

REPUBLIQUE DU TCHAD

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## COMBINED PERIODIC REPORT OF THE REPUBLIC OF CHAD - 1998 TO 2015

**ON THE IMPLEMENTATION OF THE  
AFRICAN CHARTER ON HUMAN AND  
PEOPLES' RIGHTS**

**SEPTEMBER 2016**

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## ACRONYMS AND ABBREVIATIONS

AEP	Drinking Water Supply
AIDS	Acquired Immunodeficiency Syndrome
APSA	African Peace and Security Architecture – African Union
AQIM	Alqaïda in the Islamic Maghreb
ARV	Anti-Retro Viral
AUC	African Union Commission
CEN-SAD	Committee of Sahel-Saharan States
CFA	African Financial Community Franc
CILSS	Permanent Interstate Committee for Drought Control in the Sahel
CNAR	National Commission in charge of the hosting and reintegration of refugees and returnees
CNLS	National AIDS Control Council
CO2	Carbon dioxide
CONAR	Committee in charge of the hosting and reintegration of refugees
COPAX	Peace and Security Council
CSM	High Judicial Council
CSO	Civil Society Organization
DHS-MICS	Demographic and Health Survey – Multiple Indicator Cluster Survey
EAFGA	Children Associated with Armed Forces and Groups
ECCAS	Economic Community of Central African States
ECOSIT	Survey on Consumption and the Informal Sector in Chad
EDST	Demographic and Health Survey in Chad
ENIP	National Survey on Malaria Indicators in Chad
EPMVT	Survey on multi-dimensional hardship and vulnerability in Chad
FOMUC	Central African Multinational Force
GDP	Gross Domestic Product
GPHC	General Population and Housing Census
ICT	Information and Communication Technology
INSEED	National Institute of Statistics, Economic and Demographic Studies
LDC	Least Developed Country
MDG	Millennium Development Goal
MEN	Ministry of National Education
MEPEC	Ministry of Primary and Civic Education
MICS	Multiple Indicator Cluster Surveys
MINURCAT	United Nations Mission in the Central African Republic and Chad
MINUSMA	United Nations Multidimensional Integrated Stabilization Mission in Mali
MISMA	International Support Mission to Mali
MPCI	Ministry of Planning and International Cooperation
NER	Net Enrolment Ratio
NGO	Non-Governmental Organization
NHRI	National Human Rights Commission
ODA	Official Development Aid
OVC	Orphans and vulnerable children
PAF	Condom, Abstinence and Fidelity

PLHIV	Person living with the human immunodeficiency virus
PMH	Manually-operated pump
PNC	Pre-Natal Consultation
PND	National Development Plan
PNG	National Gender Programme
PNM	Manda National Park
PNSA	National programme on food security
PNSO	Sena-Oura National Park
PNT	National TB Control Programme
PNZ	Zakouma National Park
PRSP	Poverty Reduction Strategy Paper
PSLS	Sectoral programme on AIDS control
PSN-TB	Strategic plan to combat Tuberculosis
PTB+	Smear-positive pulmonary tuberculosis
PTIP	Three-year Public Investment Program
REDES	Revenues and expenditures to combat AIDS
SNVBG	National Strategy to combat gender-based violence
STEE	Water and Electricity Company of Chad
TBTFC	All forms of tuberculosis
UN	United Nations
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNDP	United Nations Development Programme
UNECA	United Nations Economic Commission for Africa
UNFPA	United Nations Population Fund
UNICEF	United Nations International Children's Emergency Fund
WHO	World Health Organization

## INTRODUCTION

1. This Combined Report is submitted to the African Commission on Human and Peoples' Rights in accordance with Article 62 of the African Charter on Human and Peoples' Rights, ratified by Chad in 1986.
2. The Government of the Republic of Chad submitted its Initial Report in 1997.
3. This Combined Report includes the 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup>, 7<sup>th</sup>, 8<sup>th</sup> and 9<sup>th</sup> reports of Chad covering the period from 1998 to 2015. The submission of this Report is a clear testimony of the Government of the Republic of Chad's willingness to fulfil its obligations under the African Charter on Human and Peoples' Rights, thus clearing the backlog it had accumulated in this area.
4. Due to a host of difficulties, the Government of the Republic of Chad was unable to honour its commitments regarding the timely submission of reports under the African Charter on Human and Peoples' Rights.
5. Pursuant to Order No. 3912/PR/PM/MDHLF/ 2011 of 12 December 2011, the Government of the Republic of Chad, with a view to meeting its regional and international human rights obligations, established an Inter-ministerial Follow-up Committee on International Human Rights Instruments. The activities of this Committee are coordinated by the Ministry of Justice and Human Rights.
6. The Ministry of Justice and Human Rights, with the support of the Advisory Unit of the Office of the United Nations High Commissioner for Human Rights, organized a capacity-building workshop in 2015 for members of the Inter-ministerial Follow-up Committee on International Human Rights Instruments on techniques for drafting national reports to be submitted to the African Commission on Human and Peoples' Rights.
7. This Combined Report was prepared and validated by the Inter-ministerial Follow-up Committee on International Human Rights Instruments, which is composed of representatives of various ministries, the National Assembly, the National Human Rights Commission and civil society organizations.
8. It is worth noting that, since the submission of the Initial report in 1997, several measures have been taken by the Government to promote and protect the rights enshrined in the Charter and other international instruments ratified by Chad.
9. This Report was prepared in accordance with the Guidelines for National Periodic Reports under the African Charter on Human and Peoples' Rights adopted in 1989 and the State Party Reporting Guidelines for Economic, Social and Cultural Rights.

**10.** This Report highlights the legislative, administrative and political measures taken since the submission of the Initial Report, and the progress made in the implementation of the rights contained in the Charter.

**11.** The key stage in the methodological approach adopted for the preparation of this Report was the gathering of data and information from State institutions, including the National Human Rights Commission (NHRC), UN agencies and civil society organizations.

**12.** This Report is divided into two (2) parts:

- Part I contains general information on the work done since the submission of the Initial Report to strengthen the legal and institutional framework for the promotion and protection of human rights.
- Part II highlights the progress made since 1998 in the implementation of civil, political, economic, social and cultural rights, specific rights and peoples' rights, as well as the inherent difficulties faced in the implementation of the African Charter on Human and Peoples' Rights.

## I. PRESENTATION OF THE COUNTRY

### 1.1. Geographic location

13. The Republic of Chad, in Arabic *jumhūriyyat tshād* تشاد جمهورية, is a landlocked country in central Africa located to the south of Libya, east of Niger, Nigeria and Cameroon, north of the Central African Republic and to the west of Sudan. Its capital is N'Djamena. From a geographic and cultural standpoint, Chad is a gateway between North Africa and Sub-Saharan Africa. Covering a surface area of 1,284,000 km<sup>2</sup>, it is the fifth largest country in Africa.

14. Chad is divided into three main geographical areas: from north to south, there is a desert region, a semi-arid area and a sudanian savannah zone. Lake Chad, after which the country is named, is the largest wetland. The highest point of the country is the Emi Koussi (3,415 m above sea level) in the Tibesti mountains.

15. The country's landlocked geography is accentuated by the vastness of the territory, the harsh climate and the poor road network. Rainfall is abundant in the southern and central parts of Chad. Unpaved secondary roads deteriorate rapidly due to flooding, thereby restricting travel for several months during the year. Efforts deployed by the Government made it possible to pave the N'Djamena-Abeche route, which stretches across approximately 900 km from the central to the eastern part of the country. In the South, tar roads stretch from N'Djaména to Kyabé, i.e. nearly 1,000 kilometres. The sand dunes, which cover the entire arid northern region of the country, represent a major impediment to travel all year round.

16. Chad is a member of the African Union and the United Nations as well as regional communities including CEMAC, ECCAS, CILSS and CEN-SAD.

17. Proclaimed a Republic on 28 November 1958, Chad acceded to international sovereignty on 11 August 1960.

### 1.2. Socio-demographic and economic background

18. Chad's population was estimated at **11,631,456** inhabitants in 2015 (INSEED projections). The national average population density is 8.6 inhabitants/km<sup>2</sup>. The average annual intercensal growth rate is 3.6%.

19. Women make up the majority of the population, i.e. 50.6%. 22.0% are estimated to be of reproductive age (15-49 years). The majority of Chad's population live in rural areas (78.1%). The urban population, which represents only 21.9% of the total population, is concentrated in N'Djamena and in the main towns of regions and departments, considered as urban centres. Based on the 2009 General Population and Housing Census (RGPH2), nomads represent 3.4% of the country's total

population, i.e. 368,066 people; they were 353,489 in the 1993 census, i.e. 5.7% of the country's total population.

**20.** Chad has several ethnic groups divided into twelve (12) language groups. About two hundred and sixteen (216) dialects are spoken in the country. The official languages are French and Arabic.

**21.** Freedom of religion is guaranteed by the Constitution. Various religions are practised in Chad: 58.4% of the population is Muslim, 18.5% is Catholic Christian, 16.1% is Catholic Christian and Protestant Christian, 4.0% is animist, 0.5% professed other religions and 2.4% no religion (source: RGPH2).

**22.** In 2003, Chad became an oil-exporting country, while its economy was mainly based on agricultural and livestock production. This considerably increased the State's financial resources. Notwithstanding, the country is still ranked among the poorest in the world (185<sup>th</sup> out of 187 according to the HDI/2015). 46.7% of the Chadian population live on less than one US dollar a day (ECOSIT III), despite the exploitation of oil and other mineral resources, in particular the Baoré cement plant in West Mayo-Kebbi.

**23.** To improve the living conditions of the population and combat poverty, the Government has identified a number of priority sectors. Such sectors include health and education, which receive a large portion of the resources generated by oil, for the construction of health and school infrastructure.

### **1.3. Political, administrative and legislative framework**

**24.** In the early 1990s, Chad entered a new era that marked the beginning of its democratic process. The Constitution of 31 March 1996, revised by Constitutional Acts No. 008/PR/2005 of 15 July 2005 and No. 013/PR/ of 3 July 2013, established a semi-presidential regime. The President of the Republic, who holds executive power, is elected for a renewable term of five (5) years, with no limitation on the number of terms. The National Assembly holds legislative power. Judicial power is vested in the Supreme Court, the Courts of Appeal, the Tribunals and the Magistrates' Courts.

**25.** In order to bring the Administration closer to the people and allow local authorities to take ownership of the development process, Chad opted in 1996 for a highly decentralized unitary State. The process of decentralizing and devolving State services to regions and departments is ongoing. The country has twenty-three (23) regions, including the city of N'Djaména, sixty-three (63) departments and two hundred and forty-nine (249) Sub-prefectures.

**26.** Despite this clear determination for decentralization, the civil service is still highly characterized by centralized State services; thus, decision-making bodies and most of the socio-economic infrastructure are located in N'Djaména, the political capital.

## **PART ONE: GENERAL INFORMATION ON THE LEGAL AND INSTITUTIONAL FRAMEWORK**

### **Chapter I: Legal framework**

#### **A. International and regional human rights instruments ratified by Chad from 1998 to 2015.**

27. Chad signed or ratified a number of human rights instruments during the period covered by this Report. These include:

##### **1. International instruments**

- United Nations Convention against Transnational Organized Crime, ratified on 27/07/2009;
- Additional Protocol to the United Nations Convention against Transnational Organized Crime to Prevent, Suppress and Punish Trafficking of Persons, in particular, Women and Children (Palermo Protocol), ratified on 27/07/2009;
- Optional protocol to the UN Convention on the rights of the child on the sale of children, child prostitution and child pornography, ratified on 28/08/2012;
- Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, ratified on 28/08/2012;
- United Nations Additional Protocol on Trafficking in Persons, ratified on 10/08/2009;
- Convention 182 concerning the Worst Forms of Child Labour and Immediate Action for their Elimination, ratified on 18/08/2000.

##### **2. Regional instruments**

- Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention), ratified on 11/07/2011;
- African Charter on Democracy, Elections and Governance, ratified on 24/11/2010;
- African Union Convention on Preventing and Combatting Corruption, signed on 24/12/2012;
- African Charter on the Rights and Welfare of the Child, ratified on 30/03/2000.

#### **B. Main domestic legislation on human rights adopted by Chad during the reporting period**

##### **1. Constitutional and legislative measures**

- Constitutional Act No. 08/PR/2005 of 15 July 2005, amended by Act No. 02/PR/2006 of 11 January 2006, to reflect the right of Chad to decide its own destiny;
- Act No. 19/PR/2003 of 24 October 2003 on the composition and functioning of the High Council for Communication;

- Act No. 19/PR/2009 of 4 August 2009 on the Charter of Political Parties;
- Act No. 17/PR/2010 of 13 August 2010 on the press regime in Chad;
- Act No. 011/PR/2012 on measures for the repression of corruption and related offences;
- Act No. 16/PR/2006 of 13 March 2006 on the education system policy;
- Act No. 17/PR/2001 of 31 December 2001 on Civil Service Regulations;
- Act No. 06/PR/2010 of 8 December 2009 establishing the fundamental principles applicable to urban planning;
- Act No. 036/PR/2015 of 25 August 2015 on the Electoral Code;
- Act No. 09/PR/2010 of 2 June 2010 on audio-visual communication;
- Act No. 10/PR/2010 of 27 May 2010 on the control of tobacco use;
- Act No. 17/PR/2010 on the press regime in Chad;
- Act No. 013/PR/2010 of 25 August 2010 on the status and powers of traditional and customary leaders;
- Act No. 026/PR/2007 of 6 December 2007 on the National Sports Charter;
- Act No. 008/PR/2013 of 10 May 2013 on the organization of the civil registry in Chad;
- Act No. 984/PR/PM/2012 of 29 June 2012 on the organization and functioning of the Office of the Ombudsman;
- Act No. 11/PR/2013 of 17 June 2013 on the organization of the judicial sector;
- Act No. 012/PR/2013 of 17 June 2013 on the organization and functioning of administrative courts;
- Act No. 06/PR/2002 of 15 April 2002 on the promotion of reproductive health and the prohibition of female genital mutilation, early marriage and domestic and sexual violence;
- Act No. 07/PR/2007 of 9 May 2007 on the protection of persons with disabilities;
- Act No. 07/PR/99 of 6 April 1999 on procedures for the prosecution and trial of minors aged 13 to 18;
- Act No. 19/PR/2007 of 7 November 2007 on combatting HIV/AIDS and protecting persons living with HIV/AIDS;
- Act No. 001/PR/99 of 11 January 1999 amended by Act No. 02/PR/2006 of 11 January 2006 on the management of oil revenues;
- Act No. 14/PR/2008 of 10 June 2008 on the forestry, wildlife and fisheries codes;
- Act No. 16/PR/2014 of 19 May 2014 on the organization, functioning, rules and procedures of the Supreme Court;
- Act No. 17/PR/2014 of 19 May 2014 on the organization, functioning, rules and procedures of the Court of Auditors;

- Act No. 006/PR/2015 ratifying Ordinance No. 006/PR/2015 of 14 March 2015 on the prohibition of child marriage;
- Ordinance No. 032/PR/2011 of 4 October 2011 on the prison system;
- Ordinance No. 032/PR/2011 of 4 October 2011 on the prison system; and
- Ordinance No. 31/PR/2011 on the Staff Regulations of Prison Administration and Social Reintegration services.

## **2. Regulatory Measures**

- Decree No. 414/PR/MC/1999 of 5 October 1999 on Aid to the media;
- Decree No. 29/PR/PM/2012 of 11 January 2012 establishing the conditions for political parties to be eligible for State subsidies;
- Decree No. 065/PR/PM/MJ/2005 of 18 February 2005 approving the Judicial Reform Programme;
- Decree No. 839/PR/PM/MAT/2011 of 2 August 2011 on the creation, organization and duties of the National Commission in charge of the hosting and reintegration of refugees and returnees;
- Decree No. 007/PR/PM/1999 of 6 April 1999 on procedures for the prosecution and trial of minors aged 13 to 18;
- Decree No. 634/PR/2000 of 30 December 2000 on the institutionalization of the children's parliament; and
- Order No. 3912/PR/PM/MDHLLF/2011 of 12 December 2011 establishing a Committee in charge of monitoring international human rights instruments.

## **3. National human rights policies**

**28.** The Government of Chad has implemented several programmes to strengthen the promotion and protection of human rights:

- The Judicial Reform Support Programme (PRAJUST), which has several components, including access to law and justice for the poor, the multiplication of courts with a view to bringing justice closer to the people, awareness-raising and human rights education;
- The National Human Rights Action Plan developed following the National Human Rights Forum held from 9 to 11 March 2010;
- The First Roadmap on the implementation of the Action Plan relating to Children Associated with Armed Forces and Groups, signed on 14 June 2012 between Chad and the United Nations System, supplemented by a Second Roadmap signed on 10 April 2015, which provides for the exchange of information and joint actions to fight against the involvement of children in armed conflicts;

- The Memorandum of Understanding for the Protection and Sustainable Reintegration of Child Affected by Armed Conflicts, signed between the Government and the United Nations Children's Fund (UNICEF) on 9 May 2007;
  - Recent development planning in Chad has been marked by three successive poverty reduction programmes. The first National Poverty Reduction Strategy (SNRP.1) from 2003 to 2006, the second Growth and Poverty Reduction Strategy (SNRP2) covering the 2008-2011 period and the National Development Programme (PND) for the period from 2013 to 2015.
- 29.** However, the objectives of the SNRP2 were not reached due to endogenous and exogenous factors (rebel attacks on the capital city and the economic crisis). GDP almost doubled from CFAF 1 732 billion in 2004 to CFAF 3,101 billion in 2005 as a result of the oil exploitation. In terms of public finances, deficiencies can still be noted in the mobilisation of tax revenues as well as in budgetary control.
- 30.** The budget expansion, as a result of greater domestic revenue derived from oil exploitation, explains the reason why investment spending rose rapidly from 2.1 per cent of non-oil GDP in 2003 to 12.6 per cent in 2008-2010. The main characteristic of Chad's macroeconomic environment is the constant high population growth rate of 3.5% per year, and this does not allow for a rapid increase in the country's GDP per capita. Food security remains a concern despite a significant improvement.
- 31.** However, an assessment of this period will have to include the remarkable performances and which are not measurable by MDGs and other indicators. These include the peace and stability achieved in Chad after decades of war, thanks to the exceptional vision and actions of the President of the Republic, who has been able to mobilize and guide Chadians in this direction. It is worthwhile to recall that Chad is in an environment where neighbouring countries are experiencing unrest and even war. In other words, the international community should take this into consideration in its assistance to Chad and help the country strengthen this peace and stability, manage the increasing flow of refugees, rapidly implement the plan for the reintegration of demobilized soldiers, and support the necessary security measures to deal with the various threats surrounding Chad.
- 32.** The objective of the National Development Plan (PND), adopted in April 2013 by the Government for the period 2013-2015, is to lay the foundations for strong economic and social growth by 2025. To this end, 8 priority objectives have been set: (i) sustained growth, (ii) food security, (iii) creating and ensuring access to jobs, (iv) human capital development, (v) private sector development, (vi) development of information and communication technologies (ICTs), (vii) environmental protection and climate change adaptation and (viii) improved governance.

33. The overall cost of the 2013-2015 PND is estimated at **CFAF 3,282,969,463,484**, or approximately **US\$ 6,565,938,926**. Details of the costs and amounts mobilized and to be raised are provided in Annexes 1 and 2 of the document. The graph below shows these costs per sector.

**Graphique 1. Cost of the 2013-2015 PND per sector (in billions of CFAF)**



**Source: 2013-2015 PND**

34. The Government carried out a national prospective study entitled “Chad Vision 2030” to make up for the lack of articulation between development plans in terms of a long-term vision taking into account local specificities, which had reduced their scope to a significant extent. The prospective study made it possible to conduct and validate a Strategic Assessment of the Five-Year Plan on 18 January 2016 in Douguia. This resulted in the adoption of a Five-year plan (PQ) for the period from 2016 to 2020.

35. The economic environment in Chad is affected by falling oil prices at the international level and security issues linked to the violent acts of the terrorist sect Boko Haram in the Lake Chad basin. These exogenous shocks have given rise to significant economic challenges with an overwhelming impact on public financial management. Regardless of these challenges, economic growth reached 6.2% in 2014 compared to 3% in 2013, on account of a good agricultural season despite a poor distribution of rainfall spatially and temporally, and due to a good performance of the oil production sector with the addition of new oil fields. The oil sector

thus grew by 11.1 points and, to a lesser extent, the non-oil sector by 1.4 points (2014 Economic Report, Ministry of Economy, Trade and Tourism Development). Despite this increase, growth is below its 2012 level (8.9%), when the economy was marked by a good agricultural season in spite of a decline in oil production from the Doba fields. Economic growth was at 0.7% in 2011 and 13.1% a year earlier. The growth trend in 2010 is due to the acquisition of heavy equipment and machinery for major works in new oil fields requiring significant investments.

**36.** Chad's economic and financial situation is also marked by the control of inflation, the increase in non-tax revenues and broad money supply. However, total revenues, driven by tax revenues, decreased over the 2012-2014 period. The private sector is dominated by the creation of informal businesses. There are very few formal businesses in Chad to contribute effectively to growth, the backbone of job creation.

## **Chapter 2: Institutional framework**

### **A. The three branches of Government**

#### **1°) The Executive Branch**

**37.** The Constitution of the Republic of Chad was adopted by referendum on 31 March 1996, and revised by Constitutional Acts No. 008/PR/2005 of 15 July 2005 and No. 013/PR/2013 of 3 July 2013. It formally establishes a semi-presidential regime. The President of the Republic is elected for a five-year term by direct universal suffrage. He may be re-elected without limitation of term of office. He appoints the Prime Minister and removes him from office upon presentation by the latter of the Government's resignation. On the proposal of the Prime Minister, he appoints the members of the Government and removes them from office. He chairs the Cabinet Meeting.

