



International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination

Concluding observations on the sixteenth to eighteenth periodic reports of Chad, adopted by the Committee at its eighty-third session (12–30 August 2013)

1. The Committee considered the sixteenth to eighteenth periodic reports of Chad, submitted in a single document (CERD/C/TCD/16-18), at its 2243rd and 2244th meetings (CERD/C/SR.2243 and 2244), held on 16 and 19 August 2013. At its 2258th and 2259th meetings (CERD/C/SR.2258 and 2259), held on 28 August 2013, the Committee adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the timely submission of the sixteenth to eighteenth periodic reports of the State party, in a single document. It notes however that the reports do not contain sufficient information on the practical implementation of the Convention and are not fully in line with the treaty-specific reporting guidelines, and it encourages the State party to follow these guidelines when preparing its next reports.

3. The Committee is satisfied with the open and constructive dialogue it has had with the high-level delegation sent by the State party. The Committee takes note with satisfaction of the oral presentation and the detailed responses provided by the delegation during consideration of the report.

B. Positive aspects

4. The Committee notes with interest those legislative and institutional developments in the State party since the submission of its last periodic report that should help to combat discrimination, and notably:

(a) Act No. 032/PR/2009 on the establishment of a national training school for judges, and Decree No. 1251/PR/PM/MJ/2011 on the organization and operation of the training school;

(b) Ordinance No. 007/PR/2012 on reform of the status of judges;

(c) Ordinance No. 011/PR/2012 repealing Act No. 004 and on the elimination of corruption, illegal enrichment and related offences;

(d) Act No. 031/PR/2009 of 11 December 2009 establishing the Office of the Ombudsman and Decree No. 984/PR/PM/2012 on the organization and operation of the services provided by the Office of the Ombudsman;

(e) Act No. 008/PR/2013 on the organization of the civil registry;

(f) Interministerial Decree No. 3912/PR/PM/MDHLF/2011 on the establishment of a committee to monitor the implementation of international human rights instruments.

5. The Committee welcomes the peace agreements signed by the State party, which have enabled it to secure its borders and protect refugee camps and camps for internally displaced persons.

C. Concerns and recommendations

Demographic composition

6. The Committee regrets that the State party's core document (HRI/CORE/1/Add.88) contains information on the ethnic make-up of the population and on socioeconomic indicators by ethnic or national origin that dates from 1997, and that the State party has not updated this information in its periodic report.

In accordance with paragraphs 10 to 12 of its revised treaty-specific reporting guidelines (CERD/C/2007/1), the Committee recommends that the State party collect and publish reliable, up-to-date and comprehensive statistical data on the ethnic composition of its population, in particular immigrants, refugees and displaced persons, as well as socioeconomic indicators disaggregated by ethnic and national origin; percentages of nomadic and sedentary populations; and ethno-linguistic characteristics, drawing on national surveys or censuses that are based on self-identification and that take account of ethnic and racial dimensions so that the State party and the Committee can better evaluate how the rights enshrined in the Convention are exercised in Chad.

The Committee requests the State party to provide these disaggregated data in its next report.

Failure to pass draft legislation

7. The Committee is concerned at the fact that a large number of bills and preliminary bills are still in preparation or under consideration by the various authorities and bodies of the State party. Some of these have been pending for several years, notably the bill on racial discrimination, the draft amendments to the Criminal Code intended, among other things, to bring the State party's law into line with article 4 of the Convention, the draft personal and family code, the Refugees Bill, the bill on descent-based racial discrimination and the preliminary bill to bring the National Commission on Human Rights into line with the Principles relating to the Status of National Institutions for the Promotion and Protection of Human Rights (Paris Principles). In the same vein, the Committee is concerned at the fact that the decree implementing Act No. 008/PR/2013 on the organization of the civil registry, adopted on 10 May 2013, has still not been adopted (art. 2).

The Committee recommends that the State party finalize and adopt pending bills and preliminary bills as a matter of urgency, in order to properly implement the provisions of the Convention.

8. The Committee regrets that the National Human Rights Action Plan 2012–2015 has not yet been finalized (art. 2).

The Committee recommends that the State party finalize the National Human Rights Action Plan 2012–2015 as a matter of urgency, in order to strengthen the framework for the promotion and protection of human rights, and to ensure that it addresses concerns regarding the elimination of racial discrimination and the promotion of the Convention.

Definition of racial discrimination

9. The Committee is concerned at the fact that the State party's legislation on discrimination does not contain a definition of racial discrimination that is fully in line with article 1 of the Convention (arts. 1 and 2).

