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Summary record of the 3049th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 18 March 2014, at 10 a.m.

Chairperson: Sir Nigel Rodley

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 40 of the Covenant
(continued)

Second periodic report of Chad (continued) (CCPR/C/TCD/2, CCPR/C/TCD/Q/2 and Add.1, HRI/CORE/1/Add.88)

1. *At the invitation of the Chairperson, the delegation of Chad took places at the Committee table.*
2. **Mr. Tchaa** (Office of the United Nations High Commissioner for Human Rights), responding to a comment made by the delegation at the previous meeting, said that in June 2010 the Office had received a letter from the permanent mission of Chad in Geneva, dated October 2009, asking it to provide legal advice on a preliminary bill overhauling the Chadian Commission on Human Rights, which had been drafted in response to the downgrading of the Commission's status to "B". A reply had been sent directly to the Chadian authorities in July 2010, and again to the permanent mission in February 2012. In addition, a human rights advisor working for the United Nations Development Programme (UNDP) was monitoring the situation on the ground. While welcoming the fact that the Chadian authorities had taken the initiative to open the dialogue, he noted that the process of reforming the Commission on Human Rights seemed to have stalled, and he reaffirmed the Office's willingness to assist the Chadian authorities.
3. **The Chairperson** encouraged the Office of the High Commissioner for Human Rights to establish mechanisms that would ensure better follow-up on communications with representatives of States parties.
4. **Mr. Fathalla** said that discrimination was prohibited under the Constitution but was not punishable under any specific law. He would appreciate clarification about that situation and about the existing mechanisms to combat discrimination.
5. **Ms. Chanet** also requested clarification about how the Covenant was applied in the absence of any laws to that effect. While she welcomed the encouraging information provided by the delegation concerning female genital mutilation, more needed to be done to combat domestic violence, both in terms of awareness-raising and prevention and in terms of support for victims. She asked the delegation to provide more detailed information on the case of Khadidja Ousmane Mahamat and on the measures taken to ensure compliance with the laws on pretrial detention and police custody.
6. **Mr. Kälin** wished to know how many of the people currently in prison were on death row.
7. **Mr. Salvioli** requested clarification about the complaint mechanisms available to victims of torture and the number of complaints filed, as well as the different forms of redress provided to the victims of the events that had occurred in 2008. He asked whether corporal punishment was prohibited within the family. Information before him contradicted the claim that such punishment was very rarely meted out in schools. In Koranic schools, for example, there had been cases of children being chained up. Had those cases been prosecuted?
8. **Mr. Ben Achour**, while recognizing the difficulties that might hinder the adoption of a culture of human rights in a country with deep-rooted traditions, said that it was nevertheless essential to promote awareness, at all levels of society, of the fact that certain practices such as female genital mutilation, polygamy and discrimination against women had no religious basis.

9. **The Chairperson** said that article 2 of the Covenant, as well as the Committee's jurisprudence and its general comment No. 31, could provide useful guidance to judicial and legislative authorities who wished to establish specific penalties for human rights violations.

10. **Mr. Koulamallah** (Chad) welcomed the Committee's acknowledgement of the improvement in the human rights situation in the country and said that his personal commitment to human rights stemmed from the injustices and abuses that he had witnessed and which had affected his family members at the end of the colonial era.

11. **Mr. Bartchiret** (Chad) said he regretted the fact that NGOs did not cooperate more with the Government, given that the Government had involved them in the preparation of the periodic report. The delegation would have been better able to respond to the Committee's questions that were based on information from NGOs if it had been privy to that information in advance. The Ministry of Justice would need to release Khadidja Ousmane Mahamat if there was no justification for keeping her in detention. Compensation was already available for victims of wrongful detention.

12. **Mr. Ratebaye** (Chad) confirmed that the Covenant could be directly invoked under the Constitution. An implementing law did indeed need to be drafted, and the Government was in the process of doing just that, but implementation of the Covenant remained a complementary mechanism. Old or isolated cases of corporal punishment should not obscure current efforts to eradicate that practice. The United Nations Children's Fund (UNICEF) could attest to the improved situation in schools, including Koranic schools. In Chad, like in all societies, corporal punishment within the family was part of children's upbringing and was used in moderation and only in exceptional circumstances.

13. **The Chairperson** said that the Committee members, who served in their personal capacities and did not represent their countries of origin, were not responsible for acts committed by former colonial powers. NGOs were not required to share information with the delegation, and their relationship with national authorities depended on the situation in the country. It was the Committee's responsibility to ask whatever questions it thought relevant, based on the information received. The existence of a vibrant civil society should be seen as a positive development.

14. **Mr. Ben Achour** added that NGO reports were freely accessible on the Committee's website.

15. **Mr. Kälin** asked what measures had been taken to implement the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa and how many cases of sexual violence involving refugee women had been brought before the courts. He also wished to know what progress had been made towards adopting the bill on the status of refugees and what measures were planned to improve the current mechanism for determining refugee status and to register children born to refugees. Referring to paragraph 39 of the replies to the list of issues, he asked whether the State party intended to continue implementing the action plan to demobilize child soldiers, as the armed groups that were gradually being incorporated into the national army probably still had children among their ranks.

