

**Submission by the United Nations High Commissioner for Refugees (UNHCR)
For the Office of the High Commissioner for Human Rights' Compilation Report –
Universal Periodic Review:
CHAD**

I. BACKGROUND INFORMATION AND CURRENT SITUATION

Chad is a party to the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol (hereafter referred to as the 1951 Convention). An asylum law was drafted in 2007 and it is expected to be approved later in the year. Chad ratified the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa in August 1981. Chad acceded to both the 1954 Convention on the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness on 12 August 1999. In July 2011, Chad became party to the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention).

Chad is a post-conflict country, which currently hosts at least 378,000 refugees predominantly from Sudan and the Central African Republic (CAR), and 195 urban asylum-seekers of various nationalities in the capital city, N'Djamena. There are around 311,375 Sudanese refugees living in eastern Chad and 66,257 CAR refugees in Southern Chad. These Sudanese and CAR refugees are recognized on a *prima facie* basis by the GoC. The majority of refugees arrived in Chad between 2003 and 2004 after the outbreak of the conflict in Darfur (Sudan) and later on from the Central African Republic. Chad also welcomed 1,800 returnees from Cameroon in 2012 and 2013, who had fled Chad in 2008.

At the end of 2012, the Government officially declared the end of its IDP situation. The Government argued that the civil conflict in Chad had long ended and that the majority of the internally displaced population had either returned to their previous places of origin or had locally integrated or relocated elsewhere within the country.

The security situation in the border areas of the country has improved significantly in the past three years following the set-up of a Chad-Sudan Mixed Force in 2010. In addition, a tripartite meeting was held between Chad, Sudan and CAR in 2011 to enhance security of the border regions. As a result of the meeting, all parties agreed to deploy a joint force to secure the border area. Chad contributed to enhance the security of humanitarian interventions through the deployment of a special force, the “*Detachement Intégré de Sécurité*” or DIS, after the departure of MINURCAT in 2010. This has enabled humanitarian activities to continue and has reduced incidents caused by bandits in the region.

In 2011, an agreement was signed between the Government of Sudan and some of the Darfurian rebel groups in Doha. This agreement contributed to an improvement of the security situation in some areas of Darfur and created hope for future return amongst refugees. However, not all the rebel groups were part of this agreement, and a wider consensus will be needed before peace can be fully realized in the region.

Most recently, during the first trimester of 2013, the inter-ethnic conflict in Darfur has been fueled by the exploitation of a large gold mine in Western Darfur, causing further internal displacement and an additional influx of 5000 refugees into Chad.

As a result of the deterioration of the security situation in CAR (owing to the renewed conflict towards the end of 2012), prospects for return to CAR seem very slim in 2013. In addition, there are fears that instability in the neighbouring country could lead to an additional influx of CAR refugees in Chad. Such risk remains in spite of the recent signature in Libreville of an agreement among all the stakeholders and fighting forces, which provides a ceasefire and the establishment of a power-sharing government.

Chad has also felt the effects of the recent conflict in Libya, where an estimated 150,000 migrants returned to Chad as a result of the deteriorating security situation there. The majority of these returnees are unemployed and their return has had negative economic and security consequences on their communities and the region. Another significant impact has been the proliferation of arms in the Sahel belt, including Chad, Niger, Mali and Nigeria. The border between Libya and Chad remains closed.

Chad continues to struggle with an unstable social and economic environment that led to several strikes during recent years. These strikes have had negative consequences on the population and agencies working in Chad, including reduced access to basic public services, increasing banditry in N'djamena, and an overall decrease of confidence in the dispute resolution process. Until January 2013, negotiations between relevant trade unions and the Government were still ongoing.

II. ACHIEVEMENTS AND BEST PRACTICES

Chad has continued to generously host almost 380,000 refugees by early 2013. Refugees originating from Sudan and CAR continue to be recognized on *prima facie* basis and enjoy full refugees' rights. The Government of Chad has shown willingness to reinforce its presence in areas hosting refugees, and has strengthened its relationship with UNHCR and humanitarian agencies, facilitating the delivery of protection and the search for durable solutions for persons of concern to UNHCR.

The legal framework for the protection of persons of concern to UNHCR has been strengthened. Despite the fact that the pledges made by the Government of Chad at the Ministerial Intergovernmental Event on Refugees and Stateless Persons in December 2011¹ have not yet

¹ The five commitments that Chad made during UNHCR's Ministerial meeting were to:

- a. Adopt the draft asylum law in the first part of 2012 and ensure it is fully in line with international and regional refugee law and standards (Law drafted but pending review and endorsement by relevant Ministries);
- b. Allow the resumption of resettlement for vulnerable Sudanese refugees as part of a comprehensive durable solutions strategy for this population (authorization received);

been realized, there has been progress towards the fulfillment of two commitments, namely the resettlement of Sudanese refugees and the security of refugees.

