



**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

SUMMARY RECORD OF THE 1960th MEETING

Held at the Palais Wilson, Geneva,
on Thursday, 20 August 2009, at 3 p.m.

Chairperson: Ms. DAH

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The meeting was called to order at 3.20 p.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (continued)

Tenth to fifteenth periodic reports of Chad (CERD/C/TCD/15; CERD/C/TCD/Q/15; HRI/CORE/1/Add.88; written replies, document without a symbol, French only)

1. At the invitation of the Chairperson, the members of the delegation of Chad took places at the Committee table.
2. Mr. DJASNABAILLE (Chad), introducing Chad's combined tenth to fifteenth periodic reports (CERD/C/TCD/15), said that, 49 years after independence, Chad continued to suffer the consequences of decades of instability and armed conflict. Politically speaking, the country was very young, and nation-building and institution-building were far from accomplished. He gave a brief overview of Chad's turbulent post-independence history and its complex geopolitical situation. The political situation in neighbouring countries, especially the Sudan, also had a direct impact on socio-economic and political development in Chad. The influx of some 250,000 refugees following the Darfur crisis in 2003, combined with the internal displacement of some 140,000 Chadians, had taken a heavy toll. In that context, upholding human rights and fundamental freedoms was a monumental task.
3. In addition, Chadian society was traditionally male-dominated, and the ongoing armed conflict had created a culture where violence was seen as an acceptable way of life. Children had grown up in an environment where rape and armed clashes had been commonplace, and the phenomenon of child soldiers was one of the consequences. Furthermore, tradition had it that children born into military families often became soldiers themselves, and efforts to demobilize them were not always successful. However, much progress had been made in the rehabilitation and social reintegration of child soldiers, in cooperation with the United Nations Children's Fund and NGOs.
4. The implementation of domestic and international human rights instruments was hampered by a lack of public awareness. The absence of a professional army also posed serious problems. For many Chadians, joining the armed forces had not been a choice, but a necessity imposed by omnipresent armed conflict, combined with Sudanese aggression against Chad. As a result, Chadian soldiers were mostly ill-trained and often illiterate. Despite that lack of training, members of the armed forces frequently occupied posts within State institutions, with all the attendant problems in terms of human rights.
5. In order to enhance the credibility and effectiveness of State institutions, a project was currently being implemented with the support of the Government of France and the European Union to train civil servants, including justices of the peace. In an effort to "clean up" State institutions, unqualified civil servants had been dismissed and minimum standards for civil service employment had been introduced, which included mandatory skill enhancement and further training. The support of the international community was crucial in that regard.

6. The 13 August 2007 agreement on electoral reforms sought to pave the way for free and transparent elections. In order to create an environment where such elections were possible, it was essential to address the issues he had mentioned relating to the armed forces, ensure respect for State institutions and limit the influence of traditional chiefs.

7. In order to combat the problem of widespread gender-based violence, a family code had been prepared that addressed a range of issues pertaining to women's place in society. Legal guarantees for gender equality were not implemented in practice, but the Government was conducting a range of activities to facilitate progress towards observance of international human rights standards. Civil society played an important role in those efforts, especially in the area of public awareness-raising.

8. Another difficulty was inadequate administration of justice. Both resources and well-trained staff were in short supply, and corruption was rife. In an effort to combat corruption, monitoring activities were being carried out regularly and the findings were made public. As yet, there were no specialized training institutions for judges, and legal education in general was deficient. Improvements in that area were vital to ensuring adequate access to justice. Reconciling customary law with the norms and values of modern law, including international human rights standards, was also a challenge.

9. Although racial discrimination as such did not exist in Chad, a lack of mutual tolerance and persistent ideological rivalry between different ethnic and religious groups were widespread. Awareness-raising activities therefore focused on peaceful coexistence and the promotion of common values. The most serious discrimination-related issue was the status of women in Chadian society. Discriminatory practices such as lack of access to education for girls, early marriage and female genital mutilation were deeply rooted in tradition and difficult to eradicate. Domestic violence was also a problem, and women often refrained from taking legal action for fear of social retaliation. A number of women's organizations had been set up to support women in their struggle against domestic violence, including by helping them file complaints.