The Committee recommends that the State party incorporate into its legislation a definition of racial discrimination reflecting article 1 of the Convention – in particular in the bill on racial discrimination, as indicated by the State party in its report.

Criminalization of racist hate speech and incitement to discrimination and racial violence

10. The Committee is concerned at the fact that the State party has not taken steps to bring its legislation into line with article 4 of the Convention, as recommended by the Committee in its previous concluding observations (CERD/C/TCD/CO/15, para. 16) (art. 4).

Recalling its general recommendations No. 1 (1972) on the obligations of States parties, No. 7 (1985) on the application of article 4 of the Convention and No. 15 (1993) on article 4 of the Convention, which state that the provisions of article 4 of the Convention are of a preventive and mandatory nature, the Committee repeats the recommendation made to the State party in its previous concluding observations, namely that it adopt specific legislation, or introduce provisions into its existing legislation, to fully implement all aspects of article 4 of the Convention. The Committee further recommends that the State party take advantage of the ongoing reform of its Criminal Code to incorporate provisions reflecting article 4 of the Convention.

11. The Committee is concerned that article 5 of the Constitution, which provides that “all propaganda of an ethnic, tribal, regional or religious nature that seeks to undermine national unity or the secularity of the State shall be prohibited”, may be interpreted or implemented in such a way as to dissuade members of ethnic or racial groups from asserting the rights that are guaranteed to them by the Convention and to punish any criticism of leaders, their policies or their actions (arts. 4 and 5).

The Committee recommends that the State party ensure that the provision of the Constitution regarding threats to national unity is not interpreted or implemented in such a way as to prevent members of ethnic or racial groups from asserting the rights that are guaranteed to them by the Convention or to punish any criticism of leaders, their policies or their actions.

Descent-based discrimination

12. The Committee repeats the concerns expressed in its previous concluding observations (2009) (CERD/C/TCD/CO/15) regarding the existence of a caste system, which results in discrimination against certain population groups and serious violations of their rights (arts. 3 and 5).

Recalling its general recommendation No. 29 (2002) on descent-based discrimination, the Committee recommends that the State party:

(a) Take specific measures to combat and abolish all caste-related practices, particularly speeding up the adoption of specific legislation prohibiting descent-based discrimination, as indicated in its periodic report (CERD/C/TCD/16-18, para. 46);

(b) Continue and step up its campaigns to raise awareness and educate the population, particularly by raising awareness among traditional and religious leaders about the negative effects of the caste system and the plight of victims;

(c) Incorporate this issue in the National Action Plan on Human Rights 2012–2015 that it intends to adopt;

(d) Provide the Committee with additional detailed information on the nature and extent of this problem.

Harmful traditional practices regarding women

13. The Committee is concerned at the fact that among some ethnic groups there are still customary practices that impede women's full enjoyment of Convention rights, in particular the right to own or inherit land. The Committee regrets that the State party has not yet adopted the draft personal and family code despite having finalized the text several years ago (arts. 2 and 5).

Recalling its general comment No. 25 (2000) on gender-related dimensions of racial discrimination, the Committee recommends that the State party take urgent steps to put an end to practices that impede women's full enjoyment of their rights, in particular the right to own or inherit land. To that end the Committee urgently requests the State party to adopt and implement the draft personal and family code. It also recommends that the State party step up its awareness-raising campaigns for the general public, and in particular traditional and religious leaders, on equal rights for men and women. Lastly, it recommends that the State party make this issue a priority in the National Action Plan on Human Rights 2012–2015, whose adoption has been announced, and to inform the Committee of the outcome in its next periodic report.

Refugees, asylum seekers and displaced persons

14. While noting the State party's efforts with regard to refugee reception and arrangements for displaced persons, the Committee notes with concern reports to the effect that access to basic public services such as education, health and justice, and to the civil registry, remains problematic for refugees and asylum seekers and that there is additional discrimination between refugees from the Sudan and from the Central African Republic with regard to birth registration. The Committee is also concerned about the fact that the Refugees Bill has not yet been finalized or adopted (arts. 5 and 6).

The Committee recommends that the State party take steps to ensure access to basic public services for refugees, asylum seekers and displaced persons; and to improve access to the civil registry for refugees and asylum seekers and ensure that births among refugees and asylum seekers, regardless of origin, are registered free of charge and in a systematic and non-discriminatory fashion. It also recommends that the State party run awareness-raising campaigns for parents in the camps in order to inform them of their rights. Lastly, it recommends that the State party promptly finalize and adopt the bill on the status of refugees, apply it and monitor its implementation.