16. **Mr. Fathalla** asked when the interministerial committee to combat trafficking expected to launch the action plan referred to in paragraph 30 of the written replies and what measures were being taken to combat the sale of children in the north and south of the country. He asked the delegation to respond to the questions contained in paragraphs 16, 20, 21 and 24 of the list of issues and to explain why the courts had convicted the editor of the newspaper *N'Djamena Bi-Hebdo*, Mr. Jean-Claude Nekim, and the journalist Éric Topona.

17. **Mr. Salvioli** asked why the Chadian authorities did not release Khadidja Ousmane Mahamat, who had been awaiting trial for 11 years and had already given birth to two children as a result of being raped while in detention. In its previous concluding observations, the Committee had already recommended that the State party should take appropriate measures in that regard (CCPR/C/TCD/CO/1, para. 32).

18. **Ms. Chanet** requested additional information about the regional offices of the Directorate for Access to Law and about the type of assistance provided to individuals, in light of the fact that under Chadian law a lawyer must be provided only in criminal cases. She also requested more detailed information about the wage increase for judges and about the computer equipment available to the courts. It would also be interesting to know what criteria were used when selecting prosecutors and which body had the authority to dismiss or transfer judges. Lastly, she asked the delegation to specify the contents of the bill of 12 February 2013 and to explain why it had not been adopted by the Constitutional Council.

19. **Mr. Ben Achour** noted that, according to article 277 of the Criminal Code, girls over 13 years of age were allowed to marry, while paragraph 38 of the written replies stated that the minimum age of marriage for girls was 16 years. He asked the delegation to clarify that point and to indicate how far consideration of the draft personal and family code had come. It might also like to explain the meaning of the term “feedback workshop” and to indicate whether any other activities were planned to disseminate information about the Covenant and its Optional Protocol.

20. **Mr. Shany** said that, according to various sources, the residents of several N’Djamena neighbourhoods had been evicted from their homes in 2008 and 2009 as part of urban renewal plans. Those persons had allegedly not been consulted or warned in advance, and as a result most of them had become homeless overnight. One neighbourhood had reportedly been razed despite a court order prohibiting its demolition. In addition, it had been reported that some owners had received compensation that did not correspond to the value of their homes, while others had been compensated only in kind and others still had received no compensation at all. He asked the delegation to comment on those claims.

21. **Ms. Majodina** asked whether the child protection bill included provisions on child labour and whether articles 20 and 157 of the Criminal Code covered the exploitation of children through labour.

22. **Mr. Bouzid** asked whether the number of active judges in Chad was stipulated in the Constitution and whether the courts were equitably distributed throughout the country. He also asked whether there were customary courts in Chad and, if so, what types of cases they heard and what their relationship was with the ordinary courts.

The meeting was suspended at 11.25 a.m. and resumed at 11.55 a.m.

23. **Mr. Ratebaye** (Chad) said that a workshop had been held in N’Djamena with the support of the African Union to begin drafting a bill implementing the Convention for the Protection and Assistance of Internally Displaced Persons in Africa, which was currently being finalized by the Ministry of the Interior and Public Security with the assistance of the Ministry of Justice. It would soon be submitted to the National Assembly for consideration and adoption. The delegation was not aware of any bill on the status of refugees. UNICEF had established birth registries in refugee camps, where children were systematically registered and issued with birth certificates. The recruitment of child soldiers had recently been classified as an offence. Verification missions and inspections of military barracks had been conducted throughout the country. Protection units ensured that minors were not recruited into the Armed Forces, and a medical board was responsible for determining conscripts’ actual age. Those activities were coordinated by the UNICEF office in N’Djamena. The Special Representative of the Secretary-General for Children and Armed Conflict, Ms. Leila Zerroughi, had welcomed in her report (A/HRC/25/46) the progress

Chad had made in implementing the action plan to end the recruitment and use of children by the Chadian National Army.

24. **Mr. Bartchiret** (Chad) said that the interministerial committee's priority was to draft a bill on trafficking as soon as possible, which would then be incorporated into the draft Criminal Code. The United Nations Office on Drugs and Crime (UNODC) had been asked to provide technical assistance to that effect in 2013. The bill on the organization of the civil registry had been adopted on 10 May 2013 (Act No. 008/PR/2013). Prior authorization was required to organize demonstrations, as in all other parts of the world. Lastly, there were no impediments to freedom of expression or freedom of the press. Journalists expressed themselves freely and were neither investigated nor prosecuted. Act No. 17/PR/2010 on regulations governing the press punished only very specific acts, such as incitement to hatred, with a view to penalizing any attempt to turn groups of people against each other, so that the country might avoid reliving the difficulties it had experienced in the past. The draft Criminal Code included a provision abolishing imprisonment for debt. It was regrettable that the human rights organizations had not drawn the attention of the Ministry of Human Rights to the situation of Khadidja Ousmane Mahamat, as the Ministry would have taken action. In that connection, the Ministry was in the process of establishing a mechanism for quarterly dialogue with human rights organizations, which would provide an opportunity to take stock of the problems that arose. As a general policy, it was important for those organizations to share any information they might have on arbitrary detention so that inspections could be arranged.