10. The difficult socio-economic situation and ongoing armed conflict had also had a negative effect on the situation of children. Violations of children's rights included forced labour, kidnapping for ransom, and exploitation and abuse by marabouts (religious teachers). The abuse of children placed in religious reform schools, sometimes thousands of miles away from their homes or abroad, had attracted considerable public attention. In response to a series of complaints and reports, the schools had been closed, and the marabouts implicated in the violations had been brought to justice. It was now prohibited to send children to religious schools abroad, since they were less vulnerable in a familiar environment closer to home.

11. The Government had taken steps to ensure that NGOs were able to carry out their work, in cooperation with the National Commission on Human Rights. The Government was organizing a National Human Rights Forum in November 2009, where many NGOs would be represented. He invited the Committee to attend the forum, which would include workshops on human rights, discrimination and NGOs. The Committee's expertise would be invaluable at that event. The

Government had already invited the United Nations High Commissioner for Human Rights and representatives of the European Union as well as experts from Africa, Europe and the United States of America. The Government hoped to find tangible responses to human rights issues, and that the forum would establish an action plan which would become the 2010 human rights policy. It also hoped to receive financial assistance and expert advice from the international community to bring its legislation into line with the international human rights instruments it had ratified and to ensure their implementation throughout the country.

12. He also called on the international community to help resolve the situation in Darfur, which was causing many problems in terms of violence, refugees and human rights violations in his country and across the border. The measures that both Chad and the international community had taken to date had not had the desired effect, particularly in terms of prosecuting the perpetrators and politicians involved in the violence.

13. Mr. EWOMSAN (Country Rapporteur) welcomed the renewal of the Committee's dialogue with the State party after 14 years and the establishment of the Ministry of Human Rights. Despite the 1993 National Conference, intended to begin the process of national reconciliation after the civil war, a culture of conflict and armed rebellion continued to mark the State party; it seemed to have become almost a means of political expression. In her 2005 report on the situation of human rights in Chad, the United Nations Independent Expert had noted that national identity took second place to ethnic or even clan identity. In its concluding observations of 1995, the Committee had expressed its concern at the ethnic aspect of the human rights violations, the predominant influence of certain ethnic minorities close to the State within the administration and the army, and the growing antagonism between the north and south of the country. Its recommendations had focused on the ethnic characteristics of the population, the reforms undertaken following the National Conference, the lines of action open to the National Commission on Human Rights and technical assistance available from the United Nations Centre for Human Rights. He commended the State party for having established a Permanent Mission in Geneva.

14. The periodic report provided geographical, historical, political and statistical information on the State party. A wealth of demographic and ethnic data had been supplied, based on the 1993 census. It had identified over 100 ethnic communities, which were categorized into 14 main ethnic groups on the basis of linguistic and geographical criteria, way of life, and practices and customs. However, the ethnic classification carried out by the Central Census Bureau had yielded 16 main ethnic groups, and other reports spoke of between 200 and 235 ethnicities. He asked how that divergence could be explained, how the Toubou and Zaghawa communities were classified, and whether the State party planned to conduct another census in order to update its demographic details and provide reliable information on the ethnic composition of the population.

15. He commended the State party on the adoption of its 1996 Constitution and its 2005 revision. The Government had clearly demonstrated its will to build a unified State based on respect for the rule of law and the principles of good governance and fundamental rights. The State party had ratified the majority of the principal international human rights

instruments; the Committee encouraged it to ratify the remainder, particularly the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

16. He took note of the constitutional and other reforms made by the State party, including the establishment of the Constitutional Council, the High Court of Justice, the Higher Council on Communication and the Economic, Social and Cultural Council. Concerning legislative reform, the Electoral Code Act, the Act on the Orientation of the Chadian Education System, the General Civil Service Regulations, the Labour Code and the Political Parties Charter Act were all praiseworthy initiatives, but appeared not to be implemented in practice. He had read reports of journalists being intimidated, harassed and arrested and newspapers closed in order to limit the freedom of the press. Moreover, an ordinance had allegedly been adopted establishing longer prison sentences for press offences. He asked what measures the State party planned to take to resolve that situation.

17. He noted with interest the reform of the armed forces, in line with Committee's 1995 recommendations, and the State party's commitment to include human rights and humanitarian law on the military training curriculum. However, there had been reports that, during the conflicts of February 2008, Government forces had been guilty of cruel, inhuman and degrading treatment, rape and summary executions. He would welcome the delegation's comments on those allegations and details of any measures the State party had taken or intended to take to ensure the perpetrators were brought to justice. Particularly in the light of the reprisals against members of the Gorane and Ouaddai ethnic groups, some members of which had been responsible for the rebellion, he wished to know what measures the Government was planning to take to create the conditions for genuine national reconciliation in order to establish lasting peace.