**38.** The Head of State may dissolve the National Assembly in the event of a persistent crisis between the Executive and Legislative branches, as provided for in Article 83 of the Constitution. The National Assembly may also be dissolved by the President of the Republic if it has tabled two votes of confidence against the Government within a year. The Prime Minister, appointed by the President, must present his policy programme to the National Assembly for the latter to endorse him. He is accountable to Parliament.

#### **2°) The Legislative Branch**

**39.** Legislative power is exercised by the National Assembly. Members of the National Assembly are referred to as National Assembly Members. They are elected for a four (4) year renewable term. The current parliamentary term, the third after the 1997 (125 members) and 2002 (155 members) terms of office, accounts for 188 National Assembly Members, i.e. an increase of 33 members in

comparison to the second term. National Assembly Members of the 3<sup>rd</sup> parliamentary term represent thirty (30) political parties or groups.

**40.** In accordance with Article 147 of the Electoral Code, amended on 7 January 2009, the electoral system adopted is a combination of the first-past-the-post voting system and proportional representation with the largest remainder approach. Consequently, National Assembly Members of the 3<sup>rd</sup> parliamentary term are elected by direct universal suffrage through list voting with proportional representation and the largest remainder approach.

**41.** The National Assembly shall automatically meet in two (2) sessions per year:

- the first session commences on fifth (5<sup>th</sup>) April;
- the second session commences on the fifth (5<sup>th</sup>) October.

If April 5 or October 5 is a holiday, the session shall commence on the next working day.

**42.** The duration of each session may not exceed ninety (90) days.

**43.** The National Assembly meets in extraordinary session at the request of the Prime Minister or the absolute majority of its members, on a specific agenda.

**44.** The National Assembly is composed of ten (10) standing committees:

- General Policy, Institutions, Laws, Administrative and Judicial Affairs Committee;
- Finance, Budget and Public Accounting Committee;
- Economic Affairs and Planning Committee;
- Rural Development and Environment Committee;
- Communication, Information and Communication Technologies, Fundamental Rights and Freedoms Committee;
- Committee on Health, Social Affairs, the Status of Women and the Rights of the Child;
- Education, Higher Education, Scientific Research and Human Resources Committee;
- Culture, Youth and Sports Committee;
- Committee on Foreign Affairs and International Cooperation;
- Defence and Security Committee.

And two (2) specialized Committees:

- Law Delegation Committee;
- Autonomous Budget Control Committee.

**45.** In the last parliamentary elections in 2011, the Patriotic Salvation Movement (MPS) won 117 of the 188 seats. The remaining 71 seats were shared between the National Union for Democracy

and Renewal (UNDR): 10 seats, the Union for Renewal and Democracy (URD): 8 seats, the National Rally for Democracy in Chad – the Revival (RNDD): 6 seats, the Federation Action pour la République (FAR): 4 seats, and a few other small political parties.

### **3°) The Judicial Branch**

- 46.** The Constitution enshrines the independence of the Judiciary and establishes one single order of jurisdiction, of which the Supreme Court is the highest authority. Act No. 004/PR/98 of 7 June 2013 on the organization of the Judiciary establishes the jurisdiction of the courts.
- 47.** The Supreme Court acts as a court of cassation on all matters in accordance with the rules governing its organization and functioning. It decides alone on appeals against decrees and orders for misuse of power. It issues its opinion on draft laws before deliberations in Cabinet meeting. In addition, only the Supreme Court can hear cases on disputes relating to local elections.
- 48.** The Courts of Appeal are located in Moundou, Abéché, N'Djaména, Sarh, Mongo, Amdjarass and Bongor. They hear appeals against decisions rendered at first instance by all courts within their territorial jurisdiction.
- 49.** The High Courts, located in major cities in the regions and some districts, deal with civil and commercial cases throughout their territorial jurisdiction subject to the competence of the Labour and Social Security Courts, Commercial Courts and Magistrates Courts.
- 50.** Magistrates Courts have been established in the ten districts of N'Djaména, the capital, and in certain localities including towns where there are no High Courts in the district. They deal with minor civil and criminal cases.
- 51.** The High Judicial Council (**CSM**) is chaired by the President of the Republic with the Minister of Justice as the First Vice-Chairperson.
- 52.** In 2013, two laws were adopted by the National Assembly aimed at reorganizing the judicial system to make it more efficient and accessible to citizens in order to deal with “impunity”. These are namely, Act No. 11/PR/2013 of 17 June 2013 on the organization of the judicial sector and Act No. 012/PR/2013 of 17 June 2013 on the organization and functioning of courts handling administrative cases.
- 53.** The first innovation is the reaffirmation of the principle of collegiality, which requires the various chambers of the courts to rule in a collegial manner. However, cases may be adjudicated by a single judge when there is an insufficient number of judges for the composition of collegial hearings. And in general, the temporary or prolonged absence of an assessor disrupts the proper

functioning of labour and social security courts as well as commercial courts. Thus, to overcome these difficulties, the president of the Court may adjudicate alone.

- 54.** The second innovation in the new Code on the organization of the justice sector relates to the competence of the Magistrates Courts and High Courts in dealing with civil matters. The litigant may bring a case before the Magistrates Court if the amount involved is less than or equal to five hundred thousand (500,000) CFA francs. In excess of this amount, the case must be brought before the High Court.
- 55.** Moreover, Chadian law recognizes customary and traditional rules provided they do not adversely affect public order and are applied in a consensual manner in communities where they are recognized. It should be noted that in matrimonial or inheritance matters, Chadians almost exclusively refer to traditional laws.

## **B. OTHER INSTITUTIONS**

### **Constitutional Council**

- 56.** Chad has a Constitutional Council as provided for in Title **VII of the** revised Constitution of **31 March 1996** to regulate the activities of public authorities and the functioning of institutions. The Constitutional Council is composed of nine (9) members, including three (3) judges and six (6) high-level legal experts, all appointed equally by the President of the Republic and the Speaker of the National Assembly. They are appointed for a non-renewable term of nine (9) years. The members of the Constitutional Council are irremovable during their term of office. The President of the Republic and the Speaker of the National Assembly may refer matters to the Constitutional Council as well as citizens as a defence or an objection. It hears all electoral disputes except matters relating to local elections, adjudicates on the constitutionality of laws and settles conflicts of responsibility between State institutions.

### **Court of Auditors**

- 57.** The recently created Court of Auditors reviews public accounts. It verifies that all revenue has been received and all expenditure incurred in a lawful and proper manner and ensures that the credits, funds and assets managed by State services or by other legal persons governed by public law are properly used, in accordance with the revised Constitution. The Court of Auditors also audits the corporate accounts of semi-public organizations. It divulges and audits de facto management. It imposes penalties for management errors committed against the State, local

authorities and other entities it audits. The Court of Auditors is composed of thirty-one (31) members appointed for a renewable five-year term; it comprises five (5) Chambers, namely the Chamber of Budgetary Discipline, the Chamber of Budgetary and Financial Affairs, the Chamber of Control and Audit, the Legal Chamber and the Advisory Chamber. By establishing a Court of Auditors in its domestic legal system, Chad is complying with the directives of the Community of Central African States (CEMAC), of which it is a founding member.

### **High Court of Justice**

**58.** The High Court of Justice has jurisdiction to hear cases involving high-ranking officials, in particular the President of the Republic, members of the Government and their accomplices in cases of high treason. It is composed of 15 members including:

- Ten (10) National Assembly Members;
- Two (2) members of the Constitutional Council; and
- Three (3) members of the Supreme Court.

**59.** Members of the High Court of Justice are elected by their respective peers. The Chairperson is elected by the members of the High Court of Justice.

### **Economic, Social and Cultural Council**

**60.** The Economic, Social and Cultural Council gives advisory opinion on economic, social or cultural matters brought to its attention by the President of the Republic, the Government or the National Assembly.

**61.** It may be consulted on any draft plan or programme of an economic, social or cultural nature. It may also undertake a study on any economic and social development issue. It submits its conclusions to the President of the Republic and the Government.

### **High Council for Communication**

**62.** The High Council for Communication is an independent authority. It is composed of nine (9) members appointed by the President of the Republic.

**63.** Members of the High Council for Communication are appointed as follows:

- Two (2) public figures selected by the President of the Republic;
- Two (2) public figures selected by the Speaker of the National Assembly;
- Three (3) experts in audio-visual communication and written press designated by their peers;
- One (1) judge appointed by the President of the Supreme Court; and
- One (1) public figure from the world of culture, arts and literature designated by his/her peers.

**64.** The High Council for Communication elects its Bureau from among its members.

**65.** Its duties include the following:

- ensure compliance with ethical rules relating to information and communication;
- guarantee freedom of the press and the pluralistic expression of opinions;
- regulate communication relations between public authorities, the media and the public;
- ensure that political parties have equal access to the public media;
- guarantee associations equitable access to public media; and
- provide technical advice and recommendations on information-related issues.

## **PART TWO: IMPLEMENTATION OF THE PROVISIONS OF THE CHARTER IN CHAD FROM 1998 TO 2015.**

### **Chapter 1: Civil and political rights**

#### **A. The Principle of Non-Discrimination**

**66.** In the area of human rights promotion and protection, discrimination is “*an unequal treatment based on a criterion prohibited by law, such as origin, gender, disability, etc., and which occurs in an area governed by law, such as employment, housing, education etc. It may be direct, if the inequality is based on a prohibited criterion, or indirect, when a rule, practice or criterion that appears to be neutral has an adverse effect on a group that belongs to a discrimination category. It may also take the form of harassment.*”

**67.** Article 13 of the African Charter on Human and Peoples’ Rights stipulates that: «

- 1. Every citizen shall have the right to participate freely in the government of his country, either directly or through freely chosen representatives in accordance with the provisions of the law.*
- 2. Every citizen shall have the right of equal access to the public service of the country.*
- 3. Every individual shall have the right of access to public property and services in strict equality of all persons before the law.”*

**68.** The national legal framework internalized these international provisions by enshrining equality between men and women in the Constitution (Articles 13, 14, 31 and 32 of the Constitution). The Criminal Code punishes those who discriminate against others.

**69.** Efforts to implement these principles have been considered by the Government, particularly with regard to access to public affairs and women's participation.

**70.** Today, women are more present in politics and economics, but they still have more difficulties than men in finding employment. Unemployment is particularly high among women.

**71.** Indeed, socio-cultural constraints compel the majority of citizens to espouse customary norms over statutory law. However, when applied to civil or even criminal cases, such norms tend to reduce the scope of the fundamental principle of equality. Indeed, customary law contributes to making distinctions between social groups on the basis of extrinsic factors (wealth, education, place of residence, etc.) or intrinsic factors (gender, ethnic origin, etc.), which unfortunately justifies the application of specific, generally negative, treatment.

**72.** Thus, in matters of inheritance and access to property, there is a general trend that women do not enjoy the same rights as men. Discrimination in this instance therefore implies a gap between a formal (constitutionalized) equality and actual inequality (due to customs). For example, a girl

born in wedlock does not enjoy the same inheritance rights as a boy. This situation becomes even more discriminatory when a child is born out of wedlock. He is not entitled to inheritance in some communities.

**73.** The solution in this case is the adoption of an Individual and Family Act. However, for more than ten years, the Draft Individual and Family Act has been contested by the Muslim community. In the absence of an Individual and Family Act, gender-based discriminatory practices will persist in so far that customary norms are not to the advantage of women.

According to the customary law of many patrilineal ethnic groups in Chad, marriage is above all an alliance between two lineages. Thus, matrimonial relationships are part of social and political strategies that often exclude young people's right to choose and make decisions about marriage. Very often, young women do not participate in choosing their future husband.

**74.** It should also be noted that levirate marriage is one of the forms of marriage that unfortunately prevails in many ethnic groups in Chad.

**75.** Regarding the fight against HIV/AIDS, the Chadian National Network of Associations of People Living with HIV (RNTAP+) in collaboration with the National Executive Secretariat of the National AIDS Council (SEN/CNLS) and UNAIDS-Chad conducted a survey in December 2013 on HIV-related stigma and discrimination. Data was collected on 1,103 individuals, including 820 women (74.3%) and 283 men (25.7%), aged from 15 to over 50 years. The results of the survey show that a significant proportion of respondents experienced stigmatization and/or discrimination within family and social settings, in terms of access to work and even at the personal level. Half of the respondents (56.2%) experienced stigmatization and/or discrimination within social and family settings. Individuals in Moundou and N'Djaména are the most stigmatized. More than one in five respondents (22.8%) report having lost a job or other source of income at least once in the past 12 months. Guilt remains the dominant form of internal stigma (36.7%). It is followed by self-reproach (26%) and low self-esteem (20.9%). This self-stigmatization leads some respondents to no longer want to have children (24.6%), marry (23.8%), have sexual relations (20%), etc. The results of the survey led to an advocacy campaign to improve respect for the rights of PLHIVs and to change policies, laws, programmes and practices. Act No. 19/PR/2007 of 7 November 2007 on combatting HIV/AIDS and protecting people living with HIV/AIDS constitutes the legal and institutional framework in the fight against HIV/AIDS and STIs.

## **B. Right to life and to physical integrity**

76. Article 4 of the African Charter stipulates that: *“Human beings are inviolable. Every human being shall be entitled to respect for his life and the integrity of his person. No one may be arbitrarily deprived of this right.”*

77. Acknowledging this rationale, Chad included the following provision in its Constitution (Article 17, paragraph 2): *“Human being are sacred and inviolable. Everyone has the right to life, personal integrity, security, freedom, protection of his privacy and property.”*

78. Several laws hence prohibit and punish violations of these rights. These include:

- The Criminal Code, which stipulates in its article 252 that: *“Any individual who has wilfully assaulted or injured, or committed any other violence or assault on another person, shall be punished by imprisonment from six days to one year and a fine of 500 to 50,000 FCFA. If there was premeditation or ambush or the use of a weapon, imprisonment shall be from 6 months to 5 years and a fine from CFAF 5,000 to 100,000”. “The penalty shall be doubled if the violence or injuries are inflicted upon a child under the age of 13”* (Article 254).
- The Chadian Criminal Code punishes abortion (Article 296) and family abandonment (Article 295). Moreover, Article 7 of the Criminal Code does not authorize the execution of a pregnant woman sentenced to death. Execution can only take place after the birth of the child.

79. With regard to the application of the death penalty, it should be noted that the first executions took place in 1991, in accordance with Article 5 of the Criminal Code, which stipulates that *“executions shall be by firing squad”*. In 2003, 9 death row prisoners were executed on 6 and 9 November 2003. In 2004, 19 people were sentenced to death for murder or for being an accomplice to murder. The Government has since embarked on a process to abolish the death penalty as evidenced in the draft Criminal Code currently being adopted.

80. Unfortunately, as part of efforts to fight against terrorism, the legislator reintroduced the death penalty on 30 July 2015 as an exception to prevent and punish the perpetrators of terrorist acts. Pursuant to this Act that is applicable in exceptional circumstances only, ten (10) terrorists of the Islamist sect “Boko Haram” were tried and sentenced to death on 28 August 2015 by the Criminal Court of the N'Djamena Court of Appeal.

## **C. Prohibition of slavery, torture and other cruel, inhuman or degrading punishment and treatment**

### **1°) Prohibition of slavery**

81. Article 4 of the African Charter stipulates that: *“Human beings are inviolable. Every human being shall be entitled to respect for his life and the physical and moral integrity of his person. No one may be arbitrarily deprived of this right.”*
82. Article 20 of the Constitution of the Republic of Chad stipulates that: *“No one shall be held in slavery or servitude”*.
83. Article 152 of the Criminal Code provides that *“any agreement affecting personal liberty, such as transfer, enslavement or the bonding of labour shall be subject to the penalties provided for arbitrary detention. If the agreement has not been executed, the parties shall only be subject to the penalties provided for in Article 150.”* It should be noted that the penalty for arbitrary detention is imprisonment with hard labour, and that the penalty under Article 50 is an imprisonment term of two to five years.
84. Order No. 3756/PR/PM/MDHPLF/2013 of 17 October 2013 establishing an inter-ministerial technical committee to combat trafficking in persons in Chad represents a significant contribution to the fight against slavery and enslavement. This committee is a permanent framework for consultation and monitoring of all issues related to the fight against trafficking in persons.

## **2°) Prohibition of Torture, Cruel, Inhuman and Degrading Punishment and Treatment**

85. Article 5 of the African Charter stipulates that *“Every individual shall have the right to the respect of the dignity inherent in a human being and to the recognition of his legal status. All forms of exploitation and degradation of man, particularly slavery, slave trade, torture, cruel, inhuman or degrading punishment and treatment shall be prohibited.”*
86. Article 18 of the Constitution of Chad, which upholds the principles of prohibition of torture, inhuman and degrading treatment, states that: *“No one shall be subjected to degrading and humiliating punishment or treatment or to torture”*.
87. In order to strengthen the existing texts and make them even more effective, the Government is drafting a new Criminal Code which, in its Article 376, defines torture as *“any act by which severe pain or suffering, whether physical, mental or moral, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or traditional authority or any other person acting in an*

*official capacity*". The draft Code has currently been submitted to the National Assembly for adoption.

**88.** In its efforts to protect women and children from harmful practices, the Government adopted Act No. 006/PR/2002 of 15 April 2002 on the Promotion of Reproductive Health. Article 9 of this Act states that: *"Everyone has the right not to be subjected to torture and cruel, inhuman or degrading treatment of the body in general and the reproductive organs in particular. All forms of violence such as female genital mutilation, early marriage, domestic violence and sexual abuse of a human being are prohibited"*. Pursuant to these texts, several perpetrators of female genital mutilation have been arrested, tried and sentenced in the Mandoul and Logone Oriental regions.

**89.** An advocacy workshop was held from 20 to 24 December 2015 in Koumra, at the Centre Culturel Campagnard, for traditional leaders and dignitaries of the Mandoul Region on female genital mutilation (FGM). This Region indeed records the highest rate of FGM practices (91.7%). It was an opportunity to share information and raise awareness about the harmful effects of female genital mutilation.

#### **D. Prohibition of arbitrary arrest or detention**

**90.** Article 6 of the African Charter stipulates that: *"Every individual shall have the right to liberty and to security of his person. No one may be deprived of his freedom except for reasons and conditions previously laid down by law. In particular, no one may be arbitrarily arrested or detained."*

**91.** Articles 21, 22, 23 and 25 of the Constitution of the Republic of Chad refer to the prohibition of unlawful and arbitrary arrests and detentions. According to the above-mentioned provisions, *"unlawful and arbitrary arrests and detentions are prohibited"* (Article 21); *"No one may be detained in a correctional facility unless punished under a prevailing criminal law"* (Article 22); *"No one may be arrested or charged under a law promulgated prior to the facts of which he stands accused"* (Article 23) and *"Punishment is personal. No one may be held liable and prosecuted for an act he has not committed"*.

**92.** According to Article 143, paragraph 1 of the Criminal Code, *"when a public official, agent or servant of the Government has ordered or done any arbitrary or unlawful act interfering, either with personal liberty or the Constitution, he shall be sentenced to a six months to five years imprisonment term and a fine of 5,000 to 5,000,000 francs"*.

**93.** In Chad, the various Courts of Appeal hear criminal proceedings only twice a year. This results in prolonged detentions in prisons. This is due to the limited number of magistrates and clerks as well as budgetary constraints.

**94.** To remedy this situation, the Government created the National Judicial Training School (**ENFJ**) by Act No. 032/PR/2009 of 28 December 2009. The ENFJ is a public school of a professional and scientific nature, endowed with legal personality and management autonomy (Art. 2). The School is placed under the supervision of the Ministry of Justice (Art. 5). The ENFJ provides pre- and in-service training programmes for magistrates, clerks, lawyers, notaries, bailiffs and other professions in the judicial sector (Art. 4). The School is administered by a Board of Directors and headed by a Managing Director, assisted by a Deputy Managing Director (Art. 6). Statistical data on ENFJ graduates per class is as follows:

- 1<sup>st</sup> class of 2012-2014: Magistrates **58**; Clerks **57**; Prison officers **118**; and Prison wardens **140**; i.e. a total of **373** individuals trained;
- 2<sup>nd</sup> class of 2013-2015: Magistrates **175**; Prison Managers **121**; and Prison Supervisors **130**; i.e. a total of **426** individuals trained;
- 3<sup>rd</sup> class of 2016-2018 (currently in training): Magistrates **100** including **50** French-speaking and **50** Arabic-speaking; Clerks **200** including **100** French-speaking and **100** Arabic-speaking; i.e. a total of **300** individuals in training.
- One hundred (**100**) student magistrates have been accepted to the Higher School of Magistrates of Morocco (**ISM**) for the 2016-2018 academic years.

**95.** In October 2015, the Report of the Audit on the Reorganization of the Central Services of the Ministry of Justice and Human Rights of Chad made three (3) relevant recommendations aimed at encouraging the Government to take measures to reform the texts and educational tools of the ENFJ.

**96.** In February 2015, the General Inspectorate of the Ministry of Justice and Human Rights (**MJDH**) produced four inspection mission reports on cases of flagrante delicto, investigative processes, juvenile detainees and justices of the peace in N'Djamena. The conclusions of these four reports were published within and outside the Ministry and received media coverage. Thus, shortcomings were identified in the work of investigative chambers of the N'Djamena High Court. The four reports include strong and relevant recommendations to address these malfunctions.

