending girls to school. For its part, the Government is conducting large-scale campaigns and adopting strategies to encourage enrolment and retention of girls in school. To that end a unit for the promotion of girls' education has been created within the competent ministry in order to implement State policy in this area. In order to close the gap that has built up over the years, resulting in a low enrolment rate for Chadian girls, measures have been taken to provide State education free of charge. Article 35, paragraph 1, of the Constitution guarantees every citizen the right to education. In the area of employment, article 31 of the Constitution guarantees every citizen access to public service posts without discrimination, having due regard to the specific requirements of each position. Article 32 recognizes every citizen's right to work,



and states (para. 3) that “no one may be prejudiced in their employment on account of their origins, opinions, beliefs, sex or marital status”. With a view to eliminating discrimination against women and children, Chad has ratified the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child. Discussion and awareness-raising days on women’s living and working conditions are organized every year during National Women’s Week and on International Women’s Day. Similarly, as part of these efforts to promote women’s rights, a draft family code is making its way through Parliament, new institutions, such as the Gender Directorate in the Ministry for Social Action and National Solidarity, have been established, and there is greater openness in human rights issues. The culture of violence that is the legacy of several decades of war has not spared families and there have been many cases of domestic or marital violence against women and children. The perpetrators are however always severely punished when such cases are brought before the courts. Furthermore, civil society organizations, including the Chad Association of Women Jurists and the Women’s Organizations’ Education and Information Service, make a significant contribution by running legal clinics that serve as women’s rights information, education and awareness centres. However, families and victims often do not reveal this type of violence for fear of breaking up the family, and this makes punishment difficult. No statistics on domestic violence are available. The Government pays particular attention to these problems and has adopted measures to prevent and eradicate violence, especially sexual violence against women. For example, Act No. 06/PR/2002 on the promotion of reproductive health has been promulgated, prohibiting all forms of violence such as female genital mutilation, early marriage, domestic violence and sexual violence.

***Question 11. In its report, the State party indicates that women do not enjoy the right to equality with men and that, according to recent studies, 78 per cent of women in rural areas are illiterate, as against 56 per cent of men, and that 70 per cent of Chadian women’s income is used to support their families, as opposed to 40 per cent of men’s (report, para. 57).<sup>1</sup> What urgent measures have been taken by the State party to remedy this situation, which is incompatible with the Covenant?***

17. Judging by the statistics, and considering women’s pre-eminent role in household management, it is clear that they are more seriously affected than men by problems relating to access to basic services such as education and health and to administrative positions. The illiteracy rate is higher for women than for men. While the gap between boys and girls is not very significant in primary school, this parity erodes rapidly towards the final year of secondary school. It is important to analyse this problem in depth to find adequate solutions that can address it. It should also be noted that a significant number of adolescent girls become pregnant between the ages of 15 and 19. This lack of mass education has negatively affected women’s development and their effectiveness in all areas: their prospects of obtaining higher-paying jobs; and their ability to give their children a desirable upbringing, especially when they are the head of household.

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<sup>1</sup> Paragraph numbers in brackets refer to the State party report, issued as document E/C.12/TCD/3.

18. A draft personal and family code is currently pending. The code will help to strengthen the existing legal framework and increase the equality of rights between men and women.

19. Urgent steps taken by the Government to correct this situation include:

- (a) Free schooling for girls;
- (b) The establishment of a Gender Directorate within the Ministry for Social Action, National Solidarity and the Family;
- (c) Free health and maternity care;
- (d) The establishment of the Ministry for Microfinance and Anti-Poverty Measures, which gives loans to women for income-generating activities.

***Question 12. Please provide more detailed information on measures taken by the State party during the period 2003-2008 to ensure that women are better represented in Parliament and in executive posts within the Government, and indicate the number of women who have been appointed to posts in the judiciary and the civil service, whether at the central government level or in the provincial administrations. Please indicate the state of progress of the draft Quotas Act (report, para. 118).***

20. The 1990s marked a turning point in women's efforts to assert their rights in Chad. Some 20 of the 155 seats in the Assembly were filled by women. In the civil service, 3 out of 19 directors-general and 5 out of 116 chiefs of service were women in 1994. This emergence of women at the national level, although negligible, has helped raise public awareness about the issue. It should also be stressed that the presence of Chadian women in the country's political life dates back to 1963, when there were three women deputies. Significant progress has recently been made with the bill on quotas, and quotas for women in government, provincial administrations, the judiciary and the civil service are now being increased.

21. Ideally a quota would be set in the future in order to achieve this, but the Government has undertaken to obtain parity between men and women in senior positions.

### **III. ISSUES RELATING TO THE SPECIFIC PROVISIONS OF THE COVENANT (arts. 6-15)**

#### **A. Article 6. Right to work**

***Question 13. Please provide detailed updated information on (a) national job-creation programmes and policies, particularly in the structured sector of the economy and especially for women; (b) the activities of the National Employment Promotion Office (ONAPE) (report, para. 82) and the results achieved.***

22. Under article 32 of the Constitution, "the State recognizes the right to work of all citizens. It guarantees workers fair remuneration for their services or output. No one may be prejudiced in their employment on account of their origins, opinions, beliefs, sex or marital status". To ensure the practical application of this constitutional right, Act No. 038/PR/96 of 11 December 1996,

establishing the Labour Code, and other implementing regulations, including the General Collective Agreement of 2002, have been adopted. The Labour Code is applicable throughout the national territory, and governs relations between employers and workers. Article 1, paragraphs 2 and 3, provide as follows: "It governs relations between employers and workers resulting from employment contracts intended to be executed on the territory of the Republic of Chad, regardless of the place of conclusion of the contracts or the residence or nationality of the parties." Concerned at the steady rise in unemployment, Chad has created a body to promote employment, the National Employment Promotion Office (ONAPE), whose mission is to increase employment opportunities and to encourage integration of first-time job-seekers into the job market. OPE has directed competent Chadians to the petroleum project, for example, as well as to many other areas such as the private sector.