A working group was established in February 2012 in order to pursue the implementation of the pledges. By January 2013, it had already met 7 times and focused on the draft refugee law. A validation workshop with the ministries whose portfolios cover refugee matters is planned for the end of March 2013, in order to submit the draft refugee law to the Council of Ministers for approval. The draft will then be submitted to Parliament for adoption.

Despite the deteriorating situation of many countries bordering Chad, the security situation in the areas hosting refugees, IDPs and asylum-seekers improved significantly in the past five years. The deployment of “DIS” and police has particularly facilitated humanitarian access and delivery despite its reduced budget and shortcomings.

In light of improvements in Darfur in 2011 and 2012, three tripartite meetings were held between Chad, Sudan and UNHCR to exchange information over conditions in areas of origin, assess prospects for return and eventually sign a tripartite agreement. More discussions on the issue are scheduled in 2013, including a plan for go-and-see visits in some likely return areas in Darfur.

Following the signature of a tripartite agreement between Chad, Cameroon and UNHCR, 1,800 Chadian refugees were repatriated from Cameroon between end of 2012 and January 2013.

In response to the flooding of two refugee camps in the southern part of the country, the Government of Chad assisted in identifying another site for the relocation of CAR refugees. In 2012, some 8,000 CAR refugees were relocated to the new site, and an additional 7,000 are expecting relocation in 2013.

In terms of access to basic services, the Government has allowed refugees to access health and education services. In 2012, for example, 14 Sudanese refugees were enrolled in a university in the East through the German-funded DAFI scholarship, and a total of 173 refugees benefited from training at national teacher training institutes in the East and South of the country. In general, UNHCR continues to enjoy a good collaboration with the Ministries of Education and Health, both at the national and regional levels, which facilitated the above-mentioned access.

III. KEY PROTECTION ISSUES AND RECOMMENDATIONS

Issue 1: National refugee law

Although Chad is a State party to the 1951 Convention, the adoption of the national refugee law has been stalled since 2007. Such a law will further strengthen the national legal framework for the protection of refugees and improve their situation. The Committee on the Rights of the Child has also recommended that Chad “(...) *progress with the elaboration of a refugee legislation,*

-
- c. Start issuance of birth certificates and other civil documentation to Sudanese refugees as a prerequisite for any voluntary repatriation programme in the future;
 - d. Develop jointly with UNHCR a comprehensive durable solutions strategy for the CAR refugees, including a strong legal component underpinning current self-sufficiency programmes.
 - e. Establish government capacity to issue ICAO-compatible Convention Travel Documents to refugees.

See : UN High Commissioner for Refugees, *Ministerial Intergovernmental Event on Refugees and Stateless Persons - Pledges 2011*, October 2012, page 62, available at: <http://www.unhcr.org/refworld/docid/50aca6112.html>

currently under review, in close cooperation with UNHCR, to ensure that specific protection needs of refugees and in particular children are duly included.”²

A workshop for the validation of the national refugee law, which will bring together Government representatives, civil society members and UNHCR, is scheduled to take place at the end of March 2013. Following the workshop, the Minister for Interior and Security will submit the law to the National Assembly for adoption.

Recommendation:

- Ensure adoption and implementation of a national refugee law in conformity with international and regional refugee instruments as soon as possible.

Issue 2: Access to civil registry

Lack of access to civil registry, including birth, marriage and death certificates is a significant barrier to the enjoyment of refugee’s rights in Chad. Unlike CAR refugees, Sudanese refugee children born in Chad are not provided with birth certificates but only receive birth notifications.

Birth registration helps to prevent statelessness by establishing a legal record of where a child was born and who his or her parents are. As such it serves as a key form of proof of whether a person has acquired nationality by birth or by descent. The Human Rights Committee has raised concerns over the situation of birth registration in Chad in 2009 and while pointing out that a high number of births goes unregistered, it recommended that Chad “(...) *should take the necessary budgetary and other measures to guarantee that all births and all unregistered adults are registered.*” The Committee further recommended strengthening of the deployment of mobile registration units of the civil registry.³ In connection with refugee children in particular, the Committee on the Rights of the Child had expressed concerns over birth registration of Sudanese and other children born in Chad despite their official right to be registered and recommended that Chad “(...) *continue and strengthen its efforts to encourage birth registration of all children, including children of refugees, particularly Sudanese children born in the country.*”⁴ The Government should be encouraged to ensure the registration of all births in the country to prevent statelessness, in line with Article 7 of the Convention on the Rights of the Child.

Recommendations:

- Pursue efforts aiming at modernizing the civil registry;
- Facilitate access to civil registry for refugees and IDPs, and issue free-of-charge birth, death and marriage certificates.