## **E. Equality before the Law**

**97.** Article 3 of the African Charter stipulates that “(i) *Every individual shall be equal before the law. 2. Every individual shall be entitled to equal protection of the law.*”

**98.** Article 13 of the Constitution of the Republic of Chad provides that “*Chadians of both sexes have the same rights and duties. They are equal before the law.*” Article 14 further states that “*the State guarantees equality for all before the Law without distinction of origin, race, gender, religion, political opinion or social position. It has a duty to ensure the elimination of all forms of discrimination against women and to ensure the protection of their rights in all areas of private and public life*”.

**99.** With regard to the status of foreign nationals, Article 15 of the Constitution of the Republic of Chad provides that: “*With the exception of political rights, foreign nationals lawfully admitted to the territory of the Republic of Chad shall enjoy the same rights and freedoms as Chadian nationals within the limits of the law. They are required to comply with the Constitution, laws and regulations of the Republic*”.

**100.** The Government has promulgated a number of laws and measures so as to make visible these constitutional provisions, including:

- Act No. 16/PR/2006 of 13 March 2006 on the education system policy;
- Act No. 17/PR/2001 of 31 December 2001 on Civil Service Regulations;
- Act No. 007/PR/2010 of 7 August 2009 on the Electoral Code;
- Act No. 008/PR/2013 of 10 May 2013 on the organization of the civil registry in the Republic of Chad;
- The reform of the judicial system through the organization of nationwide consultations on the judiciary in 2004;
- Unannounced inspections by the General Inspectorate in the various jurisdictions;
- Capacity building in the Judiciary through the PRAJUST and PRSJDHEG projects; and
- The establishment, by Act No. 032/PR/2009 of 28 December 2009, of a National Judicial Training School within the Ministry of Justice and Human Rights.

## **F. Right to a fair trial**

**101.** Article 7 of the African Charter stipulates that: 1. “*Every individual shall have the right to have his cause heard. This comprises: a. The right to an appeal to competent national organs against acts of violating his fundamental rights as recognized and guaranteed by conventions, laws, regulations and customs in force; b. The right to be presumed innocent until proved guilty by a*

competent court or tribunal; c. *The right to defence, including the right to be defended by counsel of his choice*; d. *The right to be tried within a reasonable time by an impartial court or tribunal.*

2. *No one may be condemned for an act or omission which did not constitute a legally punishable offence at the time it was committed. No penalty may be inflicted for an offence for which no provision was made at the time it was committed. Punishment is personal and can be imposed only on the offender*".

**102.** Article 24 of the Constitution of the Republic of Chad provides that "*Every defendant shall be presumed innocent until proven guilty following a fair trial that has provided guarantees necessary for his defence*".

**103.** Act No. 004/PR/98 of 28 May 1998 on the organization of the judiciary provides in its Article 6 that: "*Justice shall be administered on behalf of the Chadian people. Only the courts provided for by law may pass sentences.*"

**104.** Standards to ensure fair trial include, inter alia:

- the independence and impartiality of the courts;
- the public nature of public hearings or, in exceptional circumstances, their in-camera nature;
- the presumption of innocence, guarantees of the rights of the defence;
- access to and guarantee of redress;
- the correction of miscarriages of justice and abusive procedures; and
- the force of res judicata.

## **G. Freedom of association**

**105.** Article 10 of the African Charter stipulates that: "**1.** *Every individual shall have the right to free association provided that he abides by the law.* **2.** *Subject to the obligation of solidarity provided for in Article 29, no one may be compelled to join an association.*"

**106.** Article 27 of the Constitution of the Republic of Chad stipulates that: "*Freedom of opinion and expression, communication, conscience, religion, the press, association, assembly, movement, demonstration and procession are guaranteed for all*".

**107.** In accordance with Ordinance No. 27/INT-SUR/62 of 28 July 1962 on the regulation of associations and its Implementing Decree No. 165/INT-SUR/62 of 25 August 1962, "*Prefects are responsible for receiving the formation requests of associations that wish to be incorporated within the jurisdiction of their prefecture*", Article 1, paragraph 1. "*After submission of the request to form an association, the receiving authority shall conduct an investigation to determine the true nature of the association, its existence and its means of action. The investigation shall also include the bureau*

*members of the association, their background, their moral integrity and occupation of each of them”*

Article 3 paragraph 1. *“The Minister of Interior shall grant, or refuse within three months... the Minister of Interior shall then forward the file, regardless of the decision taken, to the Department of National Security for archiving”*

Article 5. *“In the event of a final refusal to grant a request to form an association, this refusal shall be published in the Official Bulletin of the Republic of Chad through the Minister of Interior”*. There are currently **2,407** associations listed on the register of the Ministry of Territorial Administration.

**108.** Concerning the establishment and functioning of political parties in Chad, the Government adopted Act No. 019/PR/2009 of 4 August 2009 on the Charter of Political Parties, which states in its Article 4 that: *“Political parties shall be freely formed and shall conduct their activities in accordance with the laws and regulations in force, the principles of national sovereignty, territorial integrity, unity and pluralist democracy”*. The Government issued Decree No. 29/PR/PM/2012 establishing the conditions for political parties to be eligible for State subsidies with a view to enabling political parties to intensify the Nation’s political life. Article 2 of the Decree stipulates that *“Political parties receive public funding in the form of an annual subsidy for their mission to promote the Nation’s political life. The amount of this subsidy is included in the National Budget”*.

**109.** Currently, there are approximately **181** political parties in Chad. The plethora of associations and political parties and their ever-increasing numbers is an indication that national legislation in this area not only guarantees and facilitates their creation, but also does not in any way hinder the exercise of their activities.

**110.** As such, a Political Agreement to strengthen the democratic process in Chad was signed on 13 August 2007 between the presidential majority on the one hand and the democratic opposition on the other. The five main points of the Political Agreement to strengthen the democratic process in Chad relate to: the management bodies, the electoral register, changes to the electoral code, the general environment, and monitoring the effective implementation of this Political Agreement. This Agreement facilitated the organization of the presidential election on 25 April 2011, which resulted in the re-election of President IDRIS DEBY ITNO by 88.7% of the votes in the first round for a fourth term.

**111.** In a bid to strengthen political dialogue aimed at creating the conditions for the organization of transparent, credible and peaceful elections, the presidential majority, the democratic opposition and Civil Society Organizations (CSOs) signed a Memorandum of Understanding on 2 April 2013 establishing a National Framework for Political Dialogue (CNDP). Article 4 of the Memorandum of Understanding stipulates that *“the purpose of the National Framework for Dialogue is to ensure consultations between the stakeholders, subject to compliance with the institutional mechanisms*

*provided for by the laws of the Republic*". As part of the implementation of the Memorandum of Understanding, the Government is responsible for setting up election administration bodies comprising:

- A tripartite Independent National Electoral Commission of thirty-one (**31**) members from political parties that form the presidential majority (12), opposition parties (12), representatives of civil society (6); the 31<sup>st</sup> member is an independent person appointed by mutual consent among all parties;
- A Permanent Bureau of Elections as provided for under the Political Agreement on Strengthening the Democratic Process in Chad signed on 13 August 2007.

It is within the framework of this Memorandum of Understanding that the presidential election of 10 April 2016 was organized which resulted in the victory, in the first round, of the Alliance candidate IDRIS DEBY ITNO with 59.92% of the votes.

## **H. Freedom of worship and religion**

**112.** **Article 8 of the African Charter states that** *"Freedom of conscience, the profession and free practice of religion shall be guaranteed. No one may, subject to law and order, be submitted to measures restricting the exercise of these freedoms"*.

**113.** Article 27 of the Constitution of the Republic of Chad provides that *"Freedom of opinion and expression, communication, conscience, religion, the press, association, assembly, movement, demonstration and procession are guaranteed for all. They can only be limited to the extent that they infringe upon the freedoms and rights of others and the need to safeguard law and order and social mores. The law shall lay down the conditions under which they may be exercised"*.

**114.** Chad is a secular State where several religions coexist harmoniously, including Islam, Christianity and Animism. To enhance civil peace and inter-faith dialogue, the Government adopted Decree No. 1341/PR/ 2011 of 17 November 2011 establishing a National Day of Prayer for Peace, Peaceful Cohabitation and National Harmony every 28 November. This inter-faith platform brings together the Higher Council for Islamic Affairs (**CSAI**), the Association of Evangelical Churches and Missions in Chad (**EEMET**) and the Episcopal Conference of Chad (**CET**). It carries out awareness-raising and training activities aimed at consolidating peace and peaceful coexistence in Chad.

## **I. Freedom of assembly and demonstration**

**115.** Article 11 of the African Charter stipulates that *"Every individual shall have the right to assemble freely with others. The exercise of this right shall be subject only to necessary restrictions provided for by law, in particular those enacted in the interest of national security, the safety, health,*

*ethics and rights and freedoms of others*”. The provisions of this Charter have been transposed into Article 27 of the Constitution of the Republic of Chad.

**116.** Public assemblies are governed by Ordinance No. 45/INT/SUR of 27 October 1962. In accordance with Article 1 of the aforementioned Ordinance 45, “public assemblies may not take place without prior authorization. They are prohibited on public roads”.

**117.** The application to hold a public assembly must be filed within a certain time limit. Article 2 states that “the application to hold a public assembly shall be filed at least five days and not more than fifteen clear days prior to the scheduled date, at the main town of the prefecture or sub-prefecture”. The Minister of the Interior issues an Order to authorize or prohibit the meeting; this Order is notified to the organizers. It should be noted that in Chad, public assemblies, whether organized by political parties or associations, have not faced any hindrances provided that they comply with the conditions laid down in Article 2 above. However, “failure to submit an application as provided for in Article 2 shall be punishable by an imprisonment term of 15 days” (Article 6 paragraph 2).

**118.** In order to prevent terrorist attacks, the Government has taken a number of measures to restrict public demonstrations including the declaration of a state of emergency in the Lake Chad region and carrying out checks in public places.

## **J. Freedom of expression**

**119.** Article 9 of the African Charter stipulates that “*1. Every individual shall have the right to receive information. 2. Every individual shall have the right to express and disseminate his opinions within the law*”.

**120.** The Constitution of the Republic of Chad incorporated the provisions of the African Charter in its Article 27.

**121.** Several laws have been adopted to strengthen pieces of legislation relating to freedom of expression, including:

- Act No. 12/PR/1994 of 9 April 1994, as amended by Act No. 19/PR/2003 of 24 October 2003, establishing the High Council for Communication (HCC). The HCC is a regulatory and arbitration body for the press in Chad. It established the Award for Excellence in Journalism, which recognizes the best articles in the print and broadcast media (public and private);
- Act No. 17/PR/2010 of 13 August 2010 on the press regime in Chad. Article 16 of this Act states that: “*Any newspaper or periodical may be published, without prior authorization and without bond. However, a request for publication must be submitted with the Public Prosecutor and the*

*High Communication Council*". Thus, Article 46 of Act No. 17/PR/2010 provides that "Anyone who, either through writings, printed matter sold or distributed, put on sale or displayed in public places or meetings, or by posters or signs visible to the public, directly incites the perpetrator(s) to commit defamation or to insult, and if this incitement has been acted upon, shall be punished as accomplices to defamation or insult".

**122.** Regarding aid to the media, the Government issued Decree No. 414/PR/MC/1999 of 5 October 1999 on press aid. In addition, Article 41 of Act No. 17/PR/2010 of 13 August 2010 on the press regime in Chad provides that: "A media support fund shall be established, financed by an annual Government subsidy or possibly by contributions from public or private, national or foreign organizations.

*The High Council for Communication is responsible for the management of the fund*". Article 42 of the Act sets forth the conditions for access to the media support fund as follows: "To benefit from this fund, media outlets must meet the following criteria: the publication director shall be responsible for the management of information; for the print media, at least sixty-five percent (65%) of the editorial surface shall be devoted to political, social, cultural, economic or sports information; at least one third (1/3) of the revenue shall proceed from sales and subscriptions; for audio-visual media, the amount of aid will be determined by the High Council for Communication (HCC) based on their commercial, community or associative status".

**123.** In January 2011, press and private radio associations, with the support of the Government and Technical and Financial Partners, operationalized the Media House of Chad (MMT), which serves as:

- a platform for exchange between journalists;
- the headquarters of professional media associations;
- a training and continuing professional development centre;
- a centre which provides technical and material services to members;
- a structure that conducts awareness-raising and mobilization actions for the benefit of the media;
- a meeting place to foster greater understanding and collaboration between journalists, political actors, members of civil society organizations and the economic sector, etc.

**124.** The existence of the following media associations is also worth noting: Union of Chadian Journalists (UJT), Union of Private Radios of Chad (URPT), Union of Professional Women in

Communication (UFPCT), Chadian League of Arab-speaking Journalists (LTJAT), Association of Communication Technicians (ATCOM), etc.

**125.** The media landscape in Chad from 1998 to date is as follows:

- 1 public television channel;
- 2 private television channels;
- 1 public radio and its regional stations;
- 26 community and association-owned radio stations;
- 1 public newspaper;
- 1 daily newspaper “Le Progrès”;
- About twenty private newspapers printed on a more or less regular basis. These newspapers are mostly established in N'Djamena, the capital, and experience difficulties in their distribution throughout the country;
- Several information websites; the online press has grown considerably in recent years.

**126.** Journalists set up the Observatory for Ethical and Professional Conduct of the Media in Chad (**ODEMET**) so as to better ensure self-regulation within their ranks.

**127.** In terms of press freedom, Reporters Without Borders (**RSF**) ranked Chad **127<sup>th</sup> out of 180** in 2016. This is a slight improvement compared to its rank in 2015 (**135/180**) and 2014 (**139/180**).

**128.** The real issue facing the profession of journalism is the economic viability of media companies, resulting in job insecurity for journalists. One of the major challenges is that of access to information sources by journalists in the private media, to the extent where the Head of State instructed the Government to take the necessary measures to facilitate access for journalists to official information sources.

**129.** The right to freedom of expression also includes developments in the Information and Communication Technologies (**ICT**) sector, a flourishing and key sector in the area of communication.

**130.** Indeed, from independence until the 1990s, the telecommunications policy was implemented directly by the incumbent operator (Office National des Postes et des Télécommunications-ONPT). The telephone was then considered a luxury owing to its very high cost. In 1999, the fixed telephone network had 12,000 subscribers in the whole country, representing a telephone penetration of 0.10% per 100 inhabitants, or 1 telephone per 10,000 inhabitants.

**131.** In May 1997, in its “Sectoral Policy Statement” Chad decided to restructure the postal and telecommunications sector. The opening of the electronic communications market to competition enabled the entry of two mobile telephone service operators, Airtel and TIGO.

**132.** In 2000, with the liberalization of the telecommunications market and the consequent opening of this market to competition, the development and implementation of the ICT sector-specific policy was not effortless due to the increasing number of stakeholders.

**133.** Currently, three mobile operators share the market: Airtel, Tigo (Millicom) and Salam.

**134.** The number of fixed-line subscribers increased from 12,000 in 1999 to 23,600 at the end of 2014, representing a telephone penetration rate of 0.18, with a turnover of 7.2 billion (11 million euros).

**135.** On the other hand, the mobile phone market has grown rapidly. The number of mobile phone subscribers increased from 1,600,159 in 2008 to 5,275,300 in 2014, with a penetration rate that rose from 17.5% in 2008 to 38.6% in 2014. Thus, the number of customers per mobile operator is as follows:

**136.**

Operator	2008	2009	2010	2011	2012	2013	2014
AIRTEL	1 036 987	1 211 704	1 393 954	1 697 509	2 278 974	2 107 223	2 283 187
TIGO	541 159	1 017 159	1 429 350	1 894 278	2 029 882	2 403 985	2 922 249
SALAM	10 000	24 000	52 000	73 874	93 426	50 035	46 124

*Source OTRT*

**137.** The internet access rate rose from 12.9% in 2013 to 14.1% in 2014. This rapid growth is due to the granting of 3G and 4G licences to Airtel and Tigo. Internet revenues increase by 6.7% each quarter. It has exceeded the 2.1 billion CFAF mark since the second quarter of 2014.

**138.** There was a total of 2.7 million SMS users in Chad at the end of 2014, or 21 out of 100 Chadians, with a total revenue of 4.7 billion derived from SMS exchanges in 2014. The total volume of SMS messages exchanged was 699,191,665, including 659,989,169 intra-network, 19,334,780 between national networks and 19,867,716 with international networks. Each quarter, the number of SMS users increases by an average of 1.2% overall. The overall turnover for SMS messages rose from CFAF 3.8 billion in 2013 to CFAF 4.7 billion in 2014, i.e. an increase of 22.4%.

**139.** With a penetration rate of 40.4%, the entire electronic communications sector recorded a turnover of CFAF 178 billion at the end of 2014, while employing 1,117 workers, including 905 men and 212 women, i.e. 23 women for 100 men.

**140.** The electronic communications sector is dominated by mobile telephone services. Indeed, mobile telephone services account for more than 99% of all subscribers and about 95% of overall revenue.

**141.** The private and professional lives of citizens are exposed in cyberspace. The ever-increasing dependence on ICTs makes citizens increasingly vulnerable to cyber threats which could destabilize Chad's national security, economic prosperity and lifestyles. These cyber threats can become real dangers for families, businesses and the country.

**142.** In February 2015, Chad enacted laws on cyber security, including Acts No. 07/PR/2015 of 10 February 2015 on the protection of personal data, Act No. 08/PR/2015 on economic transactions and Act No. 09/PR/2015 on cyber security and the fight against cybercrime, which take into account the interests and rights of the child. In this regard, a national strategic framework for the protection and safety of children online has just been developed by the Ministry of Postal Services and Information and Communication Technologies (MPNTIC).

**143.** The 2014 Annual Report of the Telecommunications Market Observatory highlighted a low ICT penetration rate, particularly in schools and universities, a lack of qualified human resources, a lack of adequate ICT in-service training schools, both in terms of quantity and quality, and a national shortage of training institutions that offer engineer-level programmes in computer science and telecommunications.

**144.** Despite the wide range of services proposed by the operators, the fact remains that there are deficiencies in the telecommunications infrastructure and tariffs proposed are hardly affordable for the sizeable disadvantaged population, which is a major obstacle to the country's economic and social development.

**145.** The installation of the N'Djamena-Komé fibre optic cable did not achieve the expected results. However, it is hoped that the Chad-Sudan (N'Djamena-El Djinena) fibre optic cable installation project, currently under way, will address those shortcomings.

#### **K. Freedom of movement and the right to security**

**146.** Article 12 of the African Charter states that *"1. Every individual shall have the right to freedom of movement and residence within the borders of a State provided he abides by the law.*  
*2. Everyone has the right to leave any country, including his own, and to return to his country. This right may only be subject to restrictions, provided for by law for the protection of national security, law and order, public health or morality.*

3. *Every individual shall have the right, when persecuted, to seek and obtain asylum in other countries in accordance with the law of those countries and international conventions.*

4. *A non-national legally admitted in a territory of a State Party to the present Charter, may only be expelled from it by virtue of a decision taken in accordance with the law.*

5. *The mass expulsion of non-nationals shall be prohibited. Mass expulsion shall be that which is aimed at national, racial, ethnic or religious groups.”*

**147.** In Chad, freedom of movement is enshrined in Article 44 of the Constitution, which states that *“every Chadian has the right to move freely within the national territory, leave and return to the country”*.

**148.** However, within the framework of the national policy for the protection of minors, the Government adopted specific measures with respect to them. Thus, Decree No. 100/AFF/SOC/1963 of 16 May 1963 on the protection of children and adolescents requires prior written authorization from parents or legal guardians when a child is traveling from one city to another. This authorization must be approved by the sub-prefect or the head of the district in which the home of the parents is located. This authorization must indicate the reasons for the child’s travel and the duration of his or her travel. Under Article 5 of the said Decree, *“drivers of motor vehicles, boats or canoes who transport minors under the age of 16 for free or in return for payment without the authorization provided for in Article 2, shall be punished by an imprisonment term of three to six months and a 5,000 to 20,000 francs fine.*

*Their driving licences may also be revoked in accordance with the procedures laid down in Articles 198 to 202 of Order No. 223 of 31 December 1954 on traffic regulations”*.

**149.** In view of current counter-terrorism requirements, police checkpoints are being set up to ensure security of tenure and of people.

**150.** However, repeated attacks by the Islamist sect Boko Haram in Chad have forced the Government to take exceptional security measures within and across its borders.

#### **L. Right to participate in the management of public affairs**

**151.** Article 13 of the African Charter stipulates that *“1. Every citizen shall have the right to participate freely in the government of his country, either directly or through freely chosen representatives in accordance with the provisions of the law.*

*2. Every citizen shall have the right of equal access to the public service of the country.*

*3. Every individual shall have the right of access to public property and services in strict equality of all persons before the law.”*

**152.** Questions relating to the right to vote, the right to stand as a candidate in elections, and restrictions on registration on an electoral list are addressed in Act No. 036/PR/2015 on the Electoral Code of the Republic of Chad. Under Article 3: *“All Chadians of either sex who have turned eighteen (18) on election day, are in enjoyment of their civil and political rights, are registered on the electoral rolls and are not subject to any incapacity provided for by law shall be entitled to vote”*. With regard to restrictions, Article 6 provides that *“individuals who have been deprived of their civil and political rights by the courts may also not be registered on the electoral rolls”*.

**153.** Concerning the participation of women in public life, Article 13 of the Chadian Constitution stipulates that *“Chadians of both sexes have the same rights and duties”*. Thus, of the 188 National Assembly members, there are twenty-eight (**28**) women; the Government has a **30%** quota for women.

**154.** In Chad, there is a National Youth Advisory Council (**CNCJ**) and a Children’s Parliament.

## CHAPTER 2: ECONOMIC, SOCIAL AND CULTURAL RIGHTS

### A. RIGHT TO PROPERTY

#### 1. Legislation

**155.** Article 14 of the **African Charter** states that *“The right to property shall be guaranteed. It may only be encroached upon in the interest of public need or in the general interest of the community and in accordance with the provisions of appropriate laws”*.