25. **Mr. Daoudongar** (Chad) said that the Directorate for Access to Law was responsible for facilitating access to justice, in particular through awareness-raising programmes. It was an integral part of the Ministry of Justice and therefore had access to the Ministry's resources. Additional technical resources had been allocated to judges, and their salaries had recently seen a significant increase. The law on the status of judges and the Supreme Council of Justice Organization Act set out the sanctions that could be imposed on judges by the Ministry of Justice. In the event of alleged corruption or unprofessional behaviour, interim measures could be taken pending referral of the case to the competent judge and the appearance of the person concerned before the Supreme Council of Justice. Lastly, a bill on security of tenure for Supreme Court judges had been submitted, but the Constitutional Council had deemed it unconstitutional.

26. **Mr. Bartchiret** (Chad) said that, although Chad now had two official languages, French nevertheless took precedence, and many laws had not yet been translated. However, the Government had established a department for the translation of all such laws and of the international instruments to which Chad was a party. Measures had also been taken to provide all regional offices with a set of informational material for the general public about those laws. The purpose of the feedback workshops was to inform stakeholders about the consideration of reports submitted under the Covenant. A committee for follow-up on the Committee's recommendations had also been established. The Government agreed that there was a need to reinforce that mechanism and would welcome any suggestions made in that regard.

27. **Mr. Ratebaye** (Chad) said that Chadian law provided for expropriation in the public interest, for example in order to build a hospital. Contrary to what had been stated, decisions taken in that regard were not arbitrary, and expropriations followed a standard procedure that included notifying the persons concerned with sufficient notice for them to make arrangements. All persons whose property was expropriated were compensated, and those who believed they had been wronged could present their case before the courts.

28. **Ms. Neldengar** (Chad) said that child protection was a central issue for the Government, which carried out numerous activities to implement the relevant international instruments and to eliminate the worst forms of child labour. Several series of measures had

been taken in that regard. In the Moyen-Chari region, for example, where there were many child herders, labour inspectors had held workshops to raise awareness among the general public and the local authorities about the harmful effects of child labour. A decree regulating child labour was expected to be issued.

29. **Mr. Bartchiret** (Chad) said that it was nevertheless important to put into perspective the issue of child labour in Chad, as the country did not have any large industries seeking to benefit from an abundant labour force. The main challenges with respect to child labour were child herders and child soldiers, and the Government was working to resolve those problems with the active support of civil society.

30. **Mr. Daoudongar** (Chad) said that, although the number of judges was still insufficient, it had increased from 150 to 270. While it was true that until recently judges had not been specialized and had been allowed to serve as both judges and prosecutors, the establishment of the National Institute of Judicial Training had helped give direction to and improve the quality of training for judges. With respect to the participation of lay judges in the administration of justice, assessors representing society were invited to participate in the sessions of the Criminal Court when it adjudicated civil issues. The modern and traditional justice systems in Chad were interlinked, particularly in civil matters, as civil cases could be tried on the basis of either customary law or modern law. Assessors were thus selected on the basis of their expert knowledge of customs.

31. **Mr. Salvioli** said that the authorities were well aware of the case of Khadidja Ousmane Mahamat, as the Committee had made a recommendation concerning the case in its concluding observations of 2009. He asked the State party once again to provide further information on the follow-up given to the accusations of rape levelled against a senior official in the institution where Khadidja Ousmane Mahamat was being held in what amounted clearly to arbitrary detention. The State's responsibility was committed by the fact that the acts had been carried out in a public institution, and failure to provide the requested information could give the impression that the State favoured impunity.

32. **Ms. Chanet** asked whether the legal aid office provided information only rather than assistance before the courts. She also requested further details about regulations governing the assistance of a lawyer before the correctional courts, which was just as necessary as before the criminal courts.

33. **Ms. Majodina** asked whether Khadidja Ousmane Mahamat, in view of trauma she had suffered, was benefiting from any rehabilitation measures. The delegation should also indicate whether she was assisted by a lawyer and when her trial would take place.

34. **Mr. Koulamallah** (Chad) said that his delegation would respond in writing to the additional questions raised. He pointed out that Chad had suffered decades of strife and armed conflicts that had long undermined institutional stability and the constant efforts to promote and protect human rights. Despite those challenges, the Government was endeavouring to implement international instruments and was committed to doing its utmost to ensure the full implementation of those of the Committee's recommendations that had not yet been sufficiently implemented.

35. **The Chairperson** thanked the delegation and said that the Committee looked forward to receiving the delegation's written responses.

The meeting rose at 12.50 p.m.