Issue 3: Prevention and response to SGBV

SGBV remains a key challenge due to traditional beliefs and persistence of harmful traditional practices such as FGM and early marriage. Domestic violence is also widespread. The absence of a strong justice system continues to prevent adequate prevention, response and eradication of SGBV abuses. The Committee on Economic, Social and Cultural Rights (CESCR) has expressed

² Committee on the Rights of the Child, fiftieth session, 12 February 2009, Concluding Observations: Chad, paragraph 74, available at: <http://www2.ohchr.org/english/bodies/crc/docs/co/CRC-C-TCD-CO2.pdf>

³ Human Rights Committee (HRC), *Concluding observations of the Human Rights Committee : Chad*, 11 August 2009, CCPR/C/TCD/CO/1, paragraph 27, available at: <http://www.unhcr.org/refworld/docid/4a8bb4022.html>

⁴ Committee on the Rights of the Child, Opcit, paragraphs 39 and 40.

in the past its serious concerns “*about the extent of sexual violence, including rape, against women and girls, particularly in and around sites for internally displaced persons and refugee camps,*” and about “*reports that women and girls in communities of refugees and internally displaced persons are not afforded appropriate protection from, or remedies in respect of, violence in all its forms.*”⁵ It is also concerned about the use of traditional conflict-resolution methods that perpetuate impunity and open the way for violence. Furthermore, the Committee on the Elimination of Discrimination Against Women (CEDAW) has highlighted that SGBV cases occur repeatedly, particularly within in the population groups that have been forcibly displaced.⁶

Recommendations:

- Carry out awareness raising campaigns on SGBV targeting both populations at risks and stakeholders;
- Enhance its efforts to recruit more female officials in the refugee camps and sites hosting IDPs, so as to facilitate the reporting of sexual and gender based violence incidents;
- Ensure that an adequate response is provided to each SGBV case reported, which involves availability of all the types of responses (medical, legal...) and an efficient referral system.

Issue 4: Internally Displaced Persons

Despite the official end of the IDP crisis and the recent decision of the Government to cease recognizing such persons as displaced persons, scores of “former” IDPs continue to reside in their areas of displacement, while waiting for adequate durable solutions. Moreover, the Government is yet to enact a national legislation in order to domesticate the Kampala Convention. As reported previously, IDPs experience various types of abuses, and some of them are solely due to their situation of displacement.⁷ In his report to the 13th session of the Human Rights Council following his visit to Chad, the Representative of the Secretary-General on the human rights of internally displaced persons had recommended the creation of suitable conditions for the realization of durable solutions in favour of IDPs.⁸ He furthermore pointed out that Chad should prioritize the fight against impunity and take the necessary measures to ensure an effective presence of State throughout the country, especially in areas hosting refugees and IDPs.⁹

As Chad is moving from a focus on humanitarian assistance to development, the Government has called for a new approach focusing on early recovery in conflict-affected regions of the country, particularly the East and South. Conditions in the areas of integration and return of IDPs in eastern Chad remain fragile. There are also challenges in connection with the management of development and private funds allocated to humanitarian and development activities.

⁵ Economic and Social Council, Committee on Economic, Social, and Cultural Rights, Forty-third session, Concluding Observations. Chad, 16 December 2009, paragraph 20, available at: <http://www2.ohchr.org/english/bodies/cescr/cescrs43.htm>

⁶ Committee on the Elimination of Discrimination Against Women (CEDAW), Fiftieth session, Concluding Observations, Geneva, 3 – 21 October 2011 Paragraphs 40 & 41 available at : <http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW-C-TCD-CO-1-4.pdf>

⁷ Human Rights Committee (HRC), *Concluding observations of the Human Rights Committee : Chad*, 11 August 2009, CCPR/C/TCD/CO/1, paragraph 13, available at: <http://www.unhcr.org/refworld/docid/4a8bb402.html>

⁸ Report of the Representative of the Secretary-General on the human rights of internally displaced persons, Walter Kälin, Addendum: Mission to Chad, A/HRC/13/21/Add.5 22 December 2009, paragraph 185, a), iii), available at: <http://www2.ohchr.org/english/bodies/hrcouncil/docs/13session/A-HRC-13-21-Add5.pdf>

⁹ Report of the Representative of the Secretary-General on the human rights of internally displaced persons, Walter Kälin, Addendum: Mission to Chad, A/HRC/13/21/Add.5 22 December 2009, paragraph 185, a), i) and ii), Opcit

Recommendations:

- Formulate and adopt a legal framework and a national policy or strategy covering all phases of internal displacement;
- Continue to provide protection and assistance, and take specific measures to promote durable solutions for the Chadians who remain internally displaced, including by cooperating with development and humanitarian partners.

**Human Rights Liaison Unit
Division of International Protection
UNHCR
March 2013**

ANNEX

Excerpts of Concluding Observations and Recommendations from UN Treaty Bodies and Special Procedures Reports

- Universal Periodic Review:

Chad

We would like to bring your attention to the following excerpts from UN Treaty Monitoring Bodies' Concluding Observations and Recommendations relating to issues of interest and persons of concern to UNHCR with regards to Chad, as well as to some extracts from the report of the Special Representative of the Secretary-General on the human rights of IDPs of his mission to Chad.