**156.** Protection of property is guaranteed by the fundamental text, i.e. the Constitution, and by specific texts, including:

- Acts Nos. 23, 24 and 25 of 22 July 1967 on land tenure;
- the Criminal Code (Articles 143, 154, 155);
- the 1958 Civil Code, Article 544;

#### 2. Procedure for expropriation in the public interest

**157.** Article 41 of the Constitution in Chad stipulates that *“private property is inviolable and sacred. No person can be denied his or her property unless for purposes of public interest and in return for fair and prior compensation”*.

**158.** Expropriation can only be foreseen in the case of an immovable property. In the event where the authorities want to enter into possession of the property, they should first and foremost establish proof of public interest justifying that action and proceed with the payment of a fair and prior compensation to the owner of the property being expropriated.

**159.** In this regard, the State has taken appropriate measures to ensure that forced eviction is used as a last resort. It notifies the expropriated persons in advance of the decisions and proposes a new site for relocation or adequate compensation. For example, as part of the construction of road infrastructures in the city of N'Djaména, the owners of the buildings that were affected by the road network were compensated.

**160.** In addition, under Article 154 of the Chadian Criminal Code, *“Any administrative or law enforcement official, any officer or police officer, any commander or officer of the police force, who, acting in his or her official capacity, enters the premises of a citizen against his or her will, except in the cases provided for by law, and in violation of the procedures prescribed by law, shall be punished by an imprisonment term of six days to one year and a fine of 5,000 to 500,000 francs, without prejudice to the application of Article 143 paragraph 2. Article 155 of the Criminal Code states that “Any individual, who enters the premises of a citizen by using threats or violence, shall be punishable*

*by a term of imprisonment of six days to six months and a fine of 5,000 to 50,000 francs.”* The criminal courts ensure the effective implementation of these provisions.

## **B. Right to employment**

**161.** Article 15 of the African Charter stipulates that *“Every individual shall have the right to work under equitable and satisfactory conditions, and shall receive equal pay for equal work.”*

**162.** Chadian legislation not only guarantees the population access to public sector jobs but also provides for equal pay for equal work. Under Article 31 of the Constitution, *“access to public sector employment is guaranteed to all Chadians without any discrimination, subject to satisfaction of the conditions specific to each employment”*. And Article 32 provides that *“the State recognizes the right to work for all citizens. It guarantees workers fair remuneration for services or production. No one may be discriminated against on account of his or her origins, opinions, beliefs, gender or marital status”*.

**163.** Act No. 17/PR/2001 of 31 December 2001 on Civil Service Regulations. Article 5 of this Act provides that *“access to public sector employment is open to any Chadian who fulfils the conditions laid down in Title IV of this Act, without distinction of gender, religion, origin, race, opinion or social position, subject to the conditions of physical and mental fitness or the conditions specific to certain occupations determined by the relevant statutory provisions”*.

**164.** Private sector workers are governed by Act No. 038/PR/1996 of 11 December 1996 on the Labour Code in the Republic of Chad.

**165.** Following these measures, the State carried out a general salary increase in both the public and private sectors. Considered as priority sectors, health and education workers thus benefited from special statutes granting them allowances and bonuses.

**166.** The wages of private sector workers were also increased. For example, the Guaranteed Interprofessional Minimum Wage (**SMIG**), which was **25,400 CFA francs**, has been increased to **60,000 CFA francs** since **21 January 2011** pursuant to Decree **No. 55/PR/PM/MFPT/2011 (0.41%)**.

**167.** Chad has adopted numerous measures in the area of employment. The National Office for the Promotion of Employment (**ONAPE**) strives to provide young graduates who do not have any professional experience with training programmes tailored to their needs and/or placements to accumulate professional experience and hence facilitate their hiring.

**168.** The working age population increased considerably between 2003 and 2011 from **3,676,307** to **5,920,776** respectively, i.e. an average annual increase of 6.1%. This growth rate, which is much

higher than that of the total population growth rate (3.4%) according to the last census in 2009, underscores the enormity of the challenge in terms of job creation and vocational training.

**Table 1: Distribution (in %) of the working age population per gender, age group and labour force status by place of residence**

	2003			2011		
	Urban	Rural	Overall	Urban	Rural	Overall
<b>Gender</b>						
Male	52.7	45	45.9	48.9	45	45.8
Female	47.3	55	54.1	51.1	55	54.2
<b>Age group</b>						
15-24 years	40.5	36.1	36.6	37.4	33.4	34.2
25-59 years	54.3	55.4	55.3	55.9	57.7	57.3
60 years +	5.1	8.4	8.1	6.7	9	8.5
<b>Labour force status</b>						
Employed	33.2	42.3	41.2	46.6	56.5	54.6
Unemployed	9.7	12.1	11.8	3.8	3.5	3.5
Potential labour force	57.1	45.6	47	49.6	40	41.9
Total	100	100	100	100	100	100
In figures	435,362	3,240,945	3,676,307	1,210,359	4,710,418	5,920,776

Source: INSEED/ECOSIT2&3

**169.** Women accounted for 54.1% of this population in 2003 and 54.2% in 2011.

**170.** The proportion of potentially active people aged 25 to 59, who are in the majority, increased slightly (+2 points) between the two periods, while that of 15-24 year olds decreased by the same proportion. The proportion of working age people over 60 years of age remained constant between 2003 (8.1%) and 2011 (8.5%).

**171.** A comparison between the two dates shows a sharp decrease in the proportion of those unemployed (11.8% in 2003 compared to 3.5% in 2011). This decrease in the proportion of the unemployed resulted in an increase in the proportion of employed people (+12%). The proportion of non-active people also fell by about 5 points between 2003 and 2011.

**172.** Data from the two surveys conducted in 2003 and 2011 indicate that the number of unemployed persons has fallen sharply, as shown in the table below.

**173.** In 2003, the number of unemployed persons was estimated at 433,799, 45.8% of whom were women. This figure decreased to 184,265 in 2011, a reduction of about 58%. This decline is due to the creation of several jobs following the establishment and creation of new businesses after the commencement of oil exploitation. Gender disparities have narrowed, with the proportion of women

representing only 30% of the total number of unemployed in 2011 (a drop of 16% in 8 years). The vast majority of those unemployed are located in rural areas (90.3% in 2003 and 79.1% in 2011). ECOSIT2 data show that 7.4% of the unemployed lived in the capital in 2003, whereas in 2011 this figure is estimated at 11.1%. The Chad Multidimensional Deprivation and Vulnerability Survey (EPMVT) of 2012 reveals that the participation rate of women aged 15 and over at the national level is 44.5%.

**Table 2: Evolution of the number of unemployed persons aged 15 and over**

	2003		2011	
	Workforce	Percentage	Workforce	Percentage
<b>Gender</b>				
Male	235 249	54,2	128 161	69,6
Female	198 550	45,8	56 103	30,4
<b>Place of residence</b>				
Ndjamena	32 216	7,4	20 411	11,1
Other urban centres	10 020	2,3	18 135	9,8
Rural	391 563	90,3	145 719	79,1
<b>Age group</b>				
15-24 years	152 076	35,1	67 653	36,7
25-59 years	263 370	60,7	109 267	59,3
60 years +	18 353	4,2	7 345	4
<b>Total</b>	<b>433 799</b>	<b>100</b>	<b>184 265</b>	<b>100</b>

Source: INSEED/ECOSIT2&3

**174.** In addition, the proportion of unemployed people in other urban centres quadrupled between 2003 and 2011, from 2.3% to 9.8%. These figures also show that the proportion of unemployed persons is larger in the 25-59 age group (60.7% in 2003 and 59.3% in 2011) followed by those aged 15-24 (35.1% in 2003 and 36.7% in 2011).

**175.** Overall, the unemployment rate has fallen sharply from 11.9% in 2003 to only 5.7% in 2011, a drop of about 6 points. However, it should be noted that this rate remains higher among men than women, but the gap narrowed in 2011 (a difference of 4% in 2003 and 2.6% in 2011). In 2003, unemployment was higher in rural areas (12.1%) than in urban areas (10.4% for N'Djamena and 8.4% for other urban areas), while in 2011 the situation is reversed. Data also show that the decline in the unemployment rate between the two periods is greater in rural areas (about 6 points) than in urban areas (about 2 points in N'djamena and other urban centres). Unemployment among 15-24 year olds has also declined, but at a relatively low rate compared to other age groups.

### **C. Right to health**

**176. Article 16 of the African Charter states that** *“1. Every individual shall have the right to enjoy the best attainable state of physical and mental health. 2. State Parties to the present Charter shall take the necessary measures to protect the health of their people and to ensure that they receive medical attention when they are sick”*.

**177.** Article 37 of the Constitution of the Republic of Chad states that *“the Family is the natural and moral basis of society. The State and Decentralized Local Governments have a duty to ensure the well-being of the family”*.

**178.** The Government’s objective in the field of Public Health is to ensure access to quality services for the entire population. The share of the National budget allocated to the health sector remained fairly stable at 10% between 2012 and 2013, and below the target of 20% by 2015.

**179.** From 2012 to 2013, the health coverage rate increased from 68 to 72.4% due to the rehabilitation of 24 regional hospitals and 450 dispensaries (health centres).

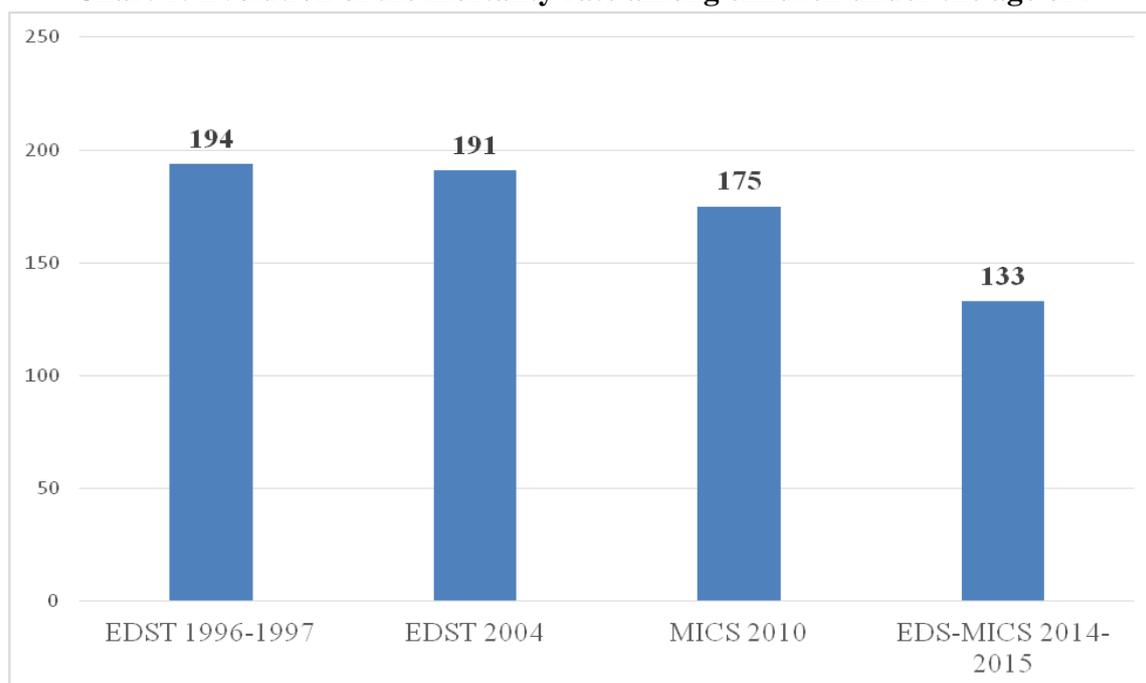
**180.** However, further efforts are needed to improve some indicators, in particular the infant mortality rate which has been high over the past decade.

### **🦋 Child health**

**181.** In Chad, child and women’s health is a priority component of its national health policy. The health sector is considered one of the priority development sectors both in the MDGs (United Nations) and in the PRSP. The main purpose of this section is to provide data on the main indicators relating to mortality rates among children aged 0-59 months as well as measles vaccination among one-year-olds.

**182.** The infant and child mortality rate corresponds to the probability of dying before the fifth birthday. According to data from the 1996-1997 DHS, 2004 DHS, 2010 MICS and 2014-2015 DHS-MICS surveys, infant and child mortality rates decreased from 194‰ in 1996-1997 to 133‰ in 2014-2015. The decline in infant and child mortality rates during this period is due to the measures adopted by the Government in the health sector. The target for 2015 was 68‰. And to reach this target by 2015, a 6.84% annual drop in mortality rates was required.

**Chart 1: Evolution of the mortality rate among children under the age of 5**



Source: 1996-1997 DHS, 2004 DHS, 2010 MICS and 2014-2015 DHS-MICS surveys

**183.** The infant mortality rate measures, at birth, the probability of dying before the first birthday. According to the results of the 1996-1997 DHS, 2004 DHS, 2010 MICS and 2014-2015 DHS-MICS surveys, infant mortality rates showed an irregular trend between 1996-1997 and 2014-2015.

**184.** In 1996-1997, the infant mortality rate was 103‰. This rate decreased slightly in 2004 to reach 102‰ and 106‰ in 2010. In 2014-2015, the infant mortality rate declined sharply and stands at 72‰.

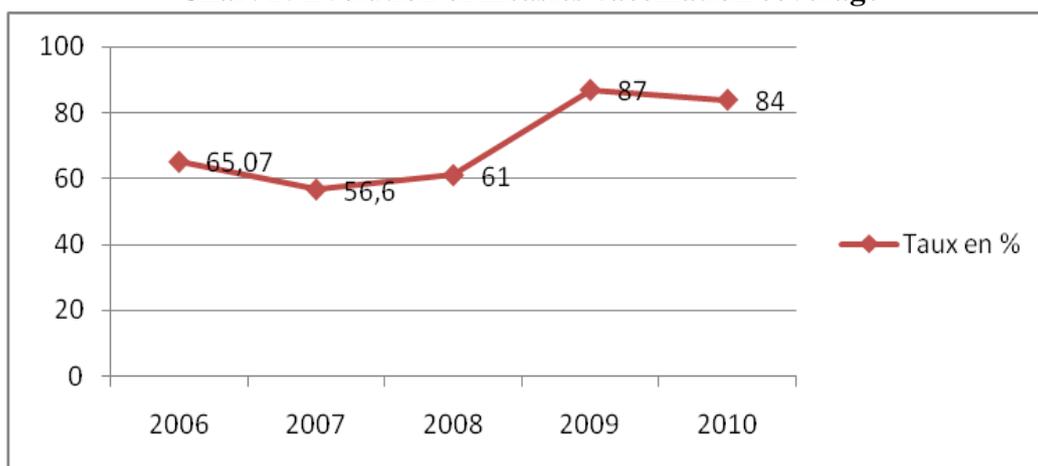
**185.** Efforts to combat child mortality have led to a reduction in the initial rate from 103‰ to 72‰, i.e. a 30% reduction.

#### **⚡ Vaccination rate of one-year-old children against measles**

**186.** Enormous progress has been made in recent years in terms of vaccination coverage. Thus, the measles vaccination coverage rate increased from 65.07% in 2006 to 84% in 2010 (Health Statistical Yearbooks). As shown in the graph below, there was a 10-point drop in 2007 and a 3-point drop in 2010. If current trends are maintained, measles vaccination coverage could reach 90%.

**187.** These encouraging results could be explained by the adoption of a multisectoral and decentralized approach that was consolidated during this period. This approach facilitated the involvement of the various stakeholders in the national response and consequently, the extension of activities to reach targets in the most remote areas, thereby raising awareness on the vaccine, VAR.

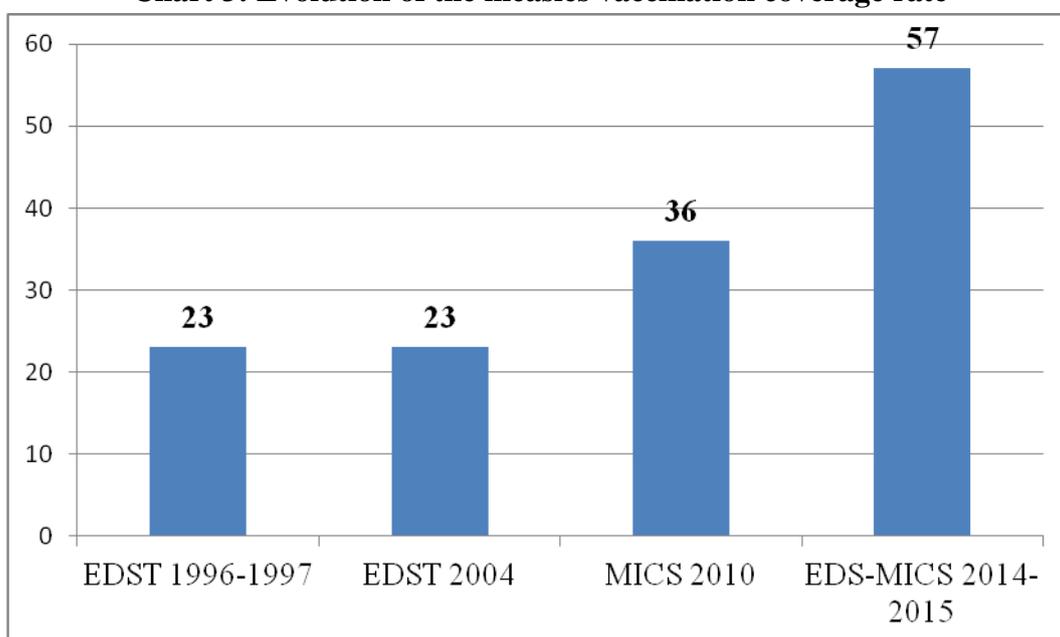
**Chart 2: Evolution of measles vaccination coverage**



Source: Health statistical yearbooks

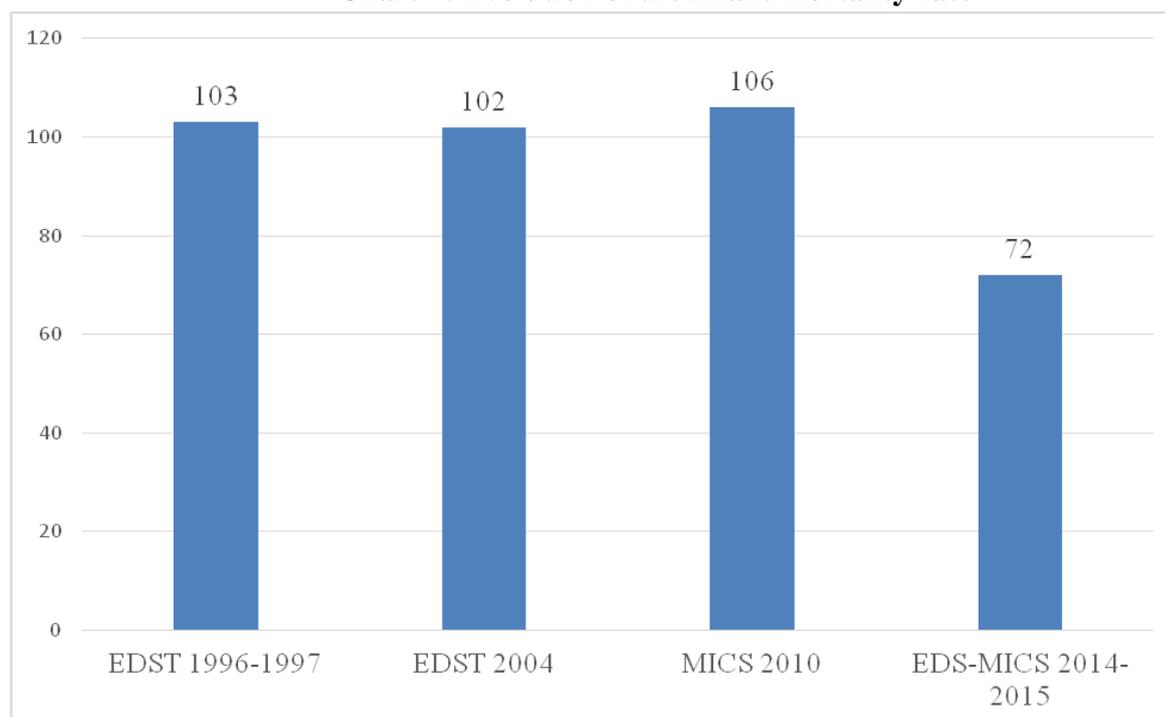
**188.** According to the results of INSEED surveys conducted between 1996 and 2015, there has been progress in vaccination coverage for children over the age of one year, although the trends are different from those indicated in health statistical yearbooks. Thus, between 1996 and 2004, the coverage rate remained constant at 23%. It was from 2010 onwards that a significant improvement was noted from 36% to 57% in 2014-2015.