***Question 14. Please provide detailed updated information on measures taken to regularize the situation of workers in the informal sector.***

23. The informal sector makes a significant contribution to the country's economy and the Ministry of the Civil Service and Labour has carried out a study which has identified various sectors, including *mosso* women (women traders).

24. In practical terms, however, no appropriate measures have yet been taken, although efforts are being made through the National Fund for the Support of Occupational Training, which runs training courses for informal sector workers to help them move into the formal sector and regularize their status.

**B. Article 7. Right to just and favourable conditions of work**

***Question 15. Please indicate the amount of the minimum wage, and whether this sum is sufficient to ensure a decent standard of living for all workers and their families, in accordance with the provisions of the Covenant. If this is not the case, please provide information on measures taken by the State party to periodically increase the minimum wage, including mechanisms for its review and adjustment.***

25. The minimum wage (SMIG), which was initially 18,000 CFA francs (CFAF), has gone up slightly, first to CFAF 25,480, and subsequently CFAF 28,000. This wage is too low for the cost of living. The standard of living has improved for the population as a whole, although the impact varies owing to the extreme poverty afflicting people in rural areas. The discovery of oil has led to a slight increase in the standard of living of some young people, but it has not come up to the population's expectations. The new General Civil Service Regulations provided for a small overall rise in salaries for State employees, along with various wage increases of around 30 per cent (varying from one government ministry to another), thus slightly raising the standard of living. Another measure that has been taken is to raise wages to CFAF 60,000 for all those State employees whose pay had not reached that level since 2007. Despite these measures, the Government is still concerned, and is developing new strategies to allow citizens to fully enjoy their right to just and favourable conditions of work.

**Question 16. In light of the information provided in paragraphs 113 and 117 of the report, please provide detailed updated information on the situation of domestic workers, millers, welders, fuel vendors and other individuals working in the informal sector, and on measures taken by the State party to protect their right to just and favourable conditions of work.**

26. Following ratification of the ILO Equal Remuneration Convention, 1951 (No. 100) on 29 March 1966, Chad enshrined this principle in article 246 of the Labour Code. Article 247, for its part, stipulates that the various components of remuneration should be the same for men and women, thus incorporating the principle of non-discrimination. Women, however, remain underrepresented in paid employment. A bill on quotas has been drafted to redress this inequality and procedures are currently under way for its adoption. Rural women, who comprise the most significant subgroup, are marginalized, even though they represent a significant proportion of the labour force (45 per cent in the agricultural sector). The CHD/00/P07 gender project, launched in 2001, lays down a twofold strategy:

(a) Awareness-raising and education efforts for women on family well-being, women's status and role in the community and the promotion of schooling for girls;

(b) Provision of financial and technical support for rural women's associations by making credit available to help strengthen their purchasing power through income-generating activities. This project covers 500 associations in more than 400 villages, with 213 women's associations receiving credit to date. The Government has taken measures such as organizing these workers in unions and making work for less than the minimum wage unacceptable. A campaign is being conducted to raise awareness in this regard.

**Question 17. Please provide specific examples of cases in which workplaces have been closed as a result of inspections revealing serious deficiencies or breaches of obligations under the Labour Code (report, para. 93).**

27. Where an inspection reveals serious shortcomings or breaches of obligations under the Labour Code, the State closes workplaces down. In such cases, the State may require the management to complete any training courses in progress. Several higher education institutes have been closed, along with private primary and secondary schools and also some medical practices following inspections that revealed serious shortcomings or breaches of obligations under the Labour Code or failure to comply with their terms of reference.

**Question 18. Please indicate what effective measures the State party has taken or contemplates taking to guarantee equal employment opportunities for women and to reduce the sizeable gap in wages between men and women (report, paras. 106 and 108). Please also provide information on the results of such measures, if any.**

28. Sociocultural constraints work against women in practice, with the result that they hold only poorly-paid junior jobs. In Chad, the economically active population is characterized by the

continuing predominance of plentiful but unskilled labour. In order to ensure the effective exercise of the right to work, international assistance is present in the form of technical, financial and logistic support.

29. The minimum wage system is monitored through periodic censuses. It is based on the principle of equal pay for work of equal value. The ILO Equal Remuneration Convention, 1951 (No. 100) has been ratified by Chad. Articles 13 to 17 of Act No. 17 guarantee equality in the public administration by specifying that all civil servants are entitled to remuneration for services rendered. Efforts are being made, however, to guarantee equal employment opportunities for women. In principle there is not in fact any difference between men's and women's pay, but the measures taken by the Government focus more on employment opportunities, in order to encourage women to apply.

### **C. Article 8. Trade union rights**

***Question 19. Please indicate the procedures for authorizing the establishment of trade unions and on what grounds authorization has been withheld.***

30. Chad is party to a number of ILO conventions recognizing workers' right to organize in trade unions. Article 28 of the Constitution recognizes the freedom of association. Every citizen is accordingly free to belong to the trade union of their choice. Act No. 17/PR/2001 of 31 December 2001 accords this same right to civil servants (art. 8). In the private sector, the requirements for establishing trade unions are regulated by article 294 of the Labour Code, whereby "all workers, without distinction of any kind, have the right to freely form trade unions in any sectors of activity and geographical sectors they may determine. They may also freely join trade unions. Persons leaving their posts or occupation may continue to be members of trade unions provided they were in that occupation for at least one year. Minors over the age of 13 may join a union provided their parent or guardian agrees. Married women who practice a profession or trade may, without their husband's authorization, join a union and be involved in the management or administration of the union in accordance with the terms of this article". Under article 295 of the Labour Code, "the purpose of trade unions is to monitor and defend the collective and individual rights and material and moral occupational interests, of the workers covered by their constitutions". Under article 330 of the Labour Code, "in constituting a trade union, any failure to observe the terms and procedures set forth in articles 294 to 302 of this Code shall render such constitution null and void and without effect".