18. He welcomed the initiative to hold a National Human Rights Forum, and hoped that one of its outcomes would be to expedite the reform of the National Commission on Human Rights, particularly with a view to ensuring its independence and harmonization with the Paris Principles. The State party should ensure the Commission had sufficient resources to carry out its mandate. He thanked the State party for inviting the Committee to attend the forum.

19. Turning to the capacity-building programmes conducted in cooperation with the Office of the United Nations High Commissioner for Human Rights and the United Nations Development Programme, he requested information on the achievements of the programmes and the level of involvement of the Ministry of Human Rights. It would be useful to learn whether the National Mediator would be a component of the current programme. What measures had been taken to increase the National Mediator's independence?

20. Observing with interest that international treaties took precedence over national law in Chad, he nevertheless underlined the lack of domestic legislation referring to the notion of racial discrimination as defined in the Convention. Although the Constitution prohibited any traditional practices that threatened public order or the well-being of citizens, Chad was still a very traditional society, in which formal legislation existed side by side with customary law. He

requested further details concerning the practice of paying *diya* (blood money), the amount of which was decided by reference to ethnic origin rather than to the seriousness of the offence committed, and on the caste systems established by traditional law. Women's rights were also adversely affected by customary law. What measures did the State party envisage taking to ensure that women enjoyed inheritance rights and that cases of rape were dealt with under criminal legislation?

21. The Committee on the Rights of the Child had noted that discrimination in education between boys and girls was widespread. What was being done to ensure the implementation of legislation in that area and of the 2002 Act banning female genital mutilation? He also drew attention to reports of exploitation of children for labour.

22. Turning to the subject of refugees and intercommunity tensions arising from competition in access to resources, he noted that security was still a major concern, particularly in relation to the presence of armed rebel groups and heightened inter-ethnic conflicts. Impunity and sexual violence were of great concern. Among refugee groups, there were a high number of cases of rape but births were often not registered, and maternal and child mortality rates were higher than average. He invited the delegation's comments in that regard. What measures were planned to improve the living conditions of displaced persons and facilitate their return to their homes? Furthermore, what was being done to prevent feelings of resentment against refugees among other impoverished groups? In the face of attacks on human rights workers, particularly in eastern Chad, what was being done to protect them?

23. Effective implementation of the Convention required specific legislative provisions against racial discrimination and segregation and racist propaganda, even if the State party did not engage in such practices. Legislation should also guarantee equality before the law and legal remedies in the event of racial discrimination. Chad's constitutional provisions represented great progress, but, unless such practices were criminalized, the State party would not be able to eliminate racial discrimination and combat discriminatory customs, ethnic hatred and the caste systems of certain ethnic groups. It was particularly important for Chad to improve its judicial system, and he took note of both its will to redouble its efforts to that end and the progress it had made to date. Nevertheless, corruption, the lack of a properly independent judiciary, poor working conditions for magistrates and impunity remained significant weaknesses. Cleaning up the judicial system was also essential for strengthening public confidence and encouraging people to rely less on traditional justice. He noted with interest measures to provide training for judges and magistrates and requested further details on such reforms.

24. In conclusion, he welcomed the State party's efforts to change deep-rooted attitudes and work towards a culture of peace and reconciliation that would ensure respect for human rights. He sought the delegation's comments regarding the adoption of an Amnesty Act to provide compensation to victims of human rights violations. He expressed the hope that Chad's natural resources, including oil, would be used in a manner that did not deepen divisions but promoted development and fair distribution of income. Lastly, he reiterated his appreciation for the frank and open periodic report submitted by the State party.