**Chart 3: Evolution of the measles vaccination coverage rate**



Source: 1996-1997 DHS, 2004 DHS, 2010 MICS and 2014-2015 DHS-MICS surveys

**Chart 4: Evolution of the infant mortality rate**



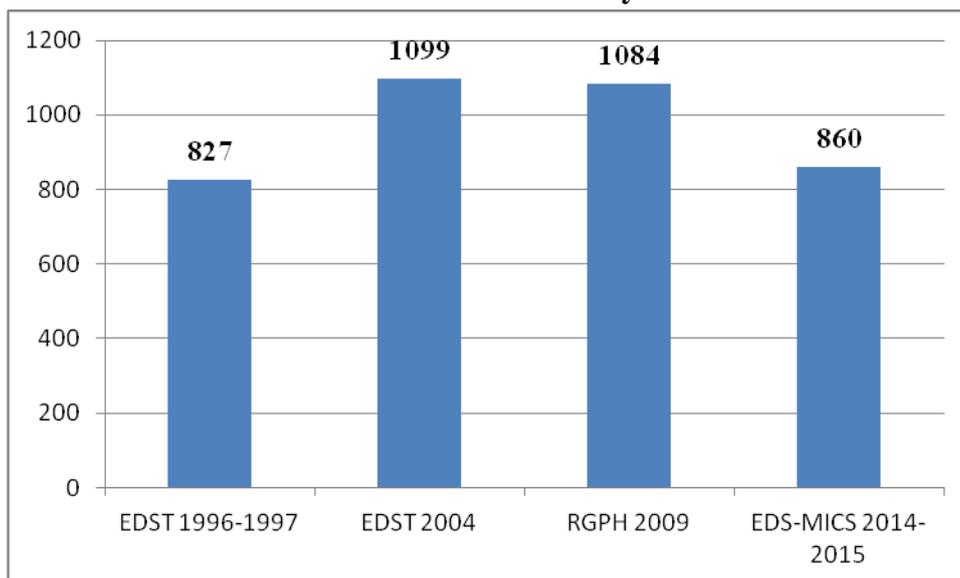
Source: 1996-1997 DHS, 2004 DHS, 2010 MICS and 2014-2015 DHS-MICS surveys

### **⚡ Maternal health**

**189.** The most widely known measure of maternal health is the maternal mortality rate (MMR). Maternal mortality is defined as deaths occurring in women, while pregnant or within 42 days of termination of pregnancy irrespective of the duration and site of the pregnancy, from any cause related to or aggravated by the pregnancy or its management, but not from accidental or incidental causes (expressed per 100,000 live births). It is very difficult to collect data relating to this indicator.

**190.** The chart below shows that the maternal mortality rate increased from 827 to 1,084 per 100,000 live births between 1996-1997 and 2009. However, a drastic reduction was observed in 2014-2015, i.e. 860 per 100,000 live births.

**Chart 5: Evolution of the maternal mortality rate from 1996 to 2015**

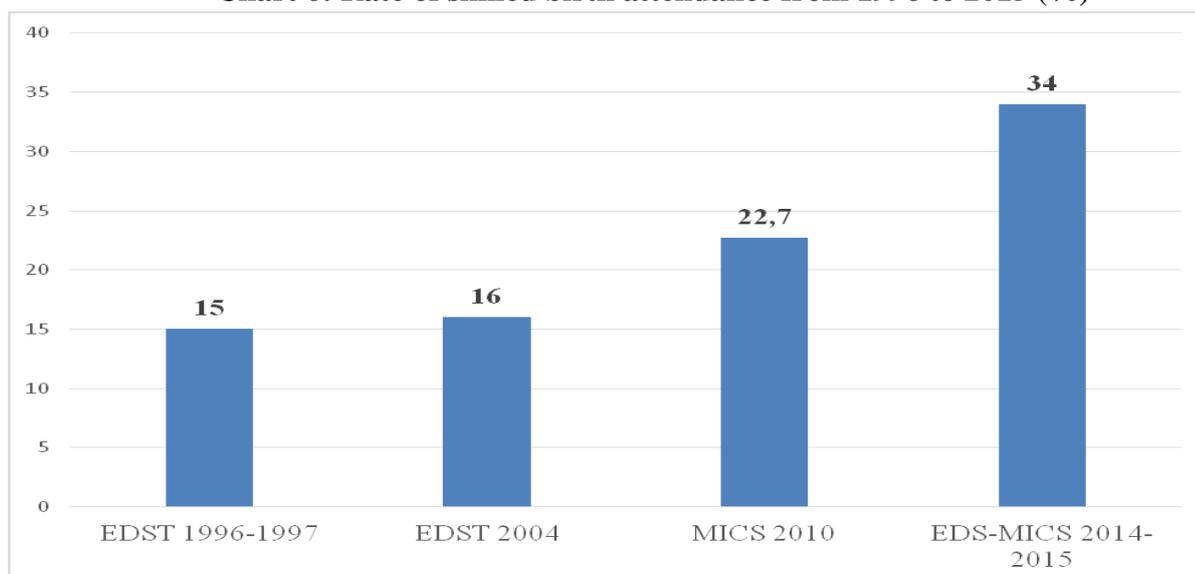


Source: 1996-1997 DHS, 2004 DHS, 2009 GPHC and 2014-2015 DHS-MICS

### **✂ Skilled attendance at birth**

**191.** Ensuring skilled attendance at birth is essential in order to reduce maternal deaths. Thus, the percentage increase in births supervised by skilled health personnel is an indicator for measuring improvements in the maternal mortality rate, given that most maternal deaths are caused by haemorrhaging which can be prevented by the presence of skilled health personnel at birth. Skilled attendance at birth hence increased significantly from 15% in 1996-1997 to 34% in 2014-2015, i.e. an increase of 19 points.

**Chart 6: Rate of skilled birth attendance from 1996 to 2015 (%)**



Source: 1996-1997 DHS, 2004 DHS, 2010 MICS and 2014-2015 DHS-MICS surveys

## **The HIV/AIDS response**

**192.** Since the first cases of AIDS were reported in 1986, Chad has set up an HIV infection surveillance system to support its national response to the HIV/AIDS epidemic. The national HIV/AIDS seroprevalence survey conducted in 2005, revealed an HIV prevalence rate of 3.3% among adults aged 15-49 years: 4% among women and 2.6% among men.

**193.** In the 2007-2011 period, the Government of Chad adopted and implemented a national strategic framework to combat HIV/AIDS and STIs. This framework was revised in December 2011 to adjust strategies and take into account new guidelines in the 2012-2015 National Strategic Plan to combat AIDS. This Plan was restructured into the 2014-2017 National Accelerated AIDS Response Plan with the introduction of innovative strategies in the national response to HIV/AIDS, in accordance with UNAIDS strategic guidelines for the intensification of efforts to end the AIDS epidemic by 2030. This new plan is the only framework for the programming of actions relating to the prevention, treatment and management of HIV/AIDS and STIs. It is part of the multi-sectoral approach involving all components of Chadian society in collaboration with technical and financial partners.

**194.** One of the key slogans in the fight against HIV/AIDS in Chad is “Condom, Abstinence and Faithfulness”, referred to as PAF (French acronym). This slogan calls upon every individual to choose between the three options according to his or her preferred method of protection. If you do not practice abstinence or use a condom, you should be faithful.

**195.** **According to the 2014-2015 DHS-MICS**, HIV prevalence among the general population aged **15-49** is **1.6%**. HIV prevalence is slightly higher among women (**1.8%**) than men (**1.3%**). A significant proportion of HIV-positive women and men (**56% and 59%** respectively) have never been tested for HIV or have been tested but do not know the result. In almost all couples (**98%**) both spouses are HIV-negative.

**196.** According to the AMASOT report, activities intensified in 2013. Since 2010, there has been an upward trend in the number of condom outlets. From 5,195 in 2010, the number of condom outlets nationwide increased to 6,850 in 2012 and 7,644 at the end of 2013, i.e. 794 new outlets between 2012 and 2013.

**197.** Similarly to the number of outlets, the number of condoms sold increased from 4,078,728 at the end of 2010 to 4,612,468 at the end of 2012. In 2013 alone, 5,965,095 condoms were sold, including 5,908,625 male condoms and 56,470 female condoms. In 2014, 7,046,410 condoms were sold, including 13,354 female condoms.

**198.** In general, it is observed that men use condoms to protect themselves much more than women when engaging in high-risk sexual relations.

**199.** According to the UNFPA 2011 Behavioural Survey, condom use is more prevalent among young people. Condom use is highest among women during the ages of 15-19 and 20-24 (3.9% and 3.8% respectively). For men, maximum use is observed during the ages of 15-19 (31.2%). Condom use among both men and women decreases as their age increases. A sharp fall is noted from the age of 25 for women and 30 for men. From the age of 45, men hardly use condoms anymore.

**200.** In Chad, raising community awareness and communication have a very significant impact on HIV/AIDS awareness and likewise the various activities carried out by youth associations with the support of development partners and NGOs. As a result, the proportion of young women and men aged 15 to 24 who correctly describe ways to prevent HIV transmission through sex, blood transfusion, etc. and who reject prejudices about HIV/AIDS is 10.1% according to 2010 MICS data.

### **ARV treatment**

**201.** The joint launch of the WHO Consolidated Guidelines and the UNAIDS Initiative on HIV Treatment in December 2013 by the Minister of Public Health helped to increase the number of PLHIVs on ARVs and improve the quality of medical care nationwide.

**202.** The percentage of adults and children eligible for antiretroviral treatment and who have access to it is increasing in light of the Government of Chad's commitment to reverse the trend in the spread of this disease of the century. In 2010, the rate of access to antiretroviral drugs for PLHIVs was 33.97%; this rate rose to 38.74% in 2011 (PSLS report). In 2012, the proportion of adults and children eligible for and with access to antiretroviral treatment was 42.56% and this figure remained more or less stable in 2013.

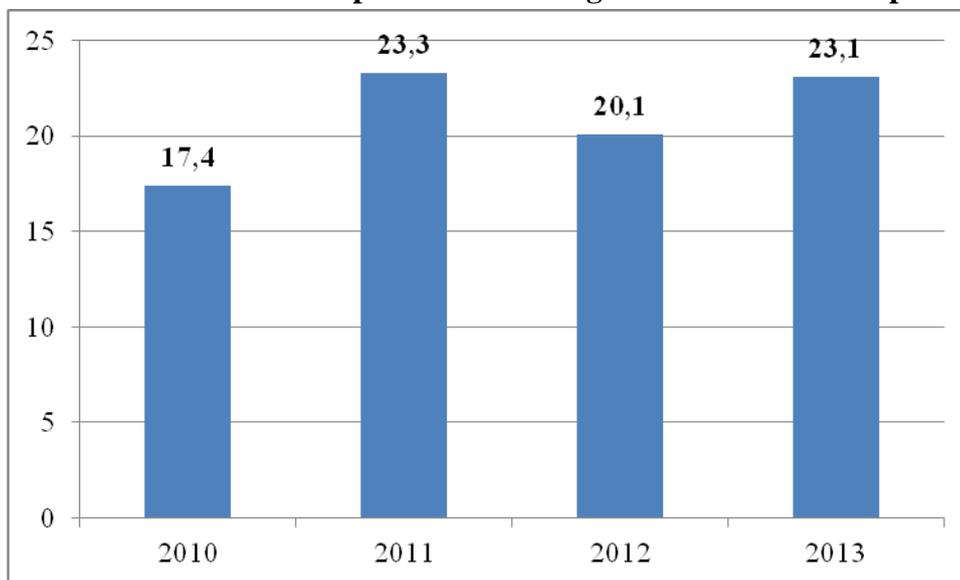
**203.** In Chad, one of the major achievements in medical care and access to treatment for people living with HIV is the free delivery of ARVs and laboratory tests. With the support of UNAIDS, WHO and the Ministry of Public Health, efforts were increased in recent years to improve the decentralization of health care delivery and training of attending physicians in ARV therapy. Efforts also deployed by the various stakeholders in the fight against AIDS, in terms of access to healthcare and medical support, led to highly satisfactory results in 2013.

**204.** Indeed, according to PSLS data, the number of patients (children and adults) on ARV treatment is constantly increasing. From 32,832 at the end of 2011, the number remained almost identical in 2012 (**40,856**) and 2013 (**40,584**). This increase can be partly explained by the free delivery and availability of ARVs at district hospitals as well as the social, economic and legal support provided to PLHIVs.

**205.** According to PMTCT data sources, PNC1 attendance rate and the proportion of pregnant women tested for HIV and who received their results were 61.9% and 30.1% respectively. HIV-positive women on prophylactic ARV treatment represented 18.1% of all HIV-positive pregnant women in 2013. The same source indicates that 14.1% of infants exposed to infection were on prophylactic ARV treatment and 15.8% of children born to HIV-positive mothers and who also have a confirmed HIV-positive status are on ARVs.

**206.** It is also important to note the linkage between HIV and TB. The estimated incidence of HIV-related tuberculosis is very high, yet the percentage of PLHIV/TB patients who have received treatment for both tuberculosis and HIV decreased from 40% in 2010 to 34.6% in 2011 (PNT/2010 and 2012 reports).

**Chart 8: Evolution of HIV prevalence among TB/HIV co-infected patients**



**Source:** 2010, 2011, 2012 and 2013 PNT reports

**207.** Numerous efforts have been made to strengthen the involvement of political, religious, local and community leaders in the response to HIV at the national and local levels.

**208.** The contribution of USD 500,000 pledged by His Excellency IDRISS DEBY ITNO, President of the Republic and Head of State, to the UNAIDS budget is the culmination of his commitment to contribute effectively to eradicating the epidemic.

**209.** The increasing involvement of Chad's First Lady, Mrs HINDA DEBY ITNO, has helped to strengthen national HIV campaigns and accelerate the process of disseminating laws to protect PLHIVs.

**210.** The leadership and ownership by the Government of the HIV national response strategy is demonstrated in the number of Ministries involved. In 2014, 14 ministries implemented HIV/AIDS action plans.

**211.** Logistical means were made available to the Chadian National Network of Associations of People Living with HIV (RNTAP+) in order to strengthen its capacity and leadership.

**212.** In terms of the legal environment, the adoption in 2007 of Act No. 19/PR/2007 on HIV/AIDS/STI and the protection of PLHIVs in Chad strengthened the country's legal instruments in the fight against HIV. In 2014, awareness-raising on the provisions of this legislation was conducted targeting 2,747 people, including employees of the Ministry of Public Health, legal practitioners, opinion leaders, religious leaders and PLHIVs.

**213.** Under programmes financed by the Global Fund, five (5) legal clinics were received support to facilitate legal and judicial assistance to HIV infected, affected and at risk populations. Only 14 legal consultations were recorded in 2014.

**Table 1: Summary of HIV/AIDS related spending in 2014**

ITEM	Montant en FCFA
<b>Total des dépenses en FCFA</b>	<b>10 669 225 610</b>
<b>Dépenses par source de financement</b>	
Public	3 061 920 743
Privé	192 881 204
International	7 414 423 663
<b>Dépenses par agent de financement</b>	
Public	3 637 136 237
Privé	5 166 370 146
International	1 865 719 227
<b>Dépenses par prestataire de services</b>	
Public	9 675 246 808
Privé	689 873 756
International	304 105 046
<b>Dépenses par catégorie</b>	
Prévention	1 278 807 514
Soins et Traitements	4 843 813 585
OEV	342 419 538
Gestion et Administration de programmes	2 708 467 007
Ressources Humaines	1 346 066 207
Protection Sociale et Services Sociaux	21 841 841
Environnement Propice et Développement Communautaire	127 809 918
Recherche liée au VIH/Sida	-
<b>Dépenses par bénéficiaire</b>	
PVVIH	4 976 126 825
Goupes de population particulièrement vulnérables	7 468 458
Autres groupes de population clés	905 817 254
Groupes de populations spécifiques accessibles	1 423 274 696
Ensemble de la population	2 833 746 322
Initiatives non ciblées	522 792 055
<b>Dépenses par facteurs de production</b>	
Dépenses courantes	8 483 690 006
Dépenses en capital	2 185 535 604

**Source:** CNLS, REDES Study, Chad, 2015

**214.** In 2014, PLHIVs benefitted the most from HIV-related spending with 46.64% of total expenditures, followed by specific population groups with 13.34%, the general population with 26.57% and other key population groups with 8.49%. Men and women in uniform, out-of-school youth and many other key populations identified in the 2014-2017 National Accelerated AIDS Response Plan (PARNS) have not received any funding for activities relating to them. This situation is worrying and challenges the SEN/CNLS regarding its coordination role. It is imperative to establish systematic coordination meetings at the national and regional levels so as to ensure that interventions are aligned with the PARNS and that all key populations are taken into account in national policies.

**215.** Overall spending relating to HIV/AIDS and STIs increased from CFAF 8,816,326,850 in 2013 to CFAF 10,669,225,610 in 2014, i.e. an increase of 21%. An additional financing agreement with the Global Fund to Fight AIDS, Tuberculosis and Malaria under the new funding model is currently being implemented.

### **⚡ Malaria control and mortality rates**

#### **• Prevalence among children under 5**

**216.** According to the 2010-2011 ENIPT, the prevalence of malaria among children aged 6 to 59 months is 35.8% with variations in the different age groups within this category: 24.1% among children aged 6 to 11 months, 30.3% among children aged 12 to 23 months, 33% among children aged 24 to 35 months, 39.6% among children aged 36 to 47 months and 42.9% among children aged 48 to 59 months. The prevalence of malaria increases with the age of children.

**217.** The results by gender show a prevalence of 34.3% among girls compared to 37.1% among boys.

**218.** In terms of place of residence, the prevalence rate is 20.7% in urban areas and 42.3% in rural areas. Results per endemicity level reveal a higher prevalence in the Sudanese zone (52%) than in the Sahelo-Saharan zone (8.4%).

#### **• Prevalence in the general population**

**219.** According to the 2010-2011 ENIPT, the prevalence of malaria in the general population is 29.8%. This prevalence varies according to age group: 35.8% among children under five, 39.3% among children aged 5-14 and 15.2% among those over 15.

**220.** Prevalence is higher among men (32.3%) than women (27.8%). Similarly, malaria prevalence is higher in rural areas (35.1%) than in urban areas (18.3%).

**221.** The prevalence of malaria in the Sudanese zone is quite high (43.8%), while very low in the Sahelo-Saharan zone (6.1%).

## **⌘ Tuberculosis control and mortality rates**

**222.** Tuberculosis is a public health concern in Chad with an estimated prevalence of 221 cases per 100,000 inhabitants and an estimated incidence of 151 new cases per 100,000 inhabitants (Health Statistical Yearbook, 2013).

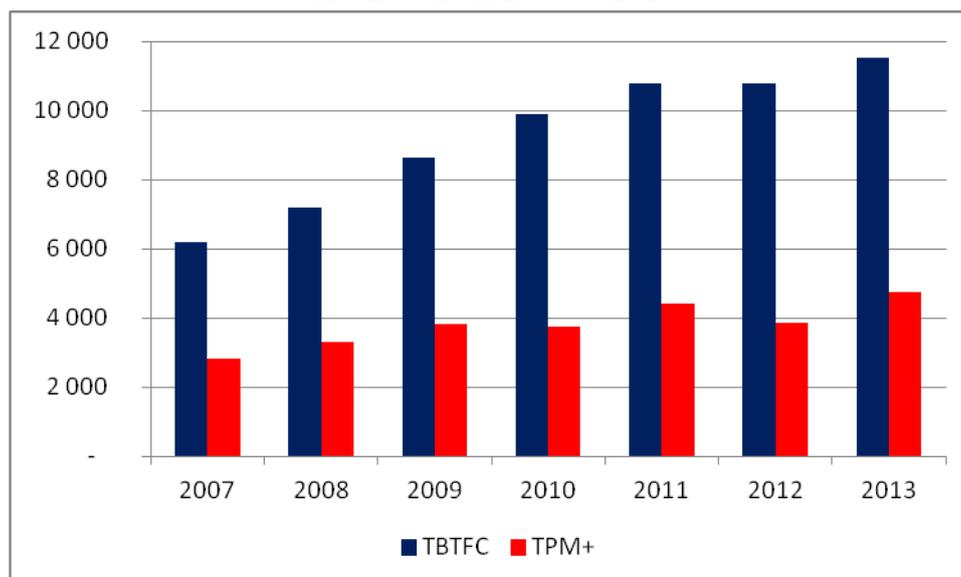
**223.** A Strategic Plan to combat Tuberculosis (PSN-TB) was implemented from 2009 to 2013 and enabled the National TB Control Programme (PNT) to improve its performance.

**224.** The number of tuberculosis cases reported by the PNT has almost doubled in the last seven (7) years according to its annual reports. The number of cases (all forms of TB included) increased from 6,200 to 11,505 between 2007 and 2013. The same applies to new cases of PTB+, which increased from 2,806 to 4,758 during the same period.

**225.** The number of cases of smear-positive pulmonary tuberculosis (PTB+) and clinically diagnosed tuberculosis (PTB-, EPTB) increased between 2007 and 2013. Considering that the disease transmission rate is stable, significant screening activities were carried out to obtain these figures. There is an uneven distribution of TB cases among the three (3) main cities (N'Djaména, Moundou and Sarh), which account for 60% (6,517/11,505) of cases. The disaggregation of data per gender shows that 33.4% of cases are female and 66.6% male (male/female ratio = 1.9). The distribution per age shows a higher prevalence among 25-34 year olds, indicating a higher transmission rate among young people. Children aged 0-14 years account for 6.4% of the total number of cases. The proportion of cases diagnosed in the 0-14 age group also indicates a significant transmission rate among children.

**226.** The incidence of the disease is very unevenly distributed across the territory. The distribution of cases per gender and age is similar to that of several other developing countries or African countries. The disease is predominantly contracted by men and the 24-45 year old age group.