15. The Committee congratulates the State party on the steps taken to secure its borders and protect refugee camps and camps for internally displaced persons. It notes the relative integration of refugees hosted by the State party and draws attention to the high number of

such refugees (380,000 at the beginning of 2013). The Committee also notes that the State party abolished the status of “displaced person” in 2012. It is nevertheless concerned at the continuing existence of pockets of displaced persons, whose rights are not always protected. The Committee further notes with concern that refugee and displaced women continue to be subjected to harmful customary practices and violence in the camps and that the perpetrators are not always punished (arts. 5 and 6).

Recalling its general recommendations No. 22 (1996) on article 5 and refugees and displaced persons and No. 30 (2004) on discrimination against non-citizens, the Committee recommends that the State party:

- (a) Continue with its steps to protect refugee camps and camps for displaced persons;**
- (b) Seek sustainable solutions for displaced persons who are still on these reception sites;**
- (c) Promote tolerance and understanding between displaced persons and local communities, for example through awareness-raising campaigns;**
- (d) Adopt legislation on displaced persons and a strategy encompassing all phases of internal displacement.**

Taking account of general recommendation No. 25 (2000) on gender-related dimensions of racial discrimination, the Committee recommends that the State party take additional, more effective measures to combat violence against refugee and displaced women, to provide them with assistance, and to investigate acts of violence and prosecute and punish the perpetrators.

Child soldiers

16. The Committee takes note of the State party’s efforts to demobilize child soldiers in the Army and armed groups. However, it regrets the lack of information on measures to reintegrate these children and avoid any risk of racial discrimination (art. 5).

The Committee recommends that the State party pursue its efforts to demobilize all child soldiers, whether in the army or in armed groups, find sustainable solutions for their reintegration in society without discrimination on the basis of race or ethnic or regional origin, and step up its campaigns to raise awareness of the problem of child soldiers.

Events of 2008

17. The Committee takes note of the information provided by the State party on the implementation of the recommendations of the commission of enquiry set up following the events that took place in the State party between 28 January and 8 February 2008. It is nevertheless concerned at the fact that none of the 1,037 dossiers compiled following the complaint against persons unknown brought by the Chadian Government for crimes against humanity and war crimes have given rise to a decision and that, as a result, none of the perpetrators have yet been prosecuted or punished (arts. 5 and 6).

The Committee recommends that the State party take the necessary steps to speed up proceedings in the prosecution of perpetrators of the human rights violations committed during the events that took place between 28 January and 8 February 2008, to establish liability, and to punish the guilty and compensate the victims. The Committee recommends that the State party provide it with information on the outcome of these proceedings in its next report.

Justice reform and anti-corruption measures

18. The Committee notes the State party's efforts to reform the justice system, notably through its project to support justice reform (PRAJUST), and to implement the conclusions and recommendations of the Justice Forum. It also notes the measures taken and the mechanisms set up to combat corruption, notably Ordinance No. 011/PR/2012 on the prevention and punishment of corruption and similar or related offences and the campaign against corruption and illegal enrichment (Operation Cobra). The Committee is nevertheless concerned at the fact that dysfunctions persist in the justice system and that all citizens do not yet have equal access to justice. The Committee is also concerned at the lack of information on guarantees of non-discrimination and equitable treatment that might prevent ethnic discrimination under Operation Cobra (arts. 2, 5 and 6).

The Committee recommends that the State party press on with the justice reform in order to reduce dysfunctions and to take steps to ensure that all citizens have access to the justice system in order to assert their rights, notably in respect of acts of racial discrimination, and paying particular attention to refugees, asylum seekers and displaced persons, nomadic or semi-nomadic groups and groups living in rural areas. It also recommends that the State party ensure that legal aid is effective. Lastly, the Committee recommends that the State party take measures, or steps up existing measures, to guard against the anti-corruption drive becoming an excuse for discrimination against members of particular ethnic groups.

Court proceedings for racial discrimination

19. The Committee is concerned at the lack of information in the State party's report on complaints of racial discrimination or judgements handed down by the courts. It also regrets the lack of data on cases of racial discrimination before the National Commission on Human Rights and the Office of the Ombudsman (art. 6).