***Question 20. Please provide information on recent case law with regard to collective bargaining between employers and trade unions.***

31. Recent case law on collective bargaining between employers and trade unions includes the case of Tchad Cameroon Constructor (TCC) and worker representatives, which resulted in the recognition of workers' overtime hours. Other cases are ongoing, including the Brasseries du Tchad case. Some cases go to court while in others amicable settlement is reached.

***Question 21. Please provide detailed information on the number, cause and result of strikes that have taken place since 2003.***

32. A number of strikes have taken place since 2003, mainly in pursuit of social claims such as wage rises and improved working conditions, i.e., a better standard of living. As a result of the strikes the Government has raised civil service pay by 30 per cent and has raised the minimum wage; the retirement age has also changed, rising from 55 to 65.

***Question 22. Please indicate what measures have been taken by the State party to guarantee workers' trade union rights.***

33. Chad is party to a number of ILO conventions. Article 28 of the Constitution recognizes the freedom of association. Every citizen is accordingly free to belong to the trade union of their choice. Act No. 17/PR/2001 of 31 December 2001 accords this same right to civil servants (art. 8).

#### **D. Article 9. Right to social security**

***Question 23. Please indicate whether there is universal social security coverage in the State party. Please also indicate whether all categories of workers, including casual workers and the self-employed, are covered by social security (report, para. 144).***

34. With regard to universal social security coverage, there is no discrimination in access to the official social security system. Workers covered by the Labour Code and others are able to take out individual insurance without restriction. In practice however, there is no universal social security coverage. The National Social Security Fund (CNPS) covers private-sector workers and the National Pension Fund (CNRT) covers civil servants. There is no social security coverage for casual workers or the self-employed.

***Question 24. Please indicate whether by law minimum allowances, including retirement allowances, are regularly reviewed, and whether these minimums are sufficient to guarantee beneficiaries and their families an adequate standard of living.***

35. The minimum allowances, including retirement allowances, were recently reviewed. The family allowance, which used to be CFAF 600 per child, was raised to CFAF 2,000. Private-sector allowances were also raised, but both remain derisory and should be raised again given the current global economic situation and the high cost of living.

***Question 25. Please provide information on social security programmes, including protection structures for workers in the informal sector of the economy, in particular medical, maternity and old age coverage.***

36. Under article 40 of the Constitution, "the State shall make efforts to meet the needs of any citizen unable to work by reason of age or physical or mental incapacity, including by establishing social security mechanisms". In fact, however, the social security system is

applicable to employees engaging in occupational activities under the direction of an employer, namely a natural or legal person, public or private. As to social security and protection for workers in the informal sector, efforts are being made to set up a system to provide health, maternity and old-age protection for this group.

**E. Article 10. Protection of the family, mothers and children**

***Question 26. Please provide detailed updated information on measures taken by the State party to prevent family violence, including conjugal rape.***

37. On this point the Chadian Constitution, in its preamble, naturally establishes fundamental human rights and the dignity of the human person and goes on to reaffirm its adherence to the principles of human rights as defined in the Charter of the United Nations of 1945, the Universal Declaration of Human Rights of 1948 and the African Charter on Human and Peoples' Rights of 1981. The 1967 Criminal Code refers to crimes against decency and morals, with particular emphasis on the notion of conjugal violence, and specifically rape, which is defined and punished under articles 275 to 277 of the Code, and for which the penalty is imprisonment with hard labour. There are no provisions in criminal law for conjugal rape and it is not an aggravating circumstance. This type of rape exists but no statistics are available.

***Question 27. Please state whether there are criminal provisions classifying this type of violence as a specific offence or treating it as an aggravating circumstance and provide information on recorded cases of women killed or injured as a result of acts of family violence during the period 2003-2008.***

38. As regards women killed or injured as a result of acts of violence, a lack of resources has prevented the Ministry of Justice from despatching the competent services into the field to collect data; there are, however, a number of cases where conjugal violence has led to such crimes. When cases of this kind are reported they are punished in accordance with the relevant provisions of the Criminal Code.

***Question 28. Please state the number of criminal prosecutions and convictions, sentences imposed on perpetrators of family violence and remedies available to victims.***

39. As mentioned above, it has not been possible to obtain credible indicators in the area of conjugal violence. Fieldwork is necessary in order to collect the data.

***Question 29. Please provide information on measures taken by the State party to encourage victims of sexual violence to report such incidents.***

40. Sexual violence is a harmful practice but, with the support of partners such as the United Nations Children's Fund (UNICEF), a number of awareness-raising campaigns have been organized targeting influential figures, religious leaders and indeed the community at large.

41. Advocacy campaigns have also been organized.

42. The draft bill amending and supplementing certain provisions of the Criminal Code addresses this point. For the moment, however, sexual violence is punished under the aforementioned articles of the Criminal Code, which refer to rape of minors and others. Awareness-raising campaigns for victims have been organized by the Ministry for Social Action, National Solidarity and the Family and women's associations in order to encourage women victims to report such incidents.

***Question 30. Please indicate whether the new Persons and Family Code (report, para. 62) has been adopted, and whether it guarantees equal rights for men and women.***

43. The Persons and Family Code has not yet been adopted because opinion among religious and political leaders is divided on some points such as children born outside marriage, divorce and inheritance. Most of the reservations expressed by the various groups have been withdrawn. The Code that is now being adopted will guarantee equal rights for men and women.