**Chart 9: Evolution in the number of new cases of tuberculosis (all forms included) and PTB+ in Chad from 2007 to 2013**



**Source: PNT 2013**

TBTFC = All forms of tuberculosis

TPM+ = Smear-positive pulmonary tuberculosis (PTB+)

#### **D. Right to education**

**227.** Article 17 of the African Charter states that “1. *Every individual shall have the right to education.*

2. *Every individual may freely take part in the cultural life of his community.*

3. *The promotion and protection of morals and traditional values recognized by the community shall be the duty of the State”.*

**228.** **Article 38** of the Constitution of the Republic of Chad stipulates that: “*parents have the natural right and duty to raise and educate their children. They are supported in this task by the State and Decentralized Local Governments”.*

**229.** Articles 35 et seq. of the Constitution stipulate that “*Every citizen has the right to education; public education is secular and free; private education is recognized and exercised under the conditions set forth by law; basic education is compulsory”.*

**230.** Act No. 16/PR/2006 establishing guidelines for the national education system guarantees: “1. *The right to education and training is recognized for all irrespective of age, gender, geographic, social, ethnic or religious origin.*

2. *Education is a top national priority.*

3. *The State guarantees basic education for all from six (6) to sixteen (16) years of age.*

**231.** The Government has set up school canteens with the support of technical and financial partners.

**232.** Parents are free to enrol their children in schools of their choice. The establishment of private institutions is a perfect illustration of this freedom of choice.

**233.** The establishment of nomadic schools, the exemption from school fees for disabled children and children of persons with disabilities, orphans and the increase in the rate of enrolment of girls in public schools are measures adopted to guarantee the right to education for all children. In Chad, considerable efforts have been made in the education sector (increase in the number of schools and better conditions for students), particularly towards achieving the Millennium Development Goals (from 1999 to 2009, the net completion rate for primary education increased by 13.4%).

### **1.1. Net enrolment rate in primary education**

**234.** The gross enrolment rate (GER) in primary education rose from 31.8% (40.4% for boys, 22.8% for girls according to the 1993 GPHC) to 68.3% (75% for boys and 61.4% for girls according to the 2009 GPHC). In rural areas, this rate stands at 60.8% (67.7% for boys and 53.7% for girls).

**235.** At secondary education level, the GER rose from 7% (11.4% for boys and 2.9% for girls) in 2013 to 27.8% (38.5% for boys and 17.3% for girls), i.e. an increase of 20.8 points in 17 years.

**236.** The net enrolment rate in primary education increased from 26.2% (32.1% for boys and 20.1% for girls) in 1993 to 40.4% (43.2% for boys and 37.4% for girls) in 2009, i.e. an increase of only 14 points in 17 years.

### **1.2. Literacy rate of 15-24 year olds (women and men)**

**237.** In Chad, despite efforts deployed, the literacy rate remains low at around 33%, leaving 2/3 of the population in illiteracy. This is due to high population growth (the increasing number of students to be enrolled eventually puts high pressure on school facilities) and a low primary school completion rate.

**238.** According to the 2004 DHS, 73% of women and 54% of men are illiterate, in addition to the 34% of women and 23% of men who have not completed primary education and are considered to be functionally illiterate.

**239.** At the higher education level, Chad had 47 institutions in 2011, half of which were in the private sector; 20,347 students, 23% of whom were girls, were enrolled in these institutions.

**240.** With the establishment and construction of universities and institutes in the regions (Toukra in N'Djaména, Abéché, Ati, Mongo, Doba, Moundou, Bongor, Pala, Mao, Sarh, Lai, Bilitne, etc.), higher education training opportunities have improved significantly.

**241.** A Department for the promotion of national languages in schools has been established at the Ministry of Education, but efforts still need to be made to ensure effective implementation of the measures taken to broaden the teaching of national languages throughout the country.

### **Budget allocations of the Ministry of National Education and Vocational Training**

<b>YEAR</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>
<b>TOTAL</b>	111 340 337 000	110 683 103 776	118 836 728 117	132 588 182 000	127 936 972 000
<b>%</b>	7%	7%	8%	8%	8%

Source: MENFP

### **E. Right to culture**

**242.** Article 22 of the African Charter stipulates that “1. All peoples shall have the right to their economic, social and cultural development with due regard to their freedom and identity and in the equal enjoyment of the common heritage of mankind. 2. States shall have the duty, individually or collectively, to ensure the exercise of the right to development”.

**243.** The Constitution guarantees citizens the right to participate in the cultural life of their choice (Articles 33 and 34 of the Constitution). According to **Article 33**, “Every Chadian has the right to culture. The State has a duty to safeguard and promote the national values of civilization.” **Article 34** states that “Every Chadian has the right to the creation, protection and enjoyment of his intellectual and artistic works. The State shall ensure the promotion and protection of the national cultural heritage as well as artistic and literary production”.

**244.** In 2000, according to RAMSAR data, Chad was the only Sahelian country among the seven (7) Central African States to have created 9 protected areas, representing 9% of the national territory. In addition, the country had the largest area of land in the region designated as wetland of international importance, with a surface area of 1,843,000 ha.

**245.** In 2012, the network of parks and nature reserves for biological diversity covered nearly 10.2% of the country’s surface area. These include national parks, wildlife reserves, protected areas and hunting grounds. Some areas have special values and deserve protection. The main parks are: Zakouma National Park (PNZ), Manda National Park (PNM), Sena-Oura National Park (PNSO). There are also the following nature reserves in addition to these parks: Binder Léré Wildlife Reserve; Fitri Lake Biosphere Reserve, Barh Salamat Wildlife Reserve, Siniaka -Minia Reserve, Ouadi Rimé/Ouadi Achim Reserve, Fada Archei Wildlife Reserve, Aboutelfane Reserve and Mandelia Wildlife Area.

**246.** With regard to other areas of culture such as cinema, art, music, theatre, painting, literature, choreography, dance, singing, etc., Chad is beginning to make a name for itself with the numerous continental and international awards received. The Ministries of Culture, Youth and Sports, Economy, Trade and Tourism are in charge of the management of all cultural and artistic heritages.

**247.** The Government has set up mechanisms to promote and safeguard the creation of artistic and literary works. These include:

- the National Library pursuant to Ordinance **No. 007/PR/2011**;
- the national museum and regional museums;
- reading and cultural activities centres (CLACs) in all regions;
- the Copyright Office (BUTDRA);
- Circular **No. 031/PR/PM/MCJS/DGC/SG/DASC/10** of **9** November **2010** governing cultural and artistic events in the Republic of Chad;
- Unearthing of the fossil remains of Toumaï;
- institutionalization of the National Support Fund for Artists by Ordinance **No. 012/PR/2011** of **24** February **2011**;
- institutionalization of the “**Miss Chad**” election;
- Support for the organization of traditional dance festivals;
- institutionalization of National Youth Day;
- celebration of the Festival of Music;
- the promotion of tourism through the establishment of the Tourism Office;
- the establishment of an Archives Department;
- the institutionalization of the National Week of School and University Sporting activities;
- the institutionalization of holiday camps;
- the establishment of internet cafés;
- the establishment of the national youth support fund;
- the establishment of the Fund for the promotion of sports; and
- the inscription of Lake OUNIANGA on the UNESCO World Heritage List.

#### **F. Right to housing**

**248.** Article 14 of the African Charter states that “*The right to property shall be guaranteed. It may only be encroached upon in the interest of public need or in the general interest of the community and in accordance with the provisions of appropriate laws*”.

**249.** Improving access to decent housing for the greatest number of households is one of the Government's policy priorities.

**250.** Despite the establishment of the *Banque de l'Habitat du Tchad* as a real estate financing institution, building construction and rental housing mainly lies in the hands of actors in the informal sector. On average, between 2,000 and 3,000 housing units are built per year. In an effort to address the housing challenge, the Government, with the support of UNDP and UN Habitat, developed the National Housing Strategy (SNL) in 1999. The primary goal of this strategy is to ensure access to decent, viable and sustainable housing and basic services for all social groups, particularly low- and middle-income groups.

**251.** The Government, through the Urban Development and Housing Improvement Project (DURAH), developed three urban areas allotted into 6,000 serviced plots, 60% of which were made available to the Association of National Real Estate Developers (GPIN). A pilot operation was carried out in Goudji Hamaral Goz (Patte d'Oie) where a 54.6 hectare land area located at the northern exit of N'Djaména was developed and 1,000 serviced plots allocated to Higher Education Teachers and Researchers as well as to economic operators. The rehabilitation of two old districts through the construction of basic infrastructure and land tenure regularization processes will be carried out: a pilot operation will be carried out in Farcha Madjorio located to the west of N'Djaména.

**252.** In 2010, the Land and Housing Development Company (SOPROFIM) was established and, with the support of Shelter Africa, land has since been identified for the construction of social housing units in Toukra (15,000 units) for civil servants. The current plan is to make available, by 2030, 194 hectares of developed land in N'Djaména for the construction of 440,000 housing units at Guilmei: 50 hectares (1<sup>st</sup> District); Gassi-Toumaï: 50 hectares and Mandjafa: 19 hectares (7<sup>th</sup> District); Ambassatna: 25 hectares (2<sup>nd</sup> District); and Al Mour: 50 hectares (10<sup>th</sup> District).

### **G. Right to social security**

**253.** Provisions relating to the right to social security are contained in Act No. 17/PR/2001 of 31 December 2001 on Civil Service Regulations. They are also included in the Labour Code. The provisions in this regard contained in the Collective Bargaining Agreement concerning the right to social security are also worth mentioning.

**254.** With regard to social security coverage, there is no discrimination in terms of access to the official social security system. Workers governed by the Labour Code and private individuals are able to take out individual insurance without restriction.

**255.** The National Social Security Fund (CNPS) covers private-sector workers. Benefits and risks covered include retirement, disability, death, work-related injuries, occupational diseases and maternity. Thus, the Pension scheme covers retirement benefits and invalidity; the Family allowance

scheme covers risks relating to the birth of a child in the worker's family; and the Workers' compensation scheme covers work-related injuries and occupational diseases.

**256.** The National Pension Fund (CNRT) covers civil servants as well as paramilitary and military forces.

**257.** It should be noted that health insurance is available from insurance companies; however, enrolment on these insurance plans are still minimal and incentives are required to promote mutual health insurance.

## **H. Right to food**

**258.** In accordance with Article 16-1 of the African Charter, "Every individual shall have the right to enjoy the best attainable state of physical and mental health".

**259.** To achieve this objective, the Government developed a number of strategies and policies, including the 2002 National Food Security Programme Strategy and the Special Programme for Food Security in 1999. The latter, developed with the support of FAO, was considered a priority programme.

**260.** There are also some research and training institutions such as the Chadian Institute of Agricultural Research for Development (ITRAD), the National School of Livestock Techniques and the University Institute of Science and Technology of Abéché.

**261.** The PNSA implements all rural policies and guidelines developed in recent years. Its objective is to eliminate hunger and food insecurity throughout the country.

**262.** The overall budget of the PNSA in 2007 amounted to 446 billion, including 64% for agriculture, 16% for livestock, 2.5% for the environment, 2.5% for fisheries and 14% for pastoral and village water supply.

**263.** In 2006, the Ministry of Agriculture accounted for the 5<sup>th</sup> largest budget (approx. 29 billion) among all ministries. From the early 2000s, the investment budget varied between 17 and 23%. It increased to 32% in 2006 and 39% in 2007 (National Report on the Food Security Profile in Chad, April 2008).

**264.** These funds were used to mechanize agriculture, which resulted in the supply of tractors and inputs to farmers as well as the construction of and hydro-agricultural infrastructures.

**265.** Another institution worth mentioning for its contribution in the fight against food insecurity is the National Food Security Office (ONASA), whose mission is to maintain a food security stock in the event of a crisis, with funding from the State and partners.

**266.** Fishing is the 4<sup>th</sup> largest economic activity and employs 250,000 people with an annual production of 80,000 tonnes per year (Food security profile report). Chad indeed has the possibility to develop aquaculture owing to a favourable natural environment and geographic setting as well as a promising economic environment characterized by an increasing demand for fish products.

**267.** The Government initiated a fisheries development programme and established the Fisheries Development Project (PRODEPECHE). It also adopted a strategic framework for the development of aquaculture. PRODEPECHE aims to improve fisheries management by increasing the level of production to 60,000 tonnes per year. The contribution of aquaculture is expected to offset the deficit caused by population growth. The objective is to increase fish consumption to reach the average consumption rate in Africa of 8.5 kg/person/year. Rivers and lakes are abundant with fish resources and provide a source of food for households.

**268.** Revenue from meat has increased following the reconstitution of herds after the 1973 drought. Total production of meat and offal is in the order of 100 to 130,000 tonnes per year (Source: FAO).

**269.** There is also the 2009-2016 National Livestock Plan (PNDE). Indeed, livestock farming employs more than 40% of the total population and 80% of the rural population. In 2001, 223,475 tonnes of milk, all species included, were produced as a result. The establishment of a sub-regional institution, CEBEVIRHA, should also be mentioned. Decree No. 040/M/SG/DSTM/SHS of 29/02/2000 prohibits the transportation of meat in non-compliant vehicles within N'Djaména which ensures that the population consumes safe and healthy meat.

**270.** To improve the living conditions of the population, the Government had created a ministry in charge of micro-finance, which was later merged with the Ministry of Finance. Microfinance services therefore continue to be provided through agreements signed between the Government and microfinance institutions.

### **I. Right to safe drinking water and sanitation**

**271.** Article 14 of the African Charter stipulates that “All peoples shall have the right to a general satisfactory environment favourable to their development. The Government has adopted several legislative measures relating to the water sector, including the following:

- Act No. 16/PR/99 of 18 August 1999 establishing the Water Code and its implementing decrees and orders;
- The Water and Sanitation Master Plan approved in 2003.

A Ministry in charge of the water sector was established, several bilateral and multilateral agreements signed for the implementation of numerous projects and programmes, and umbrella organizations such as ETS, HTS and the platform for State-Partner consultations created among other actions.

**272.** Legal instruments adopted with regard to the environment include:

- Act n° 14/PR/98 defining the general principles of environmental protection;
- Decree No. 630/PR/PM/MEERH/2010 regulating environmental impact assessments;
- Decree No. 904/PR/MEHR/2009 on pollution and adverse environmental effects; and
- Decree No. 378/PR/PM/PM/MAE/2014 on the promotion of environmental education in Chad and several United Nations framework conventions on environmental protection.

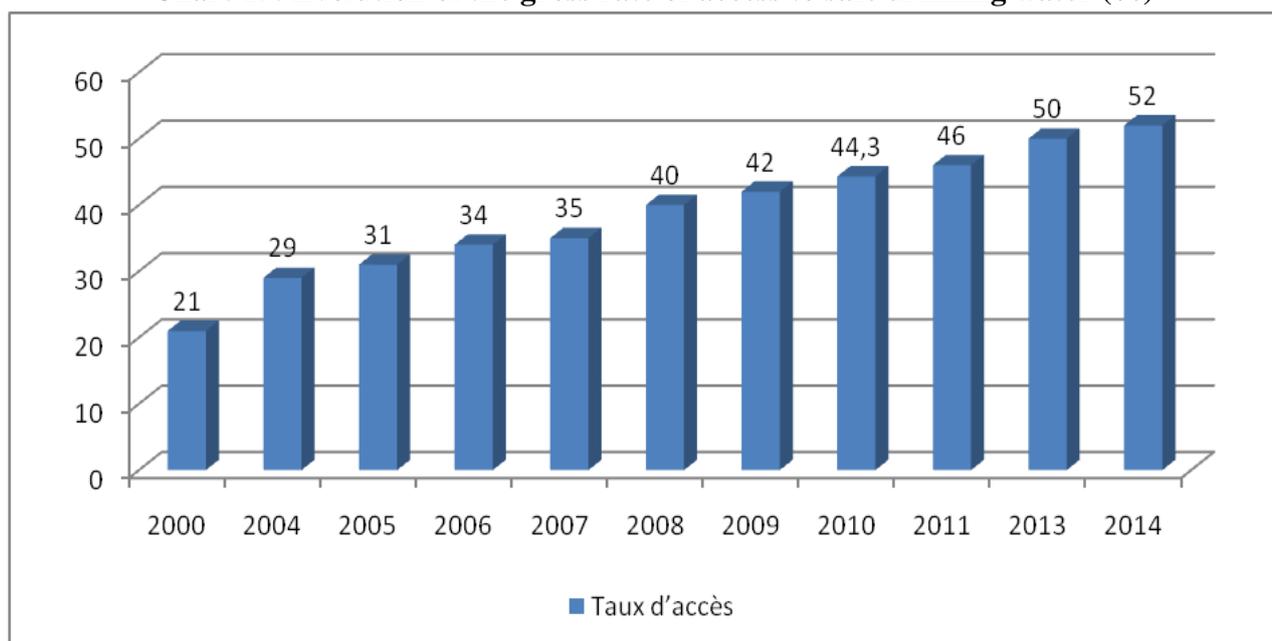
**273.** In addition, the Government has put in place the National Programme on Drinking Water Supply and Sanitation in Rural Areas (PNDAR).

**274.** The following are also worth mentioning:

- the ban on plastic bags, the ban on open defecation (municipal decree No. 145 of 17/10/1996 currently in force in N'Djaména);
- the construction of rainwater drainage structures in the cities of N'Djaména, Moundou, Sarh, Abéché and Koumra.

**275.** In 2000, according to the Water and Sanitation Master Plan, there were 3,000 manually-operated pumps (PMH) and 20 connections to the drinking water supply system. Thus, the population reached was estimated at 20.1%.

**Chart 15: Evolution of the gross rate of access to safe drinking water (%)**



Source: Ministry of Water, 2014

**276.** According to analyses and perspectives for the 2010-2015 period in the water and sanitation sector, in 2010, a total of 9,399 manually-operated pumps were installed and 258 connections made to the drinking water supply system. The population reached was estimated at 4,954,442 inhabitants for a total population of 11,658,758. The access rate in terms of infrastructure was 42.9%, manually-operated pumps were installed in 47.9% of villages with less than 1,200 inhabitants while connections to the drinking water supply system were made in 32.7% of villages with more than 1,200 inhabitants.

**277.** Consequently, the coverage rate for the entire Chadian population increased from 21% in 2000 to 52% in 2014. In 2014, 14,227 manually-operated pumps and 342 connections to the drinking water supply system were installed or carried out, reaching 7,200,416 people out of a total population of 13,846,954. Thus, 55.2% of villages with less than 1,200 inhabitants are equipped with manually-operated pumps and 43.4% of villages with more than 1,200 inhabitants are connected to the drinking water supply system.

**278.** Based on previous analyses, 2,398 manually-operated pumps and 222 additional connections to the drinking water supply system are therefore required by the end of 2015.

**279.** Modern sanitary facilities were used by only 6.4% of households, including 5.8% of improved latrines and 0.6% of flush toilets. The proportion of households using toilets increased 11-fold (0.6% to 6.4%) between 1993 and 2009.

**280.** The 2012 EPMVT results show that 12.9% of households use modern sanitation facilities (flush toilets and improved latrines).

**281.** Also in 2012, the Joint Monitoring Programme (JMP) indicated that the rate of access to basic sanitation services is 16%. The Government has provided the Commune of N'Djaména with 30,000 trash bins and constructed public latrines in schools.

**282.** These efforts have helped to limit the spread of waterborne diseases such as cholera and others.

#### **J. Right to family**

**283.** Article 18 of the African Charter stipulates that *“1. The family shall be the natural unit and basis of society. It shall be protected by the State which shall take care of its physical health and moral. 2. The State shall have the duty to assist the family which is the custodian of morals and traditional values recognized by the community. 3. The State shall ensure the elimination of every discrimination against women and also ensure the protection of the rights of women and the child as stipulated in international declarations and conventions. 4. The aged and the disabled shall also have the right to special measures of protection in keeping with their physical or moral needs.”*

**284.** Article 37 of the Constitution of the Republic of Chad states that *“the Family is the natural and moral basis of society. The State and Decentralized Local Governments have a duty to ensure the well-being of the family”*.

**285.** In Chad, the French Civil Code of 1958 is in force in the absence of an individual and family Act. Article 146 of the Code provides that *“there shall be no marriage when there is no consent”*.

**286.** Act No. 06 /PR/2002 of 15 April 2002 on the Promotion of Reproductive Health prohibits harmful customary practices and promotes freedom of choice for spouses.

**287.** The Ministry of Women, Early Childhood Protection and National Solidarity is responsible for the implementation of the Government’s policy on family welfare. Social centres exist in all main towns in administrative regions and departments throughout the country; they work to strengthen family ties.

**288.** The Government, in an effort to strengthen existing measures, also adopted Ordinance No. 006/PR/2015 of 14 March 2015 prohibiting child marriage. Article 2 of the Ordinance sets the minimum age for marriage at 18 years. This ordinance has been changed into law (Act No. 023/PR/2015).

**289.** Articles 212 et seq. of the 1958 Civil Code guarantee the equal rights and duties of spouses during marriage.

**290.** They also deal with divorce, custody of children, visiting rights, alimony and mutual assistance.

**291.** Birth registration is a right recognized for all children in the country. Article 10 of Act No. 008/PR/2013 of 10 May 2013 on the organization of the civil registry in Chad, which amended Ordinance No. 10/INT/1961 on the civil registry in Chad, makes the registration of children mandatory. According to Article 25 of the Act, “*any birth occurring on the national territory must be declared to the civil registry office of the place of birth within one month from the day of birth*”.

**292.** To ensure the effective enjoyment of this right, the Government of the Republic of Chad adopted various measures aimed at facilitating registration procedures for residents of all regions in Chad. These include the institutionalization of free registration of children in the civil registry since April 2007.

**293.** The Government continues to improve the implementation of the strategy, revised in 2010, to build a reliable and sustainable civil registration system through training of a sufficient and qualified number of civil registrars and officers and the supply of adequate resources, registers and forms to civil registration centres;

The question of nationality is addressed in Ordinance No. 33/PG-INT of 14 August 1962 on the Chadian Nationality Code. Article 9 of the Ordinance, which deals with nationality of origin acquired by descent, provides that “*are considered Chadian: legitimate or natural children born to two Chadian parents; legitimate or natural children born in Chad of a Chadian ascendant; legitimate or natural children born abroad of a Chadian ascendant; in the latter case, however, the persons concerned may, when they have reached the age of eighteen years, opt for the nationality of their country of origin, provided that the legislation of that country so authorizes*”.