Referring to its general recommendation No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system, the Committee recalls that the absence of complaints or judicial proceedings brought by victims of racial discrimination may reflect the non-existence of specific relevant legislation, ignorance of available remedies, unwillingness on the part of the authorities to prosecute perpetrators, a lack of confidence in the criminal justice system or victims' fear of reprisals. The Committee asks the State party to ensure that its domestic legislation contains appropriate provisions and that the public at large, particularly groups living in refugee camps and camps for displaced persons, nomadic and semi-nomadic groups and rural populations, are aware of their rights, including all the available legal remedies in the area of racial discrimination.

National Human Rights Institution

20. The Committee notes with concern that the Chadian National Commission on Human Rights still does not comply with the Paris Principles, particularly owing to its lack of independence and of resources that enable it to function effectively (art. 2).

The Committee recommends that the State party adopt, as a matter of urgency, the bill to bring the National Commission on Human Rights into line with the Paris Principles, with a view to ensuring its effective independence and providing it with the resources it needs to function properly, in order to allow it to be accredited with the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights.

Conflicts between nomadic and other groups

21. The Committee takes note of the information provided by the State party on the coexistence of herders (nomadic and semi-nomadic) and farmers. The Committee is nevertheless concerned that the tensions that frequently arise between these two groups could degenerate into conflicts between nomads or semi-nomads and other population groups (arts. 5 and 7).

The Committee recommends that the State party take measures, or strengthen existing measures, to reduce tensions between nomads or semi-nomads and other groups and ensure that those tensions do not degenerate into ethnic conflicts.

D. Other recommendations

Follow-up to the Durban Declaration and Programme of Action

22. In light of its general recommendation No. 33 (2009) on follow-up to the Durban Review Conference, held in Geneva in April 2009, the Committee recommends that, when incorporating the provisions of the Convention into its domestic legislation, the State party take into consideration the Durban Declaration and Programme of Action (A/CONF.189/12 and Corr.1, chap. I), adopted in September 2001 at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, as well as the outcome document of the Durban Review Conference (A/CONF.211/8, chap. I). The Committee requests that the State party include in its next periodic report specific information on action plans and other measures adopted to implement the Durban Declaration and Programme of Action at the national level.

Dialogue with civil society

23. The Committee recommends that the State party continue consulting and expanding its dialogue with civil society organizations working in the area of human rights protection, in particular those combating racial discrimination, when preparing its next periodic report.

Competence of the Committee to consider individual complaints

24. The Committee encourages the State party to make the optional declaration provided for in article 14 of the Convention.

Amendment to article 8 of the Convention

25. The Committee recommends that the State party ratify the amendment to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of States Parties to the Convention and endorsed by the General Assembly in its resolution 47/111 of 16 December 1992. In this connection, the Committee cites General Assembly resolutions 61/148, 63/243, 65/200 and 67/156, in which the General Assembly strongly urged States parties to accelerate their domestic ratification procedures with regard to the amendment to the Convention concerning the financing of the Committee and to notify the Secretary-General expeditiously in writing of their agreement to the amendment.

Core document

26. The Committee invites the State party to regularly update its core document (HRI/CORE/1/Add.88), submitted in 1997, in accordance with the requirements of the harmonized guidelines on reporting under the international human rights treaties, in particular those on the common core document, as adopted by the fifth inter-committee meeting of the human rights treaty bodies, held in June 2006 (HRI/GEN/2/Rev.6, chap. I).

Follow-up to concluding observations

27. In accordance with article 9, paragraph 1, of the Convention and rule 65 of its amended rules of procedure, the Committee requests the State party to provide information, within one year of the adoption of these concluding observations, on its follow-up to the recommendations contained in paragraphs 8, 14 and 17 above.

Paragraphs of particular importance

28. The Committee also wishes to draw the attention of the State party to the particular importance of the recommendations contained in paragraphs 9, 10 and 13 and requests the State party to provide detailed information in its next periodic report on the specific measures taken to implement them.

Dissemination

29. The Committee recommends that the State party's reports be made readily available to the general public as soon as they are submitted and that the Committee's concluding observations with respect to these reports be similarly publicized in the official and other commonly used languages, as appropriate.

Preparation of the next report

30. The Committee recommends that the State party submit its nineteenth and twentieth periodic reports in a single document by 16 September 2016, taking into account the treaty-specific reporting guidelines adopted by the Committee at its seventy-first session (CERD/C/2007/1) and addressing all the points raised in these concluding observations. The Committee also urges the State party to observe the page limit of 40 pages for treaty-specific reports and 60–80 pages for the common core document (see the harmonized reporting guidelines in HRI/GEN/2/Rev.6, chap. I, para. 19).