1. Treaty Body Reports

Committee on the Elimination of Discrimination Against Women

CEDAW/C/TCD/CO/1-4, Fiftieth Session

21 October 2011

Factors and difficulties preventing the effective implementation of the Convention

9. The Committee recognizes that due to decades of internal strife, international conflicts, the persistence of armed conflict in the east and in the southeast of Chad, the waves of internal displaced persons and refugees as well as the humanitarian crisis, the State party has faced and continues to face difficulties in the implementation of the Convention.

Disadvantaged groups of women

40. While noting the improvement in the security situation in eastern Chad and the efforts of the State party to protect refugee camps and internally displaced persons (IDPs) sites, the Committee is particularly concerned about the high risk faced by refugee and internally displaced women and girls to be victims of sexual and gender-based violence, including rape inside and outside the refugee camps and the IDPs sites. It is further concerned about similar risks faced by refugee and internally displaced women and girls in other parts of the country, particularly in the South. The Committee is deeply concerned about reports indicating that a considerable number of the victims are children, including girls, and that some of them are as young as 5 years old. It regrets that most of the cases remain unreported and that even those who are reported, approximately 430 up to mid-2011, are solved through traditional dispute mechanisms due to the absence of legal protections for victims and a fragile judiciary system, which perpetuates impunity for perpetrators.

41. The Committee urges the State party to:

- a) **Strengthen its efforts to improve the security of the refugee camps and displaced sites to ensure that women and girls are effectively protected;**
- b) **Conduct systematic sensitizations on sexual gender-based violence and training on how to prevent and effectively respond to it for officials of the *Détachement Intégré de Sécurité* and other enforcement officials, including female officers, in charge of securing the refugee camps and displaced sites;**
- c) **Enhance its efforts to recruit more female officials to be deployed at the refugee camps and displaced sites, with the view to facilitate the reporting of sexual and gender based violence incidents and the legal follow up with the victims;**

- d) **Provide these women with effective access to legal remedies and ensure that such cases are fully and promptly investigated and that perpetrators are brought to justice, regardless of whether they are State or non-State actors and ensure adequate reparations, where appropriate; and**
- e) **Reinforce its cooperation with the United Nations on the ground and international and local humanitarian organizations to provide medical and psychological support to survivors of sexual and gender-based violence, including rape.**

Committee on Economic, Social, and Cultural Rights

E/C.12/TCD/CO/3, 43rd Session

16 December 2009

8. The Committee regrets that the report contains a limited quantity of disaggregated statistical information, taken from the 1993 census, which does not allow the Committee to gauge how far the Covenant is applied in the State party.

The Committee recommends that, in its next periodic report, the State party provide statistical data on the enjoyment of economic, social and cultural rights, disaggregated by sex, age and rural/urban population, and on refugees/internally displaced persons, persons living with HIV/AIDS and persons with disabilities.

20. The Committee is seriously concerned about the extent of sexual violence, including rape, against women and girls, particularly in and around sites for internally displaced persons and refugee camps. It is particularly concerned about reports that women and girls in communities of refugees and internally displaced persons are not afforded appropriate protection from, or remedies in respect of, violence in all its forms. It is also concerned about the use of traditional conflict-resolution methods that perpetuate impunity and open the way for violence.

The Committee requests the State party to provide comprehensive information in its next report on the situation of refugee and internally displaced women and children in Chad, in particular on the means used to protect these women and children from all forms of violence and the mechanisms to offer them remedies and opportunities for social reintegration. It further urges the State party to take steps to investigate and punish all perpetrators of violence against refugees and internally displaced women and children. The Committee urges the State party to assign more staff to, and include more women in, the police forces responsible for security at camps for refugees and internally displaced persons. It also encourages the State party to continue working with the United Nations Mission in the Central African Republic and Chad (MINURCAT) and United Nations specialized agencies in the field.

Committee on the Elimination of Racial Discrimination

CERD/C/TCD/CO/15, 75th Session

21 September 2009

18. The Committee takes note that the Darfur crisis has triggered massive refugee movements in the east of the State party's territory, as well as internal displacement. The Committee remains concerned about the lack of security and the acts of discrimination and violence committed against these people, and about intercommunity tensions that may arise with respect to the host population.

Recalling its general recommendations Nos. 20 (1996) and 22 (1996), the Committee recommends that the State party should continue its efforts to improve the protection of refugees and internally displaced people by (a) strengthening the activities of the National

Refugee Commission; (b) pursuing efforts to adopt the draft bill on refugees mentioned in the State party's report; (c) pursuing its efforts to successfully integrate refugees in Chad; (d) facilitating access to justice for refugees and displaced people; (e) prosecuting and punishing those who commit acts of violence against them; (f) promoting the voluntary return of displaced people and the enjoyment of their property; and (g) fostering harmonious relations between refugees, displaced people and the population, in particular through campaigns to increase awareness about tolerance and inter-ethnic understanding. The Committee also recommends that the State party should take account of the findings of a study conducted by the United Nations Development Programme (UNDP) on the impact of refugees on host communities, in particular with respect to land and farming (art. 5 (b) and (e) and art. 6).