***Question 31. Please provide detailed updated information on the measures taken by the State party during the period 2003-2008 to end discrimination against women with regard to marriage, divorce, inheritance, property and nationality.***

44. If the Criminal Code and the Persons and Family Code are adopted the issues of marriage, divorce, inheritance, property and nationality will be resolved. These issues present considerable difficulties:

- (a) Early marriage is condemned since it takes no account of age;
- (b) Divorce is not acceptable in Christian circles, yet early marriage generally leads to divorce;
- (c) In some cases orphans and widows are disadvantaged in terms of inheritance because customary law prevails over positive law.

45. Measures taken by the Government to end discrimination against women with regard to marriage, divorce, inheritance, property and nationality include: the Persons and Family Code, which will establish a legal framework, and the creation of the Gender Directorate within the Ministry for Social Action, National Solidarity and the Family.

***Question 32. Please state whether the practice of female genital mutilation is forbidden by law and provide information on: (a) the extent of female genital mutilation in Chad; (b) measures taken or envisaged to combat the practice and, in particular, measures aimed at raising public awareness and promoting the education of girls.***

46. By ratifying the Convention on the Rights of the Child in 1990, Chad has joined other countries in outlawing traditional practices that are harmful to children's health. The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, paragraph 1, interprets this concept more broadly, condemning all behaviour, attitudes and/or practices which negatively affect the fundamental rights of women and girls, such as their right to life, health, education, dignity and physical integrity. Female genital mutilation is spreading within our communities and even extends to displaced populations.



47. In Chad's case it would be advisable to review national legal instruments and bring them into line with international instruments, given the inadequate treatment of this subject. Article 252 of the Criminal Code is not usually applicable since criminal law must be interpreted strictly and cannot be adapted for use in cases of this kind. The provisions of Act No. 006, on reproductive health, are very flexible. It would therefore be wise to carry out an extensive review of domestic law, which is obsolete and no longer addresses current situations.

48. Measures taken to put an end to these practices include Act No. 006, on reproductive health, which prohibits female genital mutilation, and awareness-raising campaigns for the general public run by the Ministry for Social Action, National Solidarity and the Family and women's associations. Reproductive health has also been introduced into school curricula in order to educate girls about the risks and hazards of female genital mutilation.

***Question 33. Please provide information on measures taken to protect children against all forms of exploitation, in particular dangerous work or work liable to harm their health, education or development.***

49. Under article 20 of the Constitution, "no person may be subjected to slavery or servitude". Article 5 of Act No. 038 of 11 December 1996 establishing the Labour Code provides that "forced or compulsory labour is prohibited". Certain practices in rural and urban areas are however deemed to be a modern form of slavery because they exploit the employee in an abusive manner. Such practices include: the use of the children of sedentary populations to tend the herds of nomadic herders (child herders), muhajirin (mendicant Koranic students) and domestic workers.

50. In order to put these activities on a sustainable footing, a network to combat the use of child herders was set up in March 2006 with UNICEF support. The poverty reduction strategy likewise devotes great attention to the problem. Chad has ratified the various International Labour Organization (ILO) conventions prohibiting forced labour, in particular the Convention concerning Forced or Compulsory Labour, 1930 (No. 29) the Convention concerning Employment of Women during the Night, 1934 (No. 41) and the Convention concerning the Abolition of Forced Labour, 1957 (No. 105). Domestic legislation also reflects certain provisions of ILO Conventions Nos. 138 and 182. Examples are: articles 20, 32, 35 and 38 of the Constitution of 31 March 1996; articles 18, 52, 206, 208 and 210 of Act No. 38 of 11 December 1996 establishing the Labour Code; and Decree No. 55/PR/PM-MTJS-DTMOPS of 8 February 1996 concerning child labour, which has just been amended to take into account the provisions of ILO Convention No. 182. With the aim of protecting women and child victims of trafficking in human beings Chad recently signed the regional multilateral cooperation agreement and has also adopted the regional Action Plan to Combat Trafficking in Human Beings, especially women and children, signed in Abuja, Nigeria, on 7 July 2006. The multilateral agreement deals with the prevention of trafficking, prosecution of perpetrators, assistance and protection for victims and their rehabilitation and social integration, and the coordination of investigation, arrest and sentencing of traffickers and their accomplices. A number of measures are provided for in the Action Plan. These include refusal of admission to Chad, or the cancellation of visas, for persons wanted for crimes relating to trafficking in human beings, and mutual judicial assistance in the extradition of perpetrators.

51. Measures taken by the Government to protect children against all forms of exploitation, in particular dangerous work or work liable to harm their health, education or development include the following:

- (a) Physical and psychological rehabilitation and reintegration of child soldiers;
- (b) Research into sexual harassment in schools and the problem of girls dropping out;
- (c) Information on children's rights, and counselling and legal assistance.

***Question 34. Please provide detailed updated information on measures taken to abolish the practice of exploitation of child drovers, who are subjected to a contemporary form of slavery.***

52. In consultation with development partners and local communities, the Government is considering ways of eliminating this social phenomenon, which is becoming increasingly common despite its negative impact on the life and health of the victims. To that end they have formulated an integrated communication plan on the use of children as herders, which addresses all the stakeholders; it was put into effect in 2002 with UNICEF support. The activities carried out under this plan have led to the involvement of the administrative and religious authorities in the campaign. Positive results have been obtained, including the reduction of the problem in some areas and the rescue of child herders and their return to their families. A total of 264 children were rescued and returned in 2004 and 2005.