### **CHAPTER 3: RIGHTS OF SPECIFIC GROUPS**

#### **A. Women’s rights**

**294.** Articles 13 and 14 of the Chadian Constitution provide that “*women and men have the same rights and duties*” and that “*the State has a duty to ensure the elimination of all forms of discrimination against women and to ensure their social protection in all areas of public and private life*”. However, the strict enforcement of these laws is problematic because of certain social and cultural constraints. Hence, there is a high concentration of female employees in the non-agricultural sector, mainly in urban areas.

**295.** In 2015, women represented 13.4% of the civil service workforce and 8.2% of the formal private sector workforce.

**296.** These figures were more or less stable between 2007 and 2010. Women are also under-represented in management positions (about 20 women out of 150 national directors in the civil

service). The wage disparity in the non-agricultural sector is unfortunately due to the low rate of enrolment of girls in school, early marriages and pregnancies.

**Table 1: Labour force status per gender in 2003 and 2011 (%)**

Indicator	2003		2011	
	Men	Women	Men	Women
Employees in the non-agricultural sector	58.7	41.3	58.4	41.6

**Source:** INSEED/ECOSIT2/3

**297.** In 2003, there were 41.3% women in employment compared to 58.7% of men. In 2011, the proportion of women working in the non-agricultural sector increased slightly by 0.03% compared to 2003.

**298.** The gender sensitive approach adopted to reach the MDGs is primarily based on two mutually supporting key areas: transversality and women-specific activities.

**299.** Transversality is based on the fact that women are not in a sector of their own; they are the targets of sectoral policies, programmes and projects. The gender gap is due to the socio-economic and cultural environment.

**300.** Progress made with regard to the representation of women in the National Assembly has been impressive compared to the situation in 1997, the reference year. Although the overall trend for this indicator is positive, a minimum quota for women parliamentarians should be institutionalized in the future in order to safeguard achievements in the area of gender parity in the National Assembly.

**301.** Greater attention to the representation of women in the National Assembly will lead to concrete development results. This is necessary in order to establish the link between the target and human development indicators, the number one goal of the MDGs.

**Table 15: Proportion of women in the National Assembly (%)**

Year	1997-2002	2002-2012	2012-2015
MPs	2	6	15

**Source:** Ministry of Social Action

**302.** The table above shows that the proportion of women in the National Assembly rose from 2% in the 1997-2002 period to 15% in 2012-2015.

**303.** Lastly, with a view to promoting gender equality and women's empowerment, the Government adopted innovative policies to achieve the following priority objectives:

- Political commitment and combatting harmful socio-cultural practices to achieve MDG3. The strong political commitment demonstrated resulted in the implementation of a lending policy targeting women, the construction of the women's national centre, the institutionalization of a 30% quota of women on decision-making bodies. It should therefore be noted that discussions are ongoing regarding the adoption of an individual and family Act and that freedom of expression continues to be encouraged:
- a national gender policy (PNG) validated in December 2011 is being adopted;
- a National strategy to combat gender-based violence (SNVBG) was validated and its action plan is currently being developed;
- a National campaign to combat all forms of violence against women for the 2009-2013 period was implemented;
- national legislation was revised to include provisions relating to the punishment of violence against women;
- the establishment of an advocacy group on 14 December 2014 to ensure follow-up of SNVBG and PNG legislation; and
- the establishment of an inter-ministerial committee on human trafficking.

## **B. Rights of the child**

### **1.1. Birth registration**

**304.** According to Article 1 of the CDE, "*a child means a human being below the age of 18 years, unless the laws applicable to the child recognize an earlier age of majority*". In Chad, the age of majority is 18 years. However, the birth registration rate in Chad is the lowest (15.6%).

**305.** To address the low birth registration rate, the Government adopted Act No. 008/PR/2013 of 10 May 2013 on the organization of the civil registry in the Republic of Chad. Article 10 of the Act stipulates that "*declaration of birth and death is mandatory*" and Article 12 specifies that "*registration on civil status records shall be made free of charge. Issuance of the original documents is free of charge. Copies and extracts are subject to stamp duty.*"

**306.** To this end, a pilot project on birth registration was launched in three regions (Batha, Guéra and Mandoul) with the technical and financial support of UNICEF and the European Union. This 23-month pilot project was implemented by the *Association pour la Promotion des Libertés Fondamentales au Tchad* and helped to significantly improve data on birth registrations.

### **1.2. Children involved with armed forces and armed groups (EAFGA)**

**307.** The exit process for children who were involved with armed groups and armed forces in Chad and placed in transitional support and reintegration facilities was completed in 2011 with the signing

of a National action plan regarding children involved with armed groups and armed forces between the Government of Chad and the Monitoring and Reporting Mechanism on grave violations of children's rights. Following this signature, the Government appointed the various focal points to facilitate the implementation of the action plan, specifically a focal point within the Ministry of Social Action, Family and National Solidarity and another at the Ministry of National Defence and Veterans Affairs.

**308.** Training for the armed forces on the rights and protection of children before, during and after conflicts was organized. The draft Child Protection Code, adopted at the Cabinet meeting of 10 November 2012, is pending before the National Assembly for adoption, while Law No. 08/PR/2013 was promulgated on 10 May 2013.

**309.** This remarkable progress made it possible to remove (delist) Chad in July 2014 from the list in Annex A of the United Nations Secretary-General's Report on Children and Armed Conflict. Subsequently, the campaign to end the recruitment and use of children in armed forces and armed groups was launched. In all of these processes, Chad has been seen globally as a model to be followed by other parties in armed conflicts, especially in West and Central Africa, where Chad plays a leading role as a stabilization and peacekeeping force. Following these various interventions, another agreement was signed with the Government in September 2014 to provide support to the children.

**310.** Monitoring of the roadmap signed in May 2013 and the development of the Ten-point Action Plan made it possible to equip the Government with the necessary tools in order to realize the spectacular progress made towards the removal of Chad from the annexes of the UN Secretary-General's Report on Children and Armed Conflict.

**311.** The Ministry of National Defence, in collaboration with the UN System, organized a second workshop at Soluxe Hotel N'Djaména from 9 to 10 April 2015 to review the roadmap of the Action Plan relating to children involved with armed forces and armed groups. The objective of the workshop was to take stock of the achievements, difficulties encountered and special measures to be taken to keep Chad out of Annex A of the Report of the UN Secretary General on children and armed conflict.

### **C. Rights of persons with disabilities**

**312.** As part efforts to promote and protect the rights of persons with disabilities, the Government of Chad, through Decree No. 580/PR/PM/MASF/2000 of 5 December 2000, established a Department within the Ministry of Social Action in charge of the social reintegration of persons with disabilities.

**313.** The following legislation, among others, were adopted in favour of persons with disabilities:

- Act No. 07/PR/2007 of 9 May 2007 on the protection of persons with disabilities;
- Decree No. 136/PR/MCFAS/94 of 16 June 1994 establishing a National Disability Day, marked on 7 February each year.
- Decree No. 377/MEN/DG/95 of 4 December 1995 exempting students with disabilities from paying enrolment fees.

The following achievements in favour of persons with disabilities are also worth noting:

- Several training courses were organized for organizations of persons with disabilities on the Convention on the Rights of Persons with Disabilities and leadership.
- Several organizations of persons with disabilities have benefited from small loans programmes of the Ministry in charge of micro-credit.
- Food assistance is provided once a year to boarding students at the Resource centre for visually-impaired youth (CRJA) in N'Djaména.

#### **D. Rights of older persons**

**314.** People aged 60 represent 2.7% of the total Chadian population (people aged 65 and over represent 4.3%).

**315.** There is no social pension in Chad, apart from the contribution-based pension linked to formal employment. There are no social services or benefits for older persons. As a result, they must rely on their own strengths or on the solidarity of the family.

**316.** The ECOSIT3 survey indicates that the poverty rate in households headed by people aged 65 and over is 56% compared to 37% in households headed by people aged under 25.— Within the framework of its policy on older persons, the Government established a National Day of Older Persons, which is celebrated on 1 October of each year. This day is organized under the co-sponsorship of the Ministry of Health and the Ministry of Social Action.

#### **E. Rights of refugees, displaced persons and returnees**

**317.** The national legal framework relating to refugees includes:

- a) Article 46 of the Constitution, which stipulates that: *“The right of asylum is granted to foreign nationals under the conditions determined by law. The extradition of political refugees is prohibited”*. Other legal instruments relating to refugees and asylum seekers are derived from this constitutional provision;
- b) Decree No. 718/PM/96 of 31 December 1996 establishing the National Commission in charge of the hosting and reintegration of refugees (**CONAR**). This inter-ministerial Commission is

in charge of all matters relating to refugees and asylum seekers. However, shortcomings were noted in the structure of CONAR. These shortcomings mainly relate to the lack of an appeal body in the event an asylum application is rejected.

**318.** At the local level, regional delegations and departmental offices operate de facto.

**319.** The Government therefore issued another decree to address these shortcomings. Specifically, Decree No. 839/PR/PM/MAT/2011 of 2 August 2011 on the creation, organization and duties of the National Commission in charge of the hosting and reintegration of refugees and returnees (**CNARR**).

The CNARR is an inter-ministerial body comprised as follows:

- Minister in charge of Territorial Administration and Public Security: Chairperson;
- Minister in charge of Foreign Affairs, Member;
- Minister in charge of National Defence, Member;
- Minister in charge of Justice and Human Rights, Member;
- Minister in charge of Finance, Member;
- Ministry in charge of Social Action, Member;
- Minister in charge of the Economic Affairs and Planning, Member;
- Minister in charge of Public Health, Member;
- Minister in charge of Water, Member;
- Ministry in charge of the Environment, Member;
- Minister, Secretary General of the Government, Member; and
- UNHCR representative, Observer member.

**The CNARR's mission is to:**

- enforce international legal instruments and national laws relating to refugees and asylum seekers;
- ensure the protection and assistance of refugees and asylum seekers;
- make available the necessary human, financial and material resources in support of refugees and asylum seekers;
- deal with all issues relating to refugees and asylum seekers; and
- facilitate the movement of returning refugees and their reintegration.

The CNARR may be receive applications for repatriation and refugee status submitted by:

- the applicants themselves;
- UNHCR;
- National Security; and
- Administrative authorities.

**320.** With regard to its institutional framework, the CNARR is led by a Permanent Secretary who oversees the coordination and administrative and financial management of the various units in charge of ensuring the protection, assistance, reception and reintegration of refugees and returnees. The Permanent Secretariat is headed by a senior official of the Ministry of Territorial Administration, which chairs the CNARR.

**321.** The CNARR derives its resources come from the annual budgetary allocations of the Government of the Republic of Chad and from other technical and financial partners.

**322.** With regard to the reception of refugees, Chad has a significant number of displaced persons, refugees and returnees, as a result of internal and external conflicts. Currently, Chad has more than 700,000 displaced persons, composed of refugees and Chadian returnees from Sudan, CAR, Nigeria and Libya. Given the continuing instability in their countries of origin, their prospects for immediate return are not promising. The communities that host these people, estimated at 597,000 people, are also vulnerable and in need of assistance. In addition, 71,000 previously displaced persons are still in a highly precarious situation.

**323.** The Government and its technical and financial partners have developed a humanitarian action plan to ensure the safety of camps for displaced persons and the availability of food, healthcare and education. Displaced persons live in secure areas including Moundou, Goré, Sarh, Bagassola, Goz-Beida, etc.

## **CHAPTER 4: THE RIGHTS OF PEOPLES AND THE DUTIES SET FORTH IN THE CHARTER**

### **A. PEOPLES' RIGHTS (Article 19)**

#### **1°) The right of peoples to equality**

**324.** Chad affirms the principle of the right of peoples to equality in accordance with the will of the Chadian people, *“to live together with respect for ethnic, religious, regional and cultural diversity; to build a State governed by the rule of law and a united Nation based on public freedoms and fundamental human rights, the dignity of the human person and political pluralism, on African values of solidarity and fraternity; and reaffirms its commitment to the principles of human rights as defined by the United Nations Charter of 1945, the Universal Declaration of Human Rights of 1948 and the African Charter on Human and Peoples' Rights of 1981”*.

**325.** In practice, Chad has always advocated the principle of the equality of peoples, both at the international and national levels.

**326.** Thus, at the international level, Chad has always defended and respected the principle of equality of States within regional and international bodies. It has always opposed the hegemony or domination of one State by another.

**327.** At the country level also, considerable efforts are being made every day to ensure the effective application of this principle. However, socio-cultural and socio-political considerations sometimes reveal the existence of castes (e.g. blacksmiths, griots) or vulnerable social groups (e.g. women, children and older persons) considered to be more or less inferior to other social groups. However, such situations are rare and cannot in any way call into question the principle of the equality of peoples, which remains a reality in Chad.

#### **2°) The right of peoples to self-determination (Article 20)**

**328.** The Chadian Constitution states that: *“Chad is a sovereign, independent, secular, social, united and indivisible Republic, founded on the principles of democracy, the rule of law and justice. The separation of religion and State is affirmed...”*. Indeed, the principle of self-determination is no longer relevant in Chad, an independent country since 1960.

**329.** However, with regard to other peoples, Chad attaches primary importance to this inherent and inalienable right of all peoples to self-determination. Aware of the value of this inviolable principle, Chad, in its foreign policy, has never supported the domination of one country or people by another.

### **3°) The right of peoples to the free disposal of their wealth (Article 21)**

**330.** Chad is a country with significant natural and mining resources. On account of the right of its peoples to dispose of their wealth, Chad has always protected its mining and natural resources against looting by foreign multinationals.

**331.** In Chad, the exploitation and management of natural resources and subsoil are conducted in a transparent manner and take into account the protection of the environment, the cultural heritage and the preservation of the interests of present and future generations. The resources of the Chadian subsoil are governed by the Mining Code. Revenues from natural and subsoil resources are distributed between the National budget and the budgets of decentralized local authorities.

**332.** With regard specifically to oil resources, which have accounted for the largest share of public revenue over the past decade, the Government, in an effort to ensure transparency, adopted several laws and regulations and set up an independent organ, the *Collège de contrôle et de Surveillance des Ressources Pétrolières* (CCSRP) to monitor these revenues. The mission entrusted to this oversight body, which was created pursuant to Act No. 001/PR/99 of 11 January 1999, is to ensure transparency in the use of oil revenues.

**333.** 5% of oil revenues are distributed to oil-producing administrative regions to ensure that they also benefit directly. These funds are managed by a special body called the “Management Committee of the 5% of oil revenues allocated to the oil-producing zone”.

**334.** It should be noted that this initiative to allocate 5% of oil revenues to the producing region was eventually expanded to all mining operations such as gold and cement among others.

**335.** The various legal texts governing the exploitation and management of oil resources in Chad include:

- Act No. 001/PR/99 of 11 January 1999, amended by Act No. 016/PR/2000 of 18 August 2000, further amended by Act No. 002/PR/2006 of 11 January 2006, on the management of oil revenues;
- Decree No. 095/PR/MEF/2004 of 18 March 2004, laying down transitional arrangements for the management of oil royalties allocated to the producing region;
- Decree No. 240/PR/PM/MEF/2003 of 1 July 2003 on the organization and operating conditions of the College (CCSRP), amended by Decree No. 277/PR/PM/MFI/07 of 16 April 2007;
- Decree No. 533/PR/PM/MFI/07 of 13 July 2007 reorganizing the Provisional Management Committee of the 5% of oil revenues allocated to the producing zone.

(Source: 2003-2012 Report-Assessment of the *Collège de Surveillance des Revenus Pétroliers*, pp. 9 and 10)

#### **4°) The right of peoples to economic, social and cultural development (Article 22)**

**336.** The Chadian people, like all other peoples, aspire to economic, social and cultural development, and Chad is also committed to this fundamental right of peoples. In order to promote this right, the general structure of the Government of the Republic of Chad has always included ministerial departments responsible for culture, the economy, artistic development and tourism.

**337.** In addition, an advisory body called the Economic, Social and Cultural Council was also established. Under Article 179 of the Constitution, “the Economic, Social and Cultural Council shall give its opinion on economic, social or cultural matters brought to its attention by the President of the Republic, the Government or the National Assembly. It may also undertake a study on any economic and social development issue. It submits its conclusions to the President of the Republic and the Government”.

**338.** In the field of culture, for example, Chadian society is multicultural in the sense that the different communities each have their own culture and traditions. And this diversity of cultures is an immense cultural asset for Chad.

**339.** On the economic front, the Government, through the Ministry of Planning and especially the Ministry of Commerce, has undertaken a broad institutional and legislative reform in recent years with a view to creating an environment conducive to the development of the private sector, which should be at the heart of wealth creation and, consequently, economic development.

**340.** Thus, as part of efforts to improve the business climate in Chad, the Government, through Act No. 004/PR/2008 of 3 January 2008, created the National Agency for Investment and Exports (ANIE) whose main mission is to promote investments and exports in Chad. This Agency, which has a single window for the completion of legal and administrative formalities relating to investments and exports, has effectively helped to improve the institutional, legal and socio-economic business environment in Chad.

**341.** Specifically regarding the creation and acquisition of businesses in Chad, all of the reforms undertaken made it possible to substantially reduce the duration of administrative and legal formalities from an average of 60 days to three (3) working days, as well as their number and costs.

**342.** At the macroeconomic level, on account of all the efforts made to improve public finances, Chad reached the “Completion Point of the Heavily Indebted Poor Countries Initiative” in April 2015, an initiative of the International Monetary Fund (IMF) and the World Bank (WB). This macroeconomic performance places Chad among emerging countries and it is now able to receive more budgetary support from international donors.

**343.** However, in light of the drastic drop in oil prices and the financial impact of the fight against the Islamist sect Boko Haram, Chad is currently facing some economic and financial difficulties.

#### **5°) The right of peoples to peace and international security (Article 23)**

**344.** In 2006 and 2008, attacks on the capital N'Djamena were organized by political and military movements. Following agreements between the Government and armed groups, several programmes have been developed and implemented for the demobilization, disarmament and reintegration of ex-combatants through socio-economic projects. It should be noted that this programme is coordinated by a State institution called the Military Disarmament and Reintegration Commission (CODEREM). The implementation of the demobilization component has enabled the integration of ex-combatants into the ranks of the Defence and Security Forces. This approach has brought peace to Chad.

**345.** Also, the Government had to take several measures to ensure the safety of the population. These internal security measures include inter alia:

- the creation of an Anti-Terrorist Legal Pool (by Decree No. 1759/PR/215 of 18 August 2015) placed under the supervision of the Ministry of Justice and Human Rights, in charge of conducting inquiries, investigating acts of terrorism and ruling on cases of individuals prosecuted for alleged acts of terrorism;
- the adoption of a special Act on the prevention and punishment of acts of terrorism in Chad (Act No. 034/PR/2015 of 5 August 2015);
- the establishment of the Support Programme for Internal Security Forces (PAFSI), a mechanism for strengthening the technical and material capacities of security forces in the fight against organized crime and terrorism; and
- the establishment of the Chad-Sudan Joint Force, responsible for ensuring security at borders shared between the two (2) countries.

**346.** At the international level, Chad has participated and is currently participating in several counter-terrorism and peacekeeping missions, including in the Central African Republic within the framework of MINURCA, MALI within the framework of UNMISMA, NIGER, CAMEROON and NIGERIA within the framework of the Multinational Joint Force, which includes the Member States of the Lake Chad Basin Commission plus Benin. A member of G5 Sahel, Chad houses the command centre of the French army's "Barkhane" operation to fight terrorism in the Sahel and provide support to the Multinational Joint Task Force around the Lake Chad area as well as to G5 Sahel countries and MINUSMA in Mali.

**347.** Constraints include the porous nature of borders and the lack of material, human and financial resources to effectively cover a vast country of 1,284,000 km<sup>2</sup>.

#### **6°) The right of peoples to a healthy environment (Article 24)**

**348.** The right to a healthy environment is one of the fundamental human rights. This right does not only concern mankind but all living beings and all the environments in which they live, because mankind and the environment form an ecologically inseparable whole.

**349.** This right is guaranteed by Articles 47 and 48 of the Constitution of the Republic of Chad, which stipulates that *“Everyone has the right to a healthy environment” (Article 47)* and that *“the State and decentralized local governments shall ensure the protection of the environment. The conditions for the storage, handling and disposal of toxic waste or pollutants from national activities are determined by law. The transit, import, storage, storage, burial, dumping on national territory of foreign toxic waste or pollutants is prohibited” (Article 48).*

**350.** In addition to the Constitution, Chadian legislation and the international conventions ratified by Chad relating to the environment include provisions on the general principles of sustainable management and environmental protection for the benefit of present and future generations.

These legal instruments also stipulate that the State, local authorities and individuals are responsible for the implementation of environmental protection measures, and provide for sanctions against offenders.

**351.** The enforcement of these sanctions falls within the purview of a special brigade with regard to administrative sanctions and the national courts with regard to criminal and civil sanctions. The most recent example of environmental sanctions is the imposition of a heavy fine on the Chinese oil company CNPCI. This fine was paid to the Chadian State following a serious pollution incident in the Koudalwa oil field in East Mayo Kebbi.

**352.** In order to ensure respect for the environment, the Government of the Republic of Chad has established several institutions and developed numerous national plans and strategies.