Human Rights Committee

CCPR/C/TCD/CO/1, Ninety-sixth Session

11 August 2009

13. The Committee notes with concern that, between 2007 and 2008, some 160,000 Chadians were internally displaced, primarily in the Dar Sila and Ouaddai regions. It regrets that measures have not been taken to protect displaced persons and to enable them to return home in safety and dignity. The Committee notes with concern that most displaced persons are under the age of 18 and that displaced women have been victims of rape and other forms of sexual violence perpetrated by militias and armed groups (articles 2, 3, 7, 12 and 24 of the Covenant).

The State party should, in accordance with all international standards on the subject, including the Guiding Principles on Internal Displacement, take all necessary and appropriate measures to:

- (a) Increase protection for displaced persons both within and around their camps;**
- (b) Strengthen its capacity to protect displaced women, conduct investigations, institute proceedings, punish all perpetrators of sexual violence and provide victims with all necessary assistance;**
- (c) Formulate and adopt a legal framework and a national strategy covering all phases of displacement; and**
- (d) Create conditions that offer lasting solutions to displaced persons, including their voluntary and safe return.**

27. The Committee notes with concern that a very large number of births go unregistered, particularly in rural areas (articles 16 and 24 of the Covenant).

The State party should take the necessary budgetary and other measures to guarantee that all births and all unregistered adults are registered. The deployment of mobile registration units of the civil registry should be strengthened. The Committee invites the State party to provide, in its next report, information on the results of the projects to modernize the civil registry and support measures to strengthen it, which are being implemented with support from the specialized agencies of the United Nations and the European Union.

Committee Against Torture

CAT/C/TCD/CO/1, 42nd Session

4 June 2009

Sexual violence and abuse

20. The Committee is seriously concerned at the extent of sexual violence, including rape, against women and children, particularly in and around sites for displaced persons and refugee

camps, committed with impunity whether by militias, armed groups, the armed forces or any other person. The Committee is also concerned that cases of rape are usually not dealt with as criminal offences but settled amicably, through financial compensation, under the supervision of tribal or village chiefs, and that the guilty parties are rarely brought to justice (arts. 2 and 16).

The State party should redouble its efforts to prevent, combat and punish sexual violence and abuse against women and children. To this end, the State party should, inter alia, and in collaboration with the United Nations Mission in the Central African Republic and Chad (MINURCAT) and United Nations specialized agencies in the field:

- (a) **Conduct major information campaigns to raise awareness among the population and all parties to the conflict that acts of sexual violence are offences under criminal law, to break the taboos on sex crimes and to eliminate the stigmatization and exclusion of victims, which discourages them from lodging a complaint;**
- (b) **Continue with, and reinforce, the deployment of the *Détachement intégré de sécurité* (Integrated Security Detachment) (DIS) near sites for displaced persons and camps for refugees in order to guarantee protection for them, especially for women and children, to provide a simple mechanism for lodging complaints to which all have access and to ensure that complaints are systematically and immediately transmitted to the relevant authorities and that victims are protected;**
- (c) **Set up a rehabilitation and assistance scheme for victims;**
- (d) **Amend Act No. 06/PR/2002 on the promotion of reproductive health to include penalties for the perpetrators of sex crimes, or incorporate offences of sexual violence in the Criminal Code, providing for penalties proportional to the seriousness of the crimes;**
- (e) **Ensure that customary laws and practices are not invoked to justify violating the absolute prohibition of torture, as the Committee recalled in its general comment No. 2 (2007) on implementation of article 2 by States parties.**

Non refoulement

23. The Committee is concerned at the absence of a legislative framework regulating expulsion, refoulement and extradition consistent with the requirements of article 3 of the Convention. In addition, the Committee is particularly concerned at the fact that the State party's current expulsion, refoulement and extradition procedures and practices may expose individuals to the risk of torture (art. 3).

The State party should adopt a legislative framework regulating expulsion, refoulement and extradition and revise its current procedures and practices in order to fulfil its obligations under article 3 of the Convention. The State party should also review the terms of the 1961 General Agreement on Cooperation in Judicial Matters and all other judicial cooperation agreements so as to ensure that the transfer of detainees to another signatory State is carried out under a judicial procedure and in strict compliance with article 3 of the Convention.

Child soldiers

34. The Committee welcomes the protocol of agreement signed by the State party and the United Nations Children's Fund (UNICEF) in April 2007 on the liberation and sustainable reintegration of all children involved in armed groups in Chad. The Committee nevertheless remains deeply concerned at the continued and, according to some allegations, increased recruitment of child soldiers by all parties to the conflict, in particular in sites for displaced persons and refugee camps. The Committee also regrets that only a small number of children have been demobilized since the signing of the agreement with UNICEF, including only very few of the children involved in the Chadian armed forces (art. 16).