***Question 35. Please: (a) provide detailed information on urgent measures taken or envisaged by the State party to ensure respect for the rights of the categories of children referred to in paragraph 152 of the report; (b) describe in particular measures aimed at child victims of armed conflicts, including measures to reintegrate child soldiers; and (c) describe progress made in the project for the integrated development of children mentioned in paragraph 149 of the report.***

53. The revised Constitution of 2005, in articles 37 and 38, makes parents and local communities responsible for the upbringing and welfare of children. However, the State does not grant benefits to ensure that such provisions are implemented; most families do not receive any assistance in this respect. The measures planned in this regard consist in cooperating with UNICEF on parent education in rural areas and community day-care centres. Children may not be employed in any occupation before the age of 14, unless they are covered by a dispensation decreed, by the Minister of Labour and Social Security and the Minister of Health, in the light of the tasks that such children would have to carry out. Children may be hired only with the consent of their legal guardians. Street children, muhajirin children (mendicant Koranic students), children of lepers and children of livestock herders are the ones most concerned. Generally, mentally and physically disabled children and orphans are looked after entirely by their families. The State has no facilities to provide them with care. Orphanages do exist, but they are few in number. The Department for Children and the Department for Disabled Persons, in the Ministry for Social Action, and the Department for Judicial Supervision, in the Ministry of Justice, deal with this question. Unfortunately, information is not extensively available to the public. The report submitted by Chad to the Committee on the Rights of the Child (CRC/C/TCD/2) sheds more light on these issues, and can be read in parallel with this section.

54. The recruitment of minors under 18 into the army is officially prohibited by law. Children can nevertheless be found in military camps and among armed groups, although there are unfortunately no statistics on this. Awareness campaigns have been organized by United Nations agencies and international NGOs with a view to curbing the problem and a children's parliament has been established to give children a voice, as recommended by the United Nations. The Government has signed an agreement with UNICEF on the reintegration of child soldiers into the working population. Chad has also undertaken to implement the principles adopted at the "Free Children from War" conference in Paris. In addition, international humanitarian law is taught in the gendarmerie and police academies.

55. In 2005 the Government drafted and approved a policy for the comprehensive development of young children and the following measures have been taken:

(a) By 2015, 100 per cent of children up to the age of 8 will be registered at birth, will enjoy protection from violence, exploitation and discrimination, and will be in good health and developing in a well-balanced manner in physical, cognitive, socio-affective and psychological terms;

(b) A programme to prevent the transmission of HIV/AIDS from mother to child has been introduced in the health services throughout the country.

56. These measures have had a definite effect: recently there has been a wave of birth registrations, and significant progress has been made with these measures in other respects.

***Question 36. In view of the high rate of pregnancy in teenage girls between the ages of 15 and 19 (report, para. 59), please indicate what measures the State party is taking to diminish the number of early pregnancies. Please also provide information on existing sex education programmes and on access to those programmes. Please also describe measures taken by the State party to promote access to contraceptives, public health services in the area of sexuality and reproduction, and education in those subjects.***

57. According to Chad's Health Statistics Yearbook 2004, Chadian women have their first pregnancy at an early age and their fertility rate is very high from their early years: 194 births are recorded for every 1,000 girls aged 15 to 19. Girls aged 12 to 15 account for 13.3 per cent of the birth rate and for 13 per cent of the fertility rate. There are several programmes and services for preventing and treating health problems among adolescent girls. There is a national strategic framework and a three-year plan. This strategy is focused on prevention work among young people and, when they fall ill, on antiretroviral treatment and monitoring. The relevant health facilities are equipped to provide this treatment, but breakdowns occur from time to time. In addition, there is a shortage of centres for voluntary examination and diagnosis, and people show little enthusiasm for the free diagnostic tests. The National Reproductive Health Programme regards female genital mutilation as a priority area of its work. Projects on, among other things, adolescent health, repair of fistulas, and the social reintegration of victims are being carried out. The prevention and treatment of female genital mutilation have been incorporated in the National School for Social and Health Workers (ENASS) vocational training programmes. Lastly, several women's associations (the Women's Associations Liaison Unit (CELIAF), the National Committee to Combat Harmful Traditional Practices (CONACIAF-Chad), the Chadian

Association for Family Welfare (ASTBEF) and the Association of Female Jurists (AFJT)) conduct awareness-raising campaigns among various population groups in an effort to eradicate this practice.

#### **F. Article 11. Right to an adequate standard of living**

***Question 37. In connection with the information provided in paragraphs 154 and 157 of the report, please give detailed information on the programmes and policies the State party intends to adopt to combat poverty, and particularly those aimed at female-headed households and at persons and families living in unplanned communities.***

58. According to the 2005 and 2006 Human Development Reports of the United Nations Development Programme (UNDP), Chad is among the countries with the lowest human development ratings, respectively 173rd and 171st out of 177. The Chadian people are extremely poor. There is also a considerable disparity between the standards of living of the rural and urban populations throughout the country. Generally speaking, poverty affects women more than men. A certain number of measures have been taken by the Government to counter poverty in female-headed households and among persons and families living in unplanned communities:

- (a) The establishment of the Ministry for Microfinance and Anti-Poverty Measures, which gives loans to this group;
- (b) The Poverty Reduction and Action for Women Project (Ministry for Social Action, National Solidarity and the Family);
- (c) The national poverty reduction strategy.

***Question 38. Please give detailed updated information on measures taken to ensure inexpensive access to clean water and good quality sanitation, in particular in rural areas and unplanned urban communities.***

59. In terms of inexpensive access to clean water, measures have been taken by the Ministry of Trade and Industry to combat the high cost of living. In recent years the Chadian State has made noteworthy efforts in the area of water supply, with the support of some of its development partners. These joint efforts have enabled water services to be extended to isolated areas of the country, inter alia through the construction of water towers. In addition, an inter-ministerial price control commission has been set up and the N'Djamena Nadif city sanitation project has been launched.