25. Mr. AVTONOMOV requested specific examples of rulings handed down by the courts in racial discrimination cases. Referring to the 1993 census mentioned in paragraph 25 of the periodic report, he asked whether the over 100 ethnic groups identified had been consulted on the subject of grouping them together into 14 broader categories for the purposes of statistical analysis, given the potential sensitivities involved.
26. Mr. MURILLO MARTÍNEZ asked what progress had been made towards convening a national forum to consider observations and recommendations made by the Committee and what positive reactions had been received to offers made by donors to be present at such an event. He welcomed progress made in eliminating discrimination against albinos, which could serve as an example to other African countries.
27. The periodic report acknowledged the seriousness of the HIV/AIDS epidemic in Chad. Did the State party consider that cultural factors played a role in that regard? Concerning female genital mutilation, he drew attention to encouraging information received from other States parties at the current session on progress made towards eradicating the practice, which could be of use to Chad in its own efforts.
28. While acknowledging the complex situation with respect to the military in Chad, he urged the State party to consider changing the practice of not holding military personnel accountable for crimes committed on the orders of others, which posed a serious threat to human rights. Lastly, with reference to the caste systems described in the periodic report, he sought further details concerning the specific ethnic groups affected.
29. Mr. DIACONU asked whether the State party's legislation specifically prohibited discrimination based on descent, which was essential in eliminating discrimination against ethnic and caste groups. He enquired about the situation of Berbers in Chad, as a group that moved between various countries of the region. Were they included in references to "Arabs"? What language did they speak in Chad, and was it recognized?
30. With a view to improving implementation of articles 2 and 4 of the Convention, in particular, he encouraged the State party to revisit the anti-discrimination bill introduced in 1996 but never enacted. Serious consideration should also be given to the practice of determining *diya* payments in accordance with ethnic origin. The Government should ensure that special measures granting more political representation to certain underrepresented groups did not themselves become sources of discrimination and resentment. Such measures should remain in place only as long as necessary.
31. The forthcoming National Human Rights Forum, to which the delegation had referred, should be used to the best advantage by the State party and the international community, and he suggested that the Chairperson, in her official capacity give voice to women's views, and Mr. Ewomsan should represent the Committee at that event.
32. Mr. SICILIANOS said that the delegation's frank analysis of the human rights situation in Chad demonstrated the country's political will to take vigorous remedial action, a will that was reflected in the decision to establish a Ministry of Human Rights. He would be interested in hearing more about the Ministry's activities.

33. He also commended the State party's self-critical report. As noted in paragraph 22, a number of separate legal texts prohibited racial discrimination, but there was no single enactment dealing with the subject. The National Human Rights Forum to be held in November 2009 might be an appropriate occasion on which to adopt a decision to enact a comprehensive anti-discrimination law. He supported Mr. Diaconu's suggestion that the Committee should be represented at the event by the Chairperson and the Country Rapporteur.

34. Legislation prohibiting discriminatory practices was a mandatory obligation under article 4 of the Convention. According to the report, there was a discrepancy between customary practices and written law. It was therefore important to ensure that existing legislation was applied by the courts.

35. According to paragraph 145 of the report, entire ethnic groups had been exterminated under the regime of former President Hissein Habré because they belonged to the same ethnic group as the rebels. He drew attention in that connection to article 6 of the Convention concerning the entitlement to just and adequate reparation or satisfaction for any damage suffered as a result of racial discrimination.

36. He asked the delegation to explain the first sentence of paragraph 152, which stated that: "The lack of reciprocity with regard to the rate between certain ethnic groups or its variation from one ethnic group to another is evidence of the fact that, in practice, the principle of non-discrimination remains a utopian dream." The same paragraph referred to the castes that were still entrenched in certain ethnic groups. Noting that discrimination based on descent was prohibited by article 1 of the Convention, he asked whether such castes were tolerated under the existing legislation.

37. He understood from the written replies to the list of issues that the National Commission on Human Rights would be restructured in line with the Paris Principles at the National Human Rights Forum. He would be interested in hearing more about the proposed restructuring process.

38. Mr. de GOUTTES, welcoming the Committee's renewed dialogue with Chad after a 14-year interlude, said that he was struck by the State party's candid recognition of existing impediments to the enjoyment of human rights in the country. In addition to armed rebellion and civil war, the section of the report concerning "Factors and difficulties" referred to persistent political obstacles, tensions among ethnic groups, communities and religious denominations, judicial shortcomings, the lack of a personal status code and discriminatory traditional practices. He noted that the Human Rights Committee had referred to those problems in its concluding observations of July 2009 (CCPR/C/TCD/CO/1) on Chad's initial report. He encouraged the State party to keep the various treaty bodies informed of the measures it was taking to address them.

39. The report listed a large number of legal provisions and programmes dealing with discrimination, but the Committee would also like to receive practical information about their implementation.