The State party should:

- (a) With the support of the United Nations and civil society, draft a time bound plan of action to prevent the illicit recruitment of child soldiers and to facilitate their rehabilitation and reintegration into society and institute transparent procedures for the liberation and monitoring of the demobilization of children involved in armed groups operating in Chadian territory;**
- (b) Criminalize the illicit recruitment and use of children in armed conflicts;**
- (c) Investigate and prosecute persons responsible for recruiting child soldiers in order to put an end to impunity;**
- (d) Launch a public information campaign to ensure that all members of the armed forces are aware of Chad's international obligations to prevent the use and recruitment of child soldiers in armed conflicts;**
- (e) Authorize the verification by United Nations led teams of the presence of children in military camps, training centres and detention centres, as agreed by the State party in May 2008 during the visit of the Special Representative of the Secretary-General for Children and Armed Conflict;**
- (f) Ensure that refugee camps and sites for displaced persons are of a civilian and humanitarian nature and increase the security and protection of civilian populations both within and around them, given that such measures help in preventing the recruitment of children and in protecting them.**

Committee on the Rights of the Child

CRC/C/TCD/CO/2, 50th Session

12 February 2009

Non-discrimination

30. The Committee welcomes the fact that Chadian legislation accords the same juridical status to children born in and out of wedlock. The Committee welcomes that the draft law provides for the registration of all children born on the State party's territory, including children of refugees. The Committee notes with regret that while articles 13 and 14 of the State party's Constitution affirm the principle of non-discrimination, including equality between the sexes, de facto discrimination between boys and girls exists, particularly in the areas of education and succession and inheritance.

31. The Committee urges the State party to continue and strengthen its efforts to eradicate all discriminatory laws from its legislation. In particular, the Committee urges the State party to adopt legislation with a view to ensuring that the practical application of the Constitution's provisions guaranteeing the principle of non-discrimination are in full compliance with article 2 of the Convention. The Committee also encourages the State party to adopt a comprehensive strategy, including awareness-raising, to eliminate discrimination on any grounds and against all vulnerable groups, in particular regarding education and succession and inheritance rights.

Birth registration

39. The Committee welcomes progress made with regard to the birth registration of Chadian children. The Committee also notes the adoption in 2003 of a birth registration law providing for free birth registration. Nevertheless, the Committee remains concerned that the State party has the lowest birth registration rate in west and central Africa. The Committee is also concerned at the absence of supplies at registration centres, the lack of precise information on the children to be registered and the distance of State registration offices from population centres. The Committee expresses additional concern at problems regarding the birth registration of Sudanese

and other children born in the State party despite their official right to be registered and to acquire the nationality.

40. The Committee recommends that the State party continue and strengthen its efforts to encourage birth registration of all children, including children of refugees, particularly Sudanese children born in the country, and of nomads through, inter alia, draft legislation on the modernization of the registration arrangements and on support for strengthening these arrangements (“Projet Modernisation état civil et projet d’appui au renforcement de l’état civil au Tchad”). The Committee urges the State party to ensure allocation of adequate financial, human and other resources to registration centres and to take measures to ensure easy access to registration by the population in all areas of the country, including in refugee camps. The Committee further urges the State party to ensure that late registration of births is also free of charge. The Committee encourages the State party to continue its cooperation with UNICEF, UNDP and the European Union in order to improve birth registration rates.

HIV/AIDS

63. While the Committee notes with appreciation the existence of a national strategic framework and a triennial plan focused on prevention for youths and on treatment with antiretroviral drugs and monitoring in case of illness, it remains concerned that overall awareness of the disease is low. The Committee notes with concern that 18,000 children below 14 years old are infected with HIV/AIDS and an estimated 96,000 children are AIDS orphans, most of whom receive inadequate care and protection.

64. The Committee urges the State party, while taking into account the Committee’s general comment No. 3 (2003) on HIV/AIDS and the rights of the Child and the International Guidelines on HIV/AIDS and Human Rights, to take measures to reduce HIV/AIDS infection, particularly with regard to the young people, through, inter alia:

- (a) Strengthening, continuing and developing policies and programmes to provide care and support for children infected or affected by HIV/AIDS, including programmes and policies to strengthen the capacity of families and the community to care for such children;**
- (b) Strengthening programmes for the prevention of mother to child transmission (PMTCT);**
- (c) Continuing activities aimed at reducing stigma and discrimination related to HIV/AIDS and providing awareness-raising on human rights within the context of HIV/AIDS; and**
- (d) Continuing to disseminate information and materials to the public, including to adolescents, refugee and internally displaced populations, on prevention and protection methods, including safe sex practices.**

Children affected by armed conflict

70. The Committee is also concerned about the increased number of children killed and maimed by anti-personnel landmines and unexploded ordinance.