***Question 39. The State party indicates in paragraph 156 of the report that a large part of the population is experiencing chronic food insecurity. Please describe what urgent measures are being taken to guarantee the population's right to food.***

60. The National Food Security Office and the national food security project have launched various initiatives to offset the shortage of foodstuffs. One such initiative is the Poverty Reduction and Action for Women Project of the Ministry for Social Action, National Solidarity and the Family. It should be noted, of course, that all these initiatives remain limited in scope given the State's budgetary constraints. As part of the measures taken to combat food insecurity,

the Ministry of Trade and Industry has ordered a price freeze on local and imported foodstuffs. However, the Government remains concerned about and very mindful of the development of new strategies to enable citizens to fully enjoy their right to adequate food. No government policy or law has had an adverse effect on access to food. However, the predominance of cash crops over subsistence crops in national practice has produced famine in the south, in the very cotton-growing areas that are supposed to be the country's granary.

**Question 40.** *In addition to the information provided in paragraph 176 of the report, please provide information on the number of persons and families who are:*  
*(a) homeless or inadequately housed and have no access to basic sanitation services; or (b) living in shelters exposed to the elements. Please also describe public programmes aimed at guaranteeing access to adequate housing with legal security of tenure for persons and families belonging to the most disadvantaged and marginalized groups.*

61. In Chad, nearly 90 per cent of vulnerable persons are exposed to severe weather owing to a lack of decent housing. The right to housing is guaranteed by article 43 of the Constitution: "All Chadians have the right to establish freely their domicile or residence anywhere in the national territory." It is true that some families are poorly housed, owing to a shortage of accommodation, but there are no statistics in this regard. The Chadian Government, with the help of UNDP and the United Nations Human Settlements Programme (UN-Habitat), has launched a housing programme aimed at improving housing and living conditions in disadvantaged urban areas. The entire population, except for a very few people living in town centres, lack basic amenities such as running water, air conditioning, waste removal, sanitary facilities and electricity. These basic amenities are inaccessible.

62. The Government has launched a social housing building programme. A certain amount of housing has already been built for allocation to disadvantaged and marginalized groups. In addition, steps have been taken to exempt building materials from taxes in order to allow all Chadians decent housing.

**Question 41.** *Please indicate the number of persons or families expelled from their homes during the last five years. In light of recent reports that thousands were expelled from their homes in N'Djamena in March 2008 and that Chad's 1967 Land Act prohibits expropriation without due process, please provide information on legal provisions establishing the circumstances in which expulsions may be carried out, on occupants' right to legal security of tenure and protection against expulsions, including restitution, resettlement and adequate compensation.*

63. Holders of property deeds have the irrevocable right, in the event of expropriation, to compensation amounting to the value of the property in question. Act No. 67-25 of 22 July 1967, on the limitation of land rights, governs land issues in Chad. Article 1 of the Act provides that nobody shall be deprived of ownership of property or use of the land unless this is required by the public interest, compensation is paid and the legal provisions are applied. Under article 2 of the Act, "expropriation is a procedure whereby the authorities compel a legal or physical person to transfer ownership of a building or a title to property to them in the public interest and against indemnification". Prior to any expropriation, an inquiry must be conducted over a one- to four-month period, and must be sufficiently publicized in order to enable all concerned

especially those likely to be expropriated, to express their views. On the basis of the results of the inquiry, a decree adopted by the Council of Ministers declares the planned operation to be in the public interest, determines the plots of land to be expropriated and orders their expropriation. In the case of the two expropriated districts of Gardolet and Walia Ngozo, the expropriated persons have been compensated. Article 16 of the Act states that “eviction is a procedure whereby apparently bona fide, albeit not legal, occupants of land belonging to the public authority are constrained to leave that land even if they have cultivated it or built on it. Article 17 of the Act establishes the right to compensation for eviction. The amount of compensation is calculated by a committee, the membership of which is established by decree and represents the interested parties. Thousands of people have been evicted in this way. They have not been compensated because they were occupying public land or land set aside by the State.

***Question 42. Please provide specific information on the content of the Investment Code established under Ordinance No. 025/PR/87 (para. 70), in light of articles 7, 8 and 9 of the Covenant.***

64. By Ordinance No. 025/PR/87 of 8 December 1987 Chad adopted and implemented the Investment Code. In addition, the Labour Code was adopted on 11 December 1996 with a view to regulating working conditions and facilitating negotiations. In terms of investment, the Ordinance provides for two types of private investment regime. Under article 1, private investments in the Republic of Chad benefit from an ordinary law regime and privileged regimes:

- (a) Regime A: for small and medium-sized enterprises with a majority domestic ownership;
- (b) Regime B: applicable to enterprises whose activity is limited to the national territory;
- (c) Regime C: applicable to enterprises and establishments based in Chad and whose market extends to the territories of two or more States of the Central African Economic and Monetary Community;
- (d) Regime D: reserved for enterprises that are of great importance to the economic and social development of the Republic of Chad and whose levels of investment are very high.

65. In addition, conventions on establishment may be concluded between the Government and approved enterprises. Article 2 of the Ordinance provides that private investments may be made freely in Chad subject to specific provisions aimed, in particular, at ensuring protection of public health and environmental health, social protection or protection of the public economy. In addition, all acquired rights are guaranteed to enterprises that are lawfully established in Chad.

66. None of the provisions of the Investment Code takes account of such considerations as the right to just and favourable conditions of work, labour rights or the right to social security but all investors are required to take them into account in accordance with the Constitution, the Chadian Labour Code, other provisions of law and the collective labour agreement.

***Question 43. Please provide information on the impact of oil extraction activities on the enjoyment of economic, social and cultural rights, in particular the right to food. Please also state to what extent oil revenues are used to implement poverty-reduction policies.***

67. Expropriation in the oil production areas, for which there has been little or no compensation, has adversely affected access to food. It should also be pointed out that the departure of many young people to work on the petroleum project has considerably reduced the agricultural workforce. Economic insecurity has also had a negative impact on access to food, reflected in the steady increase in food prices, which often run out of government control. Other factors, too, have adversely affected food production: severe weather, population pressures, pest infestations, drought and intercommunity conflicts.