**353.** Such institutions include the Ministry in charge of the environment, the Agency for the Promotion of Domestic Fuel and the Special Fund for the Environment created by Act N°14/PR/98 of 17 August 1998. At the sub-regional level, Chad is host to the headquarters of the Green Wall project, which aims to protect the environment in the Sahel region.

**354.** National plans and strategies on environmental protection include the presidential project in N'Djamena called “Green Belt”, the institutionalization of a National Tree Day, which is celebrated every year in August under the patronage of the President of the Republic, the National Environment

Plan for Sustainable Development, the National Action Plan to Combat Desertification and for Natural Resources Management, the National Strategy and Action Plan on Climate Change and the Water and Sanitation Policy and strategies.

## **B. DUTIES OF THE STATES STIPULATED IN THE CHARTER (Article 25)**

### **1°) The specific duties incumbent on States Parties under Article 25 of the Charter**

**355.** Respect for the rights and freedoms contained in the Charter is a fundamental obligation for each State Party. Chad has incorporated the provisions of the Charter into its national legislation, specifically in Title II of the Chadian Constitution, which deals with freedoms, fundamental rights and duties. This section of the Constitution guarantees, in particular, the equality of all citizens in terms of rights and duties, the right to life, health, education, security and freedom, under the conditions laid down by law. It also prohibits torture and other cruel, inhuman or degrading treatment. It provides for the presumption of innocence, the right to a fair trial, the protection of the family, youth and older persons, non-discrimination and the right to property, among others.

### *2°) The duty to guarantee the independence of the courts (Article 26)*

**356.** Under this provision, States parties have a duty to guarantee the independence of the courts. In Chad, this independence is reaffirmed by Article 141 of the Constitution, which provides that “*the judiciary is independent of the legislative and executive branches of government*”.

**357.** The independence of judges is provided for in Article 150, which stipulates that “*judges on the bench shall be subject only to the authority of the law in the performance of their duties. They enjoy security of tenure*”.

## **CHAPTER 5: EFFORTS PROVIDED UNDER THE RIGHT TO HUMAN RIGHTS EDUCATION**

**358.** With the advent of democracy in 1990, the Government committed itself to promoting human rights and fundamental freedoms in Chad. Among the missions assigned to the First Government was the desire to shed light on cases of massive human rights violations under the dictatorial regime of President HISSEIN HABRE, who ruled Chad from 1982 to 1990.

**359.** Following the 1993 National Sovereign Conference, the National Human Rights Commission (CNDH) was created to promote human rights and fundamental freedoms in Chad. The CNDH is currently undergoing reform to bring it into line with the Paris Principles. The draft Law on the reform of the CNDH was validated at a workshop held from 4 to 6 November 2015 at the Novotel Hotel in N'Djamena.

**360.** Since 2005, matters relating to human rights and fundamental freedoms have been assigned to a ministerial department which is responsible for design, implementation and monitoring of Government policy in this regard.

**361.** The Ministry of Human Rights was merged in 2014 with the Ministry of Justice. This new Ministry now acts as an interface: (i) at the national level, between the State and Civil Society Organizations working in the human rights field; (ii) at the international level, by strengthening cooperation with the relevant organs of the UN and the AU through the submission of initial and periodic reports. By Order No. 3912/PR/PM/MDHPLF/2011 of 12 December 2011, the Ministry of Human Rights set up an Inter-ministerial Committee to monitor the implementation of international human rights instruments. The tasks of this Committee include:

- monitoring the implementation of international instruments to which Chad is a party;
- drafting national reports to be submitted within the agreed deadline to the relevant UN and AU organs;
- disseminating these reports;
- putting forward recommendations for the harmonization of international human rights instruments with national legislation; and
- raising public awareness on human rights recommendations, conventions and laws.

**362.** At the regional level, the Ministry in charge of human rights and the promotion of fundamental freedoms is represented through the Regional Delegations for Access to Law and Justice. They are responsible for dealing with all human rights issues, including the protection and promotion of human rights. The Regional Delegations for human rights and access to law and justice submit activity reports to the Secretary General of the Ministry of Justice and Human Rights.

**363.** The Ministry in charge of human rights organized, from 9 to 11 March 2010, the first edition of the National Forum on Human Rights in Chad under the patronage of His Excellency **IDRISS DEBY ITNO**, President of the Republic and Head of State. Chadians from all walks of life attended this Forum, including government officials, representatives of civil society organizations as well as technical and financial partners (UNDP, MINURCAT, La Francophonie, European Union, etc.) and the Embassies of France, United States of America and Germany. The National Forum on Human Rights in Chad was preceded by extensive preparatory work carried out by a Steering Committee with the support of MINURCAT. As a prelude to this Forum, a meeting was organized from 27 to 28 October 2009 in Abéché with the technical and financial support of MINURCAT. The main objective of the National Forum was to take stock of the situation of human rights and freedoms in Chad with a view to identifying effective rules of protection. The specific objectives of the Forum were to:

- identify the main causes and perpetrators of violations of human rights and freedoms in Chad;
- provide a framework for dialogue, exchanges and partnership between the Ministry of Human Rights and Promotion of Freedoms and other institutions working to promote and defend human rights;
- assess existing institutional and legal capacities for the protection of human rights;
- strengthen governmental and non-governmental entities working to protect and promote human rights;

The following results were achieved at this Forum:

- a comprehensive assessment of the human rights situation in Chad was made;
- partnership mechanisms between the Ministry in charge of Human Rights and the Promotion of Freedoms and other institutions defending and promoting human rights (Ministries of Justice, CNDH, human rights associations...) were defined;
- the broad outlines of a National Action Plan for the Promotion and Protection of Human Rights were drafted. With regard to the education system, a module on human rights to be taught at the National Judicial Training School and in the Higher Teacher Training Schools was developed.

**364.** A Department of Communication, Popularization, Access to Law and Justice has been set up within the Ministry of Human Rights to improve the legal environment for civil society organizations.

**365.** Activities carried out by this Department include missions to raise awareness and popularize human rights texts in the country. Inspection missions were also carried out to detention centres so as to verify the conditions of detention and reports submitted to the Minister in charge of Human Rights.

**366.** At least three consultation meetings between Civil Society Organizations (CSOs) working in the field of human rights and the Ministry of Human Rights and Fundamental Freedoms were organized under the patronage of the Minister in charge of Human Rights. A few recommendations emerged from these meetings:

- the dissemination of human rights texts, laws and conventions signed and ratified;
- the creation of a recovery and guidance centre for disadvantaged groups;
- the construction of a monument for the victims of repression under the HISSEIN HABRE regime;
- the involvement of civil society organizations in the management and resolution of social crises;
- the creation of a noteworthy library for the benefit of the Ministry in charge of human rights;
- enhancing the fight against injustice and impunity in Chad;
- the organization of a social forum to restore the effectiveness of human rights associations;

- the organization of a campaign to identify civil society organizations;
- enhanced collaboration between human rights associations and regional delegations of the Ministry of Human Rights;
- the creation of a committee comprising human rights associations and the relevant ministries (Ministries of Justice, Social Action, Planning and Civil Service, etc.);
- support for the actions of civil society organizations;
- making available the necessary resources to the Ministry of Justice and Human Rights enabling it carry out its mission;
- the creation of a consultation framework for synergy of actions between the various stakeholders in the judicial sector;
- acceleration of the procedure for the prosecution of the alleged perpetrators and accomplices of crimes and repressions under the regime of former Chadian President HISSEIN HABRE;

**367.** Finally, it should be noted that a training workshop on techniques for the drafting of initial and periodic national reports under the African Charter on Human and Peoples' Rights (**the African Charter**) was held from 12 to 14 May 2015 in Bakara (N'Djamena) and attended by members of the Monitoring Committee of International Human Rights Instruments.

## **CHAPTER 6: DIFFICULTIES ENCOUNTERED IN APPLYING THE CHARTER IN RELATION TO POLITICAL, ECONOMIC AND SOCIAL CONDITIONS**

The main difficulties encountered in applying the African Charter on Human and Peoples' Rights in relation to political, economic and social conditions are as follows:

### **a) Obstacles to the enjoyment of human rights**

**368.** The existence of legal instruments and the creation of a Ministry in charge of human rights are an indication of the formal commitment of public authorities to guarantee and protect human rights; the main problem lies in ensuring their respect and effective implementation for the full enjoyment of the rights and freedoms advocated. A number of obstacles have a negative impact on the establishment of the rule of law in Chad. These obstacles have four aspects: ignorance of the law, the weight of traditions and customs, poverty and factors related to the country's historical and political development.

- **Ignorance of the law**

**369.** According to official statistics, 80 per cent of Chad's population is illiterate. Three out of five adult men and nine out of ten women cannot read or write. While one in two children actually goes

to school, very few of them complete primary education. This global context of ignorance makes it difficult to effectively enjoy civil liberties. This poses many problems, especially with regard to access to justice. And what is more serious is that this ignorance of the law also affects law enforcement and security forces, traditional leaders and court officials. This situation obviously leads to human rights violations.

- **The weight of customary practices**

**370.** Most of the Chadian population rely on customary rules particularly with regard to the individual's status, including for matters such as marriage, divorce and inheritance. These customary rules often conflict with modern law and international human rights standards.

**371.** Such is the case with the phenomenon of early and forced marriage (little girls aged 10 to 13), which violates the principle of the freedom of consent for both spouses in the context of marriage, particularly that of the girl child. The same applies to female genital mutilation, which affects the physical integrity and health of girls who have been cut.

**372.** In an effort to combat child marriage, the Government issued Ordinance No. 06/PR/2015 of 14 March 2015, which was ratified by Act No. 029/PR/2015. Another case of harmful customary practice is the discrimination against women in matters of inheritance in certain customs where the inheritance shares of boys are significantly higher than those of girls.

- **A certain tendency to bypass the formal justice system**

**373.** Legally, judicial police officers are officers of the court. Their task is to investigate the offences, hear the parties involved in the case, draw up a report and then refer the suspects to the judge. However, it should be noted that Company Commanders of gendarmerie brigades as well as police officers often judge and mete out fines to allegedly guilty citizens and suspects. They act beyond their duties as judicial police officers. This practice is widespread, as officers derive substantial profit from it. Influence peddling and arbitrary acts are common in the judicial police services, resulting in a form of parallel justice.

**374.** In principle, Justices of the Peace have limited jurisdiction in criminal matters; they cannot hear cases of murder or manslaughter. They must therefore refer the case to the relevant Public Prosecutor of that district. Unfortunately, they sometimes apply criminal sanctions.

**375.** There is also another practice that undermines the monopoly of the formal justice system; it is referred to as "**diya**" which means "*blood money*". Diya is a customary or traditional practice in which compensation in cash or in kind is given to victims of bodily injury or to the beneficiaries of victims of murder. This compensation is subject to strict rules which vary according to the region,

ethnicity, gender, age of the victim, etc. Refusal to pay the diya results in reprisals against the perpetrator or, failing that, against his family or community. The diya therefore constitutes a violation of the principle of the individual nature of criminal penalties. Although it contravenes Articles 25 (individual nature of penalties) and 26 (prohibition of customary and traditional rules relating to collective criminal responsibility) of the Constitution, and is not provided for in any national legislation, diya remains an accepted practice in Chad, especially among groups which mainly practise Muslim law.

**376.** Admittedly, the diya has the advantage of settling, in an amicable manner, individual and community disputes of a criminal nature, through the payment of a lump to the beneficiaries of victims of murder or manslaughter. It is widely established that the diya also addresses the civil aspect of crimes. However, the Office of the Public Prosecutor always prosecutes criminals even if families withdraw their complaint after being paid Diya.

**377.** In addition, “intercommunity agreements” recognized by the Ministry of the Interior exist and also allow for the amicable settlement of murder cases between members of different communities in Chad.

#### **b) Poverty-related barriers**

**378.** The poor allocation of public resources, which contributes to poverty, is one of the main causes of human rights violations and reasons for an unfavourable good governance environment in Chad. While first generation rights have been more or less effectively enforced, the same cannot be said of second and third generation rights. These include the right to decent housing, the right to education, the right to gainful employment, the right to a healthy environment, etc. Despite significant efforts by the Government to combat poverty using financial resources from oil exploitation since 2003, the poverty situation has not improved significantly in Chad (Chad ranked 185<sup>th</sup> out of 187 in 2015, according to the UNDP HDI).

#### **c) Barriers relating to political factors**

**379.** At the political level, Chad has experienced three decades of civil war under an authoritarian regime; it has experienced sporadic armed conflicts between government forces and rebel groups. Millions of Chadians were born and raised during this period of war. Armed conflict has conditioned the reflexes of most of them to the extent that violence has gradually become a preferred means of conflict resolution. This culture of violence often leads to abuses by armed men with negative consequences on human rights and national cohesion.

d) Fortunately, from 2010 to date, Chad has been experiencing relative stability and peace in a sub-region faced with all types of unrest, including terrorist attacks by the Islamist sect Boko Haram.

e) **Barriers relating to institutional and organizational factors**

**380.** At the institutional and organizational level, it shall be recalled that the rule of law relies essentially on the existence of efficient, transparent and accessible public institutions. This implies, among other things, a strong capacity of public institutions to effectively manage public resources and organize their activities in the exercise of their duties. However, an inadequate understanding of public resources management tools, the individualistic management and organizational culture of State services, and poor working conditions make it difficult to properly carry out the missions assigned to public institutions, especially those responsible for ensuring or promoting good governance, including the Judiciary, the National Assembly, the High Council for Communication, the Constitutional Council, the Office of the Ombudsman, the National Human Rights Commission, etc.

**CHAPTER 7: CHAD’S RESPECT OF THE CHARTER IN ITS INTERNATIONAL RELATIONS**

**381.** In the 12<sup>th</sup> and 13<sup>th</sup> paragraphs of the preamble to the Chadian Constitution, the Chadian people pledge *“their willingness to cooperate in achieving peace and friendship with all peoples who share their ideals of freedom, justice and solidarity, based on the principles of equality, mutual interest, mutual respect and national sovereignty, territorial integrity and non-interference. Declare their commitment to the cause of African unity and to do everything possible to achieve sub-regional and regional integration”*.

**382.** In its international relations, Chad has indeed always respected and defended all the provisions of the African Charter, in particular the principles of the sovereignty of Member States, non-interference in the internal affairs of States as well as the principles of solidarity and international peace.

**383.** Chad is engaged in very active diplomacy, which led to the establishment of new diplomatic representations and the strengthening of existing representations abroad. The country now has 25 embassies covering about 100 countries, and 8 consulates. It hosts 23 foreign embassies and a dozen international and sub-regional organizations.

**384.** This diplomacy has also resulted in a stronger presence on the African and international scene. It became even more prominent during unprecedented security crises faced by other countries (Sudan, CAR, Mali, Niger, Nigeria, Cameroon and Libya). In each of these crises, Chad played a diplomatic and military role that sometimes proved to be decisive in resolving or mitigating these conflicts. This proactive diplomacy also enabled the country to accede to the Security Council as a non-permanent member for the period 2014-2015. Chad’s term of office on the UNSC was particularly noted for

initiatives including the adoption of a resolution highlighting the correlation between terrorism and transnational crime.

**385.** Several international economic and policy meetings have been held in N'Djamena and important visits paid by the highest Chadian authorities to emerging countries (China, India, Saudi Arabia and South Africa) enabling them to present investment opportunities and facilities offered by Chad. For the first time in Chad's history, Chadian nationals are leading institutions such as ECCAS, CILSS, BDEAC and UNMISMA. The country also holds the Presidency of the G5 Sahel and CEN SAD and, from January 2017, the position of Governor of the Bank of Central African States (BEAC).

**386.** Chad acceded to the African Peer Review Mechanism (APRM) on 26 January 2013 in a bid to ensure compliance of national mechanisms with regional and international governance instruments and their effective application with emphasis on human and economic rights. As such, several treaties, conventions and charters have been ratified so as to provide Chad with the facilities to which it is entitled under these international treaties.

**387.** The Chadian Government, in collaboration with its partners, is committed to addressing the current challenges of CEMAC and ECCAS through the design and implementation of regional development programmes. At the CEMAC level, this includes the implementation of the Regional Economic Programme (PER) approved at the 2009 Summit of Heads of State. Commitments have also been made within the framework of other sub-regional groupings (CBLT, CILSS, etc.) to address major challenges. Chad hence intends to achieve the following global objectives: (i) deepen its economic and trade relations with the other countries of the sub-region; (ii) promote the strengthening of sub-regional institutions; (iii) strengthen the capacities of official in debt management and negotiations of loan and grant agreements.

**388.** In terms of security, Chad's involvement in seeking and maintaining peace in the CEMAC-ECCAS region is a clear testimony to the Government's commitment to preserving the right to life and a better environment for all peoples. Chad also actively participated in the establishment of the Peace and Security Council (COPAX) of the ECCAS at the Malabo Summit in 1999. Furthermore, Chad has an active role in the Central African Multinational Force, which is one of five regional brigades within the AU Peace and Security Architecture (ASPA).

**389.** Chad's decisive role in the fight against terrorists was not limited Mali. Today, it is engaged alongside Cameroon, Niger and Nigeria among others to fight against the terrorists of Boko Haram, otherwise known as the Islamic State in West Africa. The Chadian Government does not hide its willingness to help its neighbours, threatened by terrorists, to regain full territorial sovereignty.

**390.** The headquarters of the Joint Multinational Force against Terrorism is thus based in Chad (N'Djamena) as well as the Command Centre of the “Barkhane” Force, which provides support to fight terrorism in the Sahel.

## CONCLUSION

**391.** In light of the magnitude of the legislative, administrative and policy measures taken by the Government from 1998 to 2015 with the aim of implementing the provisions of the African Charter on Human and Peoples' Rights, Chad has indeed made significant progress in the field of human rights and fundamental freedoms. The Government's economic and social policies culminated in the integration of the human rights and fundamental freedoms dimension into the legal and institutional framework as well as the effective enjoyment by citizens of the various rights and freedoms set out in the African Charter on Human and Peoples' Rights.

**392.** Analysis of the various reports drafted by the Government, Civil Society Organizations and international bodies shows that Chad has made significant efforts by adopting a series of measures including the revision and adoption of new laws, the establishment of new institutions, and the conduct of information and awareness-raising campaigns on certain sensitive human rights issues.

**393.** In this regard, Chad has ratified almost all international and regional legal instruments relating to human rights. It has quite extensive domestic legislation on the promotion and protection of human rights.

**394.** The Constitution of the Republic of Chad, in its Preamble, affirms "*the will of the Chadian people to live together with respect for ethnic, religious, regional and cultural diversity; to build a State governed by the rule of law and a Nation based on public freedoms and fundamental human rights, the dignity of the human person and political pluralism, on African values of solidarity and fraternity; and reaffirms its commitment to the principles of human rights as defined in the United Nations Charter of 1945, the Universal Declaration of Human Rights of 1948 and the African Charter on Human and Peoples' Rights of 1981*".

**395.** An analysis of the situation of civil and political rights reveals that, from 1998 to date, significant progress has been made, in particular, the decriminalization of press offences, improved access to justice and the prohibition, by the Constitution, of slavery, torture and other cruel, inhuman or degrading treatment or punishment.

**396.** Chad is firmly committed to combating slavery and trafficking in persons, as evidenced by the various legislative measures adopted and the structures put in place to coordinate the fight against these phenomena. These include Order No. 3756/PR/PM/MDHPLF/2013 of 17 October 2013 establishing the Inter-ministerial Technical Committee to Combat Trafficking in Persons in Chad and Order No. 006/PR/2015 prohibiting child marriage.

**397.** The Government's efforts to ensure peace and security at the national, sub-regional and international levels, despite Chad's geographical location in relation to neighbouring countries

affected by armed conflict, the fight against terrorism in the Sahel and, in particular, the deployment of its defence and security forces in Nigeria, Cameroon and Niger to combat the Islamist sect Boko Haram, are an indication of its firm commitment to ensuring that freedom, equality and justice, fundamental to achieving the legitimate aspirations of African peoples, prevail everywhere.

**398.** With regard to economic, social and cultural rights, the commitment of the authorities to find sustainable solutions to food insecurity is worth noting. In addition to enshrining the right to food in the Constitution, Chad developed several policies and strategies aimed at improving the living conditions of its people. The National Food Security Programme (PNSA), which is the most important programme of the Three-Year Public Investment Plan (PTIP) was thus established. The objective of the Programme is to “contribute to eradicating hunger and food insecurity countrywide through secular increases in productivity and production levels combined with measures to ensure access for populations to food, both in terms of quantity and quality, while preserving natural resources”. It should be noted that Chad has made significant progress since 2003, when the country entered the oil era. Significant progress has been made on social indicators such as access to safe drinking water, primary school enrolment, the vaccination rate of children, maternal, newborn and child mortality, as well as the slowdown in the spread of HIV/AIDS and tuberculosis. A proactive policy is being pursued to create the right conditions for the empowerment of women, including their representation in decision-making bodies.

**399.** With regard to specific rights and the rights of peoples, analysis shows that the various legislative and administrative measures and new policies adopted have made it possible to achieve significant progress compared to the years prior to 1998. Key achievements include the improvement of the legal and institutional framework relating to specific rights and the Government’s commitment to protect the right of peoples to the free disposal of their wealth and their right to international peace and security.

**400.** It should be emphasized that, despite Chad’s undeniable efforts from 1998 to 2015 to ensure respect of the rights and freedoms set out in the African Charter on Human and Peoples’ Rights, much remains to be done, notably in terms of access to basic social services. Poverty is the greatest challenge facing the country.

**401.** Conscious of these challenges, Chad is committed, with the support of its technical and financial partners, to developing concrete initiatives which will contribute to the effective enjoyment of social rights for its people.

**402.** Chad remains determined to further promote and protect the rights and freedoms set out in the African Charter on Human and Peoples’ Rights.