71. The Committee urges the State party to take immediate and adequate measures to ensure observance of legislation setting the minimum age of 18 for recruitment into military forces and release underage fighters from its military, and to facilitate contact between armed groups operating in Chad and the United Nations in order to demobilize and prevent recruitment of children, particularly the practice of recruitment of children in refugee camps. In this regard, the Committee urges the State party to extend the disarmament, demobilization, and reintegration programme (DDR), placing a particular emphasis on demobilization and reintegration of the girl child. The Committee

recommends that, in its efforts, the State party take into account the recent Conclusions on children and armed conflict of the Security Council Working Group on Children and Armed Conflict (S/AC.51/2008/15). The Committee also recommends that the State party collaborate with the United Nations and NGOs in awareness-raising campaigns combating the involvement of children in armed conflict.

Refugee and internally displaced children

73. The Committee notes with appreciation that the State party has accepted 25,000 Sudanese refugees within its borders. The Committee also notes with appreciation that the Government of Chad and UNICEF signed in April 2007 a protocol of agreement on protecting children who are victims of armed conflict ensuring their sustainable reintegration into communities and families and in which they have committed to working together and with partners in ensuring protection and services for children associated with armed forces and groups within the framework of the Paris Principles signed by the Government of Chad in February 2007. The Committee also notes that the Government of Chad has confirmed its willingness to cooperate closely with its international partners to improve the protection environment for refugees and IDPs with a view to promoting greater respect, at the local level, for human rights. However the Committee reiterates its previous concern regarding the situation of refugee and internally displaced children.

74. The Committee urges the State Party to take all appropriate measures to promote and implement a constructive regional and inter-communal dialogue among the various entities to respond to the volatile security situation in most areas hosting refugees and IDPs. It also recommends that the State Party progress with the elaboration of a refugee legislation, currently under review, in close cooperation with UNHCR, to ensure that specific protection needs of refugees and in particular children are duly included.

Economic exploitation, including child labour

77. The Committee notes with appreciation that certain national legislation of the State party takes into account ILO Conventions Nos. 138 and 182 and that Decree No. 55/PR/PM-MTJS-DTMOPS has now been revised to take into account the provisions of ILO Convention No. 182. The Committee welcomes the development and implementation of a family and socio-economic reinsertion programme for vulnerable children, including child victims of the worst forms of labour. Nevertheless, the Committee notes with concern reports that a very high percentage of children in the State party, including children as young as five years of age, are working/labourers, with children in rural zones being particularly vulnerable to this problem. The Committee also expresses concern about the problems of “les enfants bouviers”, the mouhadjirin children, including those from refugee camps, and child domestic workers.

78. The Committee urges the State party to ensure that any policies, plans and legislation to address child labour, particularly in its worst forms, also provide effective protection for children belonging to vulnerable groups, including refugee children, mouhadjirin children and “les enfants bouvier”, and that these measures for protection are implemented in practice. In this regard, the Committee recommends that the State party strengthen its judicial capacity to prosecute child exploitation and the use of children in the worst forms of child labour. The Committee also urges the State party to take concrete action to address the reasons behind some forms of child labour, such as poverty and cultural traditions. The Committee encourages the State party to seek technical assistance from ILO/IPEC in this regard.

Trafficking

79. The Committee expresses concern about reports that children have been kidnapped and trafficked abroad. The Committee expresses further concern about the lack of information or statistics on trafficking cases and the fact that perpetrators of trafficking of children are not brought before justice.

80. The Committee urges the State party to take all measures to ensure the protection of children from trafficking, and that it ensure that perpetrators of child trafficking are brought to justice without delay. The Committee urges the State party to carry out awareness-raising activities in order to make both parents and children aware of the dangers of trafficking.

2. Special Procedure Reports

Report of the Representative of the Secretary-General on the human rights of internally displaced persons, Walter Kälin

Addendum: Mission to Chad

A/HRC/13/21/Add.5

22 December 2009

V. Conclusions et recommandations

82. À l'issue de sa visite, le Représentant conclut que la République du Tchad connaît une situation marquée par une grave crise en matière de protection, caractérisée par la précarité dans laquelle vivent les personnes déplacées et l'insécurité générale qui prévaut à l'est du pays. Le Représentant est convaincu qu'en absence d'un processus efficace de paix interne au Tchad incluant le Gouvernement tchadien, l'opposition politique, les représentants des diverses communautés tchadiennes et des différents groupes d'opposition armés dans un dialogue politique et sans une résolution du conflit au Darfour, la situation à l'est du pays risque de se détériorer à tout moment et de provoquer de nouvelles vagues de déplacement. Il souligne également qu'un processus de paix au Tchad ne pourra être pérenne que si des solutions durables pour les personnes déplacées sont trouvées.

83. Dans la perspective d'une solution durable à la question du déplacement dans ce pays – condition nécessaire pour la consolidation de la paix – le Représentant recommande une stratégie qui se focalise à la fois sur la poursuite du dialogue politique entre le Gouvernement, l'opposition politique, les différentes communautés tchadiennes et les groupes d'opposition armés et des mécanismes de réconciliation entre les communautés, ainsi que des mesures de relèvement précoce afin d'établir des conditions préalables pour l'intégration ou le retour des déplacés.