68. However, it must be noted that agriculture has always been one of the State's priorities, as is shown by the establishment of mechanisms to ensure adequate food such as the national food security project and the National Food Security Office, the Société de Développement du Lac (SODELAC), the development areas (*casiers*) A and B rehabilitation projects, the agricultural services and growers' organizations support project and the agricultural and pastoral services project. In addition, the State encourages associations and NGOs to disseminate information on access to food.

**G. Article 12. Right of everyone to the enjoyment of the highest attainable standard of physical and mental health**

***Question 44. Please provide information on health programmes and policies put in place to guarantee access to appropriate health services and establishments, in particular at the community level. Please also give statistical information concerning available qualified medical personnel, disaggregated by rural and urban areas, including poor urban areas, and by disadvantaged or marginalized persons and groups.***

69. The national health policy was adopted in 1998. Its overall objective is to provide the population with access to basic health services of good quality. The health system in Chad is a three-tier pyramidal structure. The first tier is the central level, consisting of a national health board, a central administration, Government-controlled organizations and a general referral hospital. The second tier is the intermediate level, consisting of regional health boards, regional health offices, regional public hospitals, training schools and regional supply pharmacies. The third is the local level, made up of district health boards, district public hospitals, a management team, health boards with particular areas of responsibility, and health centres.

70. The sanitation departments of hospitals and municipalities try to do their work, but have inadequate facilities. Some time ago, the Government introduced broad dissemination of generic products. Act No. 18/PR/99, on the establishment of public hospitals in prefectures and district health offices in Chad, was adopted on 10 December 1999.

**Some data on the health system in Chad (health coverage by health office)**

No.	Regional health offices	Population	Doctors	Qualified nurses	Midwives	Hospitals	Beds	Areas of operational responsibility
1	Batha	425 935	7	68	3	2	117	21
2	Borkou-Ennedi-Tibesti	108 064	5	35	1	2	49	9
3	Chari Baguirmi	676 789	3	36	0	3	110	29
4	Hadjer Lamis	387 747	4	26	0	3	92	30
5	Guera	452 211	10	66	5	4	188	32
6	Kanem	413 338	6	74	5	3	94	68
7	Lac	373 478	4	62	3	2	53	37
8	Logone Occidental	672 572	17	119	14	3	601	38
9	Logone Oriental	651 272	7	79	3	4	193	58
10	Mandoul	593 083	5	38	2	3	166	38
11	Mayo Kebbi Est	738 729	11	128	10	3	246	49
12	Mayo Kebbi Ouest	479 693	3	35	4	2	226	22
13	Moyen Chari	504 057	13	114	14	3	333	32
14	N'Djamena	784 019	208	275	150	3	920	46
15	Ouaddai	803 119	13	84	6	4	270	46
16	Salamat	272 288	5	65	5	3	110	16
17	Tandjile	670 157	5	51	5	4	142	49
18	Wadi Fira	272 885	7	52	3	3	97	19
20	Total	9 272 900	333	1 437	233	50	3 952	639

*Source:* Ministry of Health, Health Statistics Yearbook, 2005.

**Question 45.** *Please give more detailed information on the health prevention and protection measures available for persons suffering from polio, malaria, cholera, HIV/AIDS, meningitis and yellow fever, and proposed measures to ensure that they have cheap and equal access to appropriate treatment and medication. What are the results of the national health policy launched in 1998 (report, para. 194)?*

71. The Government has introduced the Strategy for Promoting Children's Survival and Development (SASDE) in the form of national programmes to combat diarrhoea and acute respiratory diseases, the expanded programme on immunization (EPI), and the programmes on health and nutrition, promotion of breastfeeding, integrated treatment of childhood diseases (PCIME), and the fight against malaria. In addition, a programme to prevent the transmission of HIV/AIDS from mother to child has been introduced in health services throughout the country. A number of national programmes have also been introduced:

- (a) National Programme to Combat HIV/AIDS;
- (b) National Programme to Combat Tuberculosis;



- (c) National Programme to Combat Blindness;
- (d) National Programme to Combat Trypanosomiasis;
- (e) National Programme to Combat Diarrhoea and Acute Respiratory Infections;
- (f) National Reproductive Health Programme;
- (g) Expanded Programme on Immunization (EPI);
- (h) Health/Nutrition Programme;
- (i) National Programme to Promote Breastfeeding;
- (j) National Programme on Integrated Treatment of Childhood Diseases (PCIME);
- (k) National Programme to Combat Malaria.

72. Polio, malaria, cholera, HIV/AIDS, meningitis and yellow fever patients receive treatment from the health services. Treatment and medication are free of charge. The national health policy launched in 1998 has made it possible to structure the country's health system, standardize treatment fees and get medicines to regional supply pharmacies, so as to ensure that medication is available in all health centres.

***Question 46. Please provide detailed updated information on the work of the sanitation services in municipal districts, including the construction of latrines (report, para. 195), and on the results achieved.***

73. The sanitation departments of hospitals and municipalities try to do their jobs but have inadequate facilities. To boost their capacity, the Government has issued the city of N'Djamena with 125 vehicles and 30,000 dustbins. The 125 vehicles comprise 65 garbage trucks, five road cleaning and maintenance vehicles, five septic tank pumping trucks, 20 public works vehicles and 20 public works containers. Public latrines have also been built in municipal districts, in the vicinity of public spaces such as marketplaces. This initiative is to be extended to other municipalities throughout the country.