40. He welcomed, however, the population statistics, the description of recent legislation, especially concerning corruption and female genital mutilation, the information about existing

and planned human rights institutions, details concerning the role of the National Commission on Human Rights and of the National Mediator, the publication of a general review of the human rights situation in December 2008 and the convening of the National Human Rights Forum in November 2009.

41. He noted the lack of legislation reflecting the definition of discrimination contained in article 1 of the Convention, although discrimination was prohibited by the laws mentioned in paragraphs 22 and 165 of the report. Insufficient information had been provided about complaints, prosecutions and judgements concerning acts of racism, apart from the two Supreme Court judgements cited in paragraphs 113 and 114. The report also admitted that there was no personal status or family code. The Committee would welcome further information on all those points, either orally from the delegation or in writing later on.

42. Noting that a programme aimed at reforming the administration of justice had been adopted by decree on 18 February 2005, he enquired about the results achieved to date, bearing in mind all the judicial flaws mentioned by the delegation and the Human Rights Committee. With regard to access to justice, he noted that "legal clinics" had been established with NGO support to protect litigants against unscrupulous intermediaries. He wished to know more about the kind of assistance they provided.

43. He asked whether the government bill mentioned in paragraph 126 which would enhance the powers of the National Mediator had been adopted.

44. The Office of the United Nations High Commissioner for Refugees was deeply concerned about the fate of the large number of displaced persons in Chad. What action was being taken to protect them?

45. Lastly, he asked whether the caste system was based on professional distinctions rather than on descent.

46. Mr. KEMAL said that his heart went out to the people of Chad, who were faced with such enormous problems and stood in urgent need of humanitarian, medical and economic assistance. It was a hopeful sign that the Government was engaging with the international community, generating awareness and hence possibly a response that would help the country in its hour of need. The State had ratified a large number of international human rights instruments and had built up an impressive legal edifice crowned by the Constitution.

47. The refugees in the eastern part of the country and the tens of thousands of internally displaced persons had created an explosive security situation, in which parents were forced to send their children out to work, armed groups were forcibly recruiting young people and women were being subjected to ill-treatment. The delegation had made no attempt to conceal the gravity of the situation. He would therefore be interested to hear what it felt was the highest priority for the country under those circumstances.

48. Mr. PETER commended the delegation's frank admission of the existence of problems in Chad such as corruption, lack of independence of the judiciary, female genital mutilation and forced marriage.

49. He noted that, while the State party had ratified all the main international instruments dealing with refugees and internally displaced persons, it had no internal law on the subject. Were there any plans to supplement the international instruments with domestic legislation?

50. The bill to combat HIV/AIDS and sexually transmitted diseases and to protect persons living with HIV/AIDS was very important in view of the high infection rate of 7 per cent. He asked whether it had been adopted since the submission of the report. As some religious denominations tended to have reservations about the “ABC approach” to HIV/AIDS (abstinence, being faithful, using a condom), particularly the use of condoms, he asked whether the authorities were obtaining the requisite support from religious groups.

51. Mr. PROSPER said that the State party’s frank self-assessment was refreshing and helpful for the Committee.

52. He had visited Chad with a United States delegation in 2005 to discuss with the President ways and means of dealing with the flow of refugees from Darfur. His delegation had also visited the refugee camps to assess the various dimensions of the problem. He was interested in hearing details of the Government’s action to stem the flow and to prevent any escalation of the ethnic tensions arising from the situation.

53. Mr. LINDGREN ALVES said that the Chad delegation’s presentation of the situation in the country had been one of the most striking and candid he had heard in the Committee.

54. He trusted that the Committee’s recommendations would assist the authorities in handling the extremely difficult situation with which they were faced. The State was not, of course, exempt from responsibility on that account, but it was obviously aware of its national and international human rights obligations.

55. He feared that the Committee’s insistence on requesting more and more information about each separate ethnic group served little purpose, even if the aim was to protect persons against violence and ethnic discrimination. He would be interested in hearing the delegation’s view of the matter. Personally, he was unable to associate himself with any request for more cultural data on the ethnic composition of the population.

56. He agreed, however, with the Country Rapporteur’s recommendations concerning the training of judges, the eradication of corruption, and action against the caste system and practices such as female genital mutilation.

The meeting rose at 6 p.m.