84. Le Représentant rappelle que, conformément aux Principes directeurs relatifs au déplacement de personnes, l'État est le premier responsable de la protection de ses citoyens et qu'il lui appartient de prendre toutes les mesures pour assurer la protection de sa population civile. Il rappelle aussi le rôle et la responsabilité de la communauté internationale en vue d'appuyer le Gouvernement dans ses efforts.

85. En particulier, le Représentant fait les recommandations suivantes:

a) Au Gouvernement:

- i) De faire de la lutte contre l'impunité une priorité et, plus précisément, de poursuivre dans les meilleurs délais les responsables présumés de violations**

des droits de l'homme à l'égard des personnes déplacées et de la population civile;

- ii) De prendre toutes les mesures nécessaires afin de rétablir sans délai une présence beaucoup plus forte des autorités étatiques dans les zones affectées par le déplacement, y compris les zones de retour, et ce à tous les niveaux. Il appelle en particulier au rétablissement d'un système judiciaire, d'une présence policière, des services de base et, notamment, l'éducation, la santé et la réinsertion économique. En même temps, il serait nécessaire d'appuyer et de renforcer des mécanismes de résolution pacifique des conflits et de promotion du dialogue intercommunautaire;
- iii) De s'engager, d'une manière énergique et avec l'appui de la communauté internationale, dans l'adoption d'un plan stratégique de relèvement précoce qui vise à la création des conditions permettant des solutions durables pour les personnes déplacées et qui s'inscrive dans le cadre des stratégies globales de développement et de réduction de la pauvreté à l'est du pays. Un tel cadre définirait les interventions ciblées pour l'amélioration de la sécurité, le rétablissement des mécanismes de réconciliation intercommunautaire, l'accès aux services de base et la réinsertion économique;
- iv) De préparer et d'adopter un cadre légal ainsi qu'une stratégie nationale concernant le déplacement interne fondés sur les Principes directeurs, qui couvrent toutes les phases de déplacement (prévention du déplacement, protection et assistance durant le déplacement et solutions durables) et de mettre en oeuvre ces instruments sans délai;
- v) De renforcer la protection des droits des femmes et de poursuivre activement et punir les auteurs d'actes de violence basée sur le genre;
- vi) De continuer de prendre des mesures visant à prévenir toute forme de recrutement des enfants au sein de l'ANT et de renforcer les efforts pour la mise en oeuvre des programmes existants pour la démobilisation des enfants au sein de toutes les unités de l'armée nationale tchadienne, de respecter et de faire respecter par tous les membres de ses forces armées la prohibition de recruter des enfants, ainsi que le caractère civil des sites de déplacement;
- vii) De mettre en oeuvre un plan de réaménagement du territoire urbain pour la capitale N'Djamena qui serait accompagné d'un mécanisme de compensation pour les victimes des évictions forcées et d'inviter le Rapporteur spécial sur le logement convenable en tant qu'élément du droit à un niveau de vie suffisant à travailler avec le Gouvernement en vue de trouver des solutions adéquates pour les personnes concernées;

b) À la communauté internationale:

- i) De continuer d'apporter un appui important et continu aux programmes d'assistance et de protection des personnes déplacées en République du Tchad, en portant une attention particulière à la mise en place des conditions nécessaires pour des solutions durables des personnes déplacées. Il encourage les organisations humanitaires à élargir l'appui donné aux communautés d'hôtes accablées par la présence des personnes déplacées;
- ii) De s'investir de manière volontaire dans des activités de réinsertion économique, de relance des services de base et de développement dans des régions affectées par le déplacement. Dans ce contexte, il souligne l'importance de la durabilité de l'intégration au lieu de refuge et des retours

et ses aspects économiques et développementaux comme contribution essentielle à la réconciliation et à la consolidation de la paix;

- iii) De poursuivre le dialogue avec le Gouvernement tchadien, en particulier avec le Ministère du plan et la CONAFIT afin de développer une stratégie sur le relèvement précoce qui s'inscrive dans le cadre des stratégies globales de développement et de réduction de la pauvreté à l'est du pays;
- iv) De mener, en coopération avec les autorités nationales et locales, une étude approfondie sur la situation des femmes déplacées et de développer des campagnes de sensibilisation sur la protection des droits de la femme;
- v) De travailler avec le Gouvernement à la formation et à la sensibilisation des forces de sécurité, notamment le DIS, en particulier en ce qui concerne le droit international humanitaire, les droits de l'homme et les Principes directeurs relatifs au déplacement de personnes à l'intérieur de leur propre pays. En même temps, il encourage la MINURCAT à lancer un programme systématique de formation et de sensibilisation de ses propres contingents militaires au droit international humanitaire et aux droits de l'homme, en particulier les droits des personnes déplacées figurant dans les Principes directeurs;

c) Aux bailleurs de fonds de continuer d'apporter un appui financier pour la protection et l'assistance aux personnes déplacées en République du Tchad. En particulier le Représentant encourage la mise à disposition des fonds adéquats permettant d'entamer des activités de relèvement précoce dans les zones affectées par le déplacement sans délai.