***Question 47. Given that the State party is among the 10 countries in the world with the highest number of victims of mines and munitions explosions, please indicate what measures are being taken by the State party to demine the north of the country and provide assistance to victims.***

74. With regard to measures to demine the north of the country, the Government has set up a National Demining Commission, which is supported by the United Nations Mine Action Service (UNMAS), and several parts of the north have been demined by the Commission's technical services in partnership with UNMAS. The victims of mines and munitions explosions are looked after by the bodies set up for that purpose.

## H. Articles 13 and 14. Right to education

**Question 48.** *Please provide information on measures taken by the State party to combat illiteracy, which according to some reports is an alarming problem in Chad.*

75. Chad is a country where the illiteracy rate is fairly high and efforts are being made to provide basic education for those who have not received or completed primary education. In order to combat illiteracy, a decree was issued by the Government in 2000 establishing a Committee for the Elimination of Illiteracy in Chad (Decree No. 006/PR/MEN/90, establishing a National Committee for the Elimination of Illiteracy in Chad). In this connection, a ministerial department responsible for literacy is being established in the Faculty of Arts and Human Sciences to train literacy advisers, who will focus on this aspect of education. Just recently, the Government passed Act No. 016/PR/06 of 13 March 2006 on education policy. The Act lays down the legal and general organizational framework and basic policies of the Chadian education system. In accordance with article 2 of the Act, the Chadian education system consists of a group of bodies responsible for proposing initiatives and ideas, in charge of planning, production and management structures, of education districts, and of teaching, training and research facilities working for the transfer of knowledge, skills and attitudes. The system comes under the sovereignty and responsibility of the State, which defines its framework. In keeping with the principle enshrined in the Constitution, the Act states that every person has the right to education and training, without distinction as to age, sex, regional, social or ethnic origin or religious belief. Under article 4, paragraph 2, of the Act education is an absolute national priority. The principles established by the State for the organization and functioning of the education system also apply to instruction, education, training and research by other public bodies and private individuals.

**Question 49.** *Please indicate to what extent free and compulsory primary education is provided to all children in Chad. In this regard, what is the situation of poor children in urban and rural areas and of indigenous children?*

76. Education is a priority sector in Chad. In keeping with its means, the State does its best to provide teachers' salaries and in-service training, fund construction and purchase teaching materials, furniture and supplies. The following has been noted:

- (a) Insufficient infrastructure (lack of classrooms);
- (b) Poorly trained teachers (62 per cent lack vocational training).

77. It is thus important to stress that the reminder issued this year by the Ministry of Education concerning the obligation to ensure free compulsory education has helped speed progress in this area. Free compulsory education is guaranteed under article 35 of the Constitution, and to that

end the Government has launched a major project to build primary and secondary schools and higher education institutions in every region, including municipalities and urban districts. This measure will give poor children in urban and rural areas access to free education.

***Question 50. Please describe measures taken by the State party to reduce the high rate of school dropout in the poorest regions of the country, particularly the rural regions.***

78. With a view to providing universal quality education by 2015, the Government and its partners adopted a 10-year programme to support the reform of the education system for the period 2004-2015; the aims are to secure a significant improvement in the retention rates in primary education, train community teachers, formulate innovative programmes to combat illiteracy, enhance the quality of learning, and substantially increase girls' school attendance. To this end the State committed itself to take the following key actions:

(a) To increase substantially the share of GDP allocated to education (at least 4 per cent by 2015);

(b) To allocate at least 50 per cent of the education budget to the development of basic education;

(c) To increase the operational budget for education by at least 20 per cent every year for the duration of the programme;

(d) To establish a National Curriculum Centre to formulate national bilingual programmes, with the production of Chadian textbooks to be distributed free to all children by 2011.

79. The steps taken by the Government to reduce the high school dropout rate in the poorest regions and particularly rural areas are:

(a) Construction of local schools;

(b) Prohibition on enrolling children in the Army;

(c) Setting up of school canteens in poor and rural areas;

(d) Prohibition on early marriage;

(e) Establishment of a basic education office within the Ministry of Education to set up and provide support to centres for non-formal basic education, which receive children who have dropped out of school and enable them to continue with their education.

These measures have borne fruit and there has been a considerable reduction in the school dropout rate in parts of the country.

### I. Article 15. Right to take part in cultural life

***Question 51. Please give detailed information on measures taken to promote exchanges between the various ethnic groups in Chad, and to create favourable conditions for preserving, developing, expressing and publicizing their history, culture, language, traditions and customs. Please also provide information on concrete measures taken by the State party to ensure to everyone, including disadvantaged and marginalized persons and groups, inexpensive access to the benefits of scientific progress and its applications.***

80. The right to culture is guaranteed by articles 33 and 34 of the Constitution. Every Chadian has the right to culture. It is the duty of the State to safeguard and promote the national values of civilization. Every citizen has the right to create, to enjoy protection of and to benefit from his intellectual and artistic works. The State ensures the promotion and protection of the national cultural heritage and artistic and literary production. There is a ministry specifically responsible for culture, youth and sport which deals with all such matters within its sphere of competence. Public and private radio stations have increased in number in recent years and constitute the most important information and communication medium and the best means of encouraging cultural life. These efforts are supported by the press, which pursues the same goals, and the State encourages all its activities. A Department of National Archives and Heritage has been established. Terms of reference for private radio stations were introduced by decision No. 007/HCC/P/SG/99 of 10 June 1999, as amended, regulating private radio stations. Article 15 of this decision provides: "Private radio stations must devote at least 30 per cent of their broadcasting to national programmes and at least 30 per cent to national music." National private radio stations which have agreements with foreign radio stations cannot devote more than 30 per cent of their broadcasting to programmes by foreign radio stations. The following measures have been taken:

- (a) Proclaiming a national school and university sports week;
- (b) Establishment of holiday camps;
- (c) Establishment of the Office for the Regulation of Telecommunications (OTRT);
- (d) The spread of cybercafés.

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