



# THE LUTHERAN WORLD FEDERATION

A COMMUNION OF CHURCHES – EINE KIRCHENGEMEINSCHAFT – UNA COMUNIÓN DE IGLESIAS – UNE COMMUNION D'ÉGLISES

LUTHERISCHER WELTBUND – FEDERACIÓN LUTERANA MUNDIAL – FÉDÉRATION LUTHÉRIENNE MONDIALE

## COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

### CHAD

75<sup>th</sup> session (3-28 August - 2009)

#### I. Documents

*The following documents are available:*

**1. State's reports and country situations:**

[http://www2.ohchr.org/english/bodies/cerd/docs/CERD.C.CHL.18\\_sp.doc](http://www2.ohchr.org/english/bodies/cerd/docs/CERD.C.CHL.18_sp.doc)

**2. List of Issues & Written replies:**

[http://www2.ohchr.org/english/bodies/cerd/docs/writtenreplies\\_cerd75\\_chile.doc](http://www2.ohchr.org/english/bodies/cerd/docs/writtenreplies_cerd75_chile.doc)

**3. Concluding Observations:**

[http://www2.ohchr.org/english/bodies/cerd/docs/co/CERD.C.CHL.CO.15\\_18.doc](http://www2.ohchr.org/english/bodies/cerd/docs/co/CERD.C.CHL.CO.15_18.doc)

**NOTE:** *These documents are also available from the LWF Office for International Affairs and Human Rights on request.*

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#### **LWF Summary Report**

On the 20<sup>th</sup> and 21<sup>st</sup> of August 2009, the Committee on the Elimination of Racial Discrimination has considered the combined tenth to fifteenth periodic reports of Chad on its implementation of the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination.

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### **Legislation against racial discrimination**

The Committee is concerned with the absence of a legislation which integrates the definition of discrimination as set out in Article 1 of the Convention as well as the absence of any specific legislation forbidding and condemning racial discrimination. Although the State party stated that there was no racial segregation in Chad, it agreed with the necessity to adopt such legislation.

- a) The State party should take the necessary measures to adopt a specific legislation which forbids racial discrimination;**
- b) The State party should adopt a draft bill forbidding discriminatory practices;**
- c) The State party should integrate in its legislation the notion of racial discrimination as set out in Article 1 of the Convention;**
- d) In its next periodic report the State party should include example of the application of the Convention in trials, statistical data on the condemnations pronounced for acts related to racial discrimination and compensatory measures decided by the courts further to these condemnations.**

### **Customary practices**

The Committee is worried that some customary practices hinder the enjoyment by a category of the population of their civil, political, economic, social and cultural rights in particular the right of women to reach inheritance and property. According to the delegation, these practices come from the widely held belief in the society that women are not the equal of men.

- a) The State party should adopt measures to eradicate these customary practices, in particular by raising awareness of the concerned populations;**
- b) The State party should ensure that women of the concerned ethnic groups enjoy their rights, in particular the access to inheritance and to property.**

### **The caste system**

The Committee is concerned with the existence of castes in the State party as some groups of people are being discriminated and suffer from important violations of their rights. The delegation answered that no caste received more privileges in terms of rights than other castes.

**The State party should:**

- a) abolish the castes system by adopting specific legislation forbidding the discrimination based on the ancestry;**
- b) raise awareness of the population on the effects of the castes system and the situation of victims;**

### **Refugees and internally displaced people**

The Committee took note that the crisis in Darfur is causing massive movements of refugees in the east of Chad (300 000 refugees from Darfur are currently present in Chad). The Committee remains concerned with the discrimination and the violence against refugees and internally displaced people.

**The State party should improve the protection of refugees and displaced persons by:**

- a) strengthening the activities of the national commission for refugees;**
- b) adopting the draft bill on refugees;**
- c) better integrating refugees in Chad;**
- d) facilitating the access to justice for refugees and displaced people;**

- e) **sanctioning the people responsible of violence against refugees;**
- f) **facilitating the return of displaced people;**
- g) **promoting harmonious relations between refugees, displaced people and the local population.**

### **The judiciary system**

The Committee welcomed the reform of the justice system, but highlighted the problems of corruption and impunity, the lack of training of the magistrates, and the lack of independence of the judiciary vis-à-vis the executive. The delegation answered that it was a relatively young judiciary system and that Chad was one of the most corrupt countries in the world.

**The State party should improve its judiciary system by:**

- a) **strengthening the fight against corruption within the justice;**
- c) **facilitating the independence of the justice and of the magistrates;**
- d) **insuring the training of magistrates in terms of human rights;**
- e) **facilitating the access of citizens to justice through awareness raising programmes.**

### **National Human Rights Commission**

The Committee noted with concern the difficulties of effective functioning of the National Human Rights Commission, in particular its lack of independence and its lack of resources. The delegation admitted that even human rights associations deserted the Commission as they saw it as a Governmental body; they confirmed that the independency of the Commission had to be reinforced to be in line with the Paris principles. In order to improve this situation Chad invited the High Commissioner for Human Rights to take part in a planned forum on these issues.

**The State party should ensure the effective functioning of the National Commission of Human Rights by ensuring its independence and assigning it the necessary resources.**

### **The Ombudsman**

The Committee is concerned over the effective capacity of the Ombudsman and its lack of financial resources to deal with interethnic problems.

**The State party should adopt the draft bill currently under review to define the exact competency of the Ombudsman, and provide it with the necessary financial resources to reinforce its capacity.**

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