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Human Rights and Democracy: The 2010 Foreign & Commonwealth Office Report - Chad

Chad was ranked 163rd on the UN Development Programme Human Development Index in 2010. Chad is a typical post-conflict country which, until 2008, was tackling a significant domestic threat from rebels as part of its long-running proxy war with neighbouring Sudan. Following a convincing defeat of the rebels in May 2008, the government of Chad has pursued a policy of rapprochement with both domestic rebel groups and its neighbours. There are approximately 254,000 Sudanese refugees and about 130,000 internally displaced persons in the east, with a further 63,000 refugees from the Central African Republic in the south.

Chad's performance on human rights has historically been poor with evidence of targeted abductions and mistreatment of opponents of the state; widespread impunity; a chronically underdeveloped judicial system; poor prison conditions and issues around the treatment of women and children. These systemic concerns were exacerbated in the east amongst vulnerable refugee and internally displaced populations, although better protection for these groups has arguably been provided than for those in more isolated areas of Chad where the international community and humanitarian organisations have paid comparatively less attention.

There was evidence in 2010 that the government's positive rhetoric on human rights was matched by a genuine willingness to improve the country's performance. This is particularly true for women's rights, where the president and the first lady have taken a clear lead. The Chadian government's request to the UN in 2008 to establish a permanent Office of the High Commissioner for Human Rights in Chad led to a field mission in July. Nonetheless, systemic issues around resourcing and capacity, particularly in the justice sector, make real change much harder and difficult to sustain.

Our High Commission in Yaoundé, Cameroon, oversees our relations with Chad. There is no permanent British diplomatic representation in the country and our ability to take action in Chad is therefore constrained. We work primarily through the EU, UN and local NGOs.

Our high commission staff from neighbouring Cameroon, including the High Commissioner, regularly visited Chad to engage with the government, diplomatic missions, the UN and the resident NGO community. In 2010, our focus was on securing the human rights of refugees and internally displaced persons in the east of the country, including by supporting the peacekeeping work of the UN Mission in the Central African Republic and Chad that was established in September 2007 by the UN Security Council.

Our High Commission engaged with the full range of NGOs operating in the east, as well as the *Détachement Intégré de Sécurité*, a police force composed of Chadian officers who provide security in and around refugee camps and sites for those internally displaced in eastern Chad.

The departure of the UN Mission in the Central African Republic and Chad, uncertainty on funding the *Détachement Intégré de Sécurité*, and four months of elections represent considerable risks for Chad in 2011. But the expectation of continued peace and stability, coupled with a higher oil price, should give the government the space and resources to consolidate progress on human rights. The progress of the Support to Justice in Chad Construction Program, PRAJUST, in 2011 will be particularly important given the weakness of the judicial sector.

Elections

In August, political parties agreed a code of conduct for the electoral period. At the end of 2010, the president of the National Independent Electoral Commission was removed for allegedly tampering with the candidate lists for the legislative elections. These elections, which are due in February 2011, have been delayed by one week as a result but preparations appear to be on-track with 4 million registered voters, despite some issues with voter cards. The National Assembly has established a quota of 30% for women. The local elections, due in June 2011, will be the first time in Chad's history that local communities have been allowed to choose their own mayors rather than their being appointed by presidential decree. The EU agreed to provide a large multi-national Observation Mission headed by former EU Development Commissioner Louis Michel. There will also be presidential elections in April 2011.

Rule of law

The application of the rule of law remains significantly under-developed in Chad and is perhaps the greatest challenge facing the country. Impunity, including for members of the security forces and senior government officials across the country, is endemic. National legislation is patchily implemented and is often inconsistent with international obligations and treaties to which Chad is a party. The current legal code considers torture to be an aggravating circumstance of a crime rather than a criminal offence in itself. There is a chronic lack of legal expertise which undermines the application of justice and limits the access of most defendants to legal counsel. The justice sector remains significantly under-funded. There are inconsistencies between the application of the penal code and traditional practices.

The EU is working with the government of Chad on a £30.5 million Support to Justice in Chad Construction Program, of which £8.6 million is provided by the Chadian government. The project, which will run from 2009 to 2013, seeks to improve the justice sector in Chad by training of police, penitentiary administration and judges, the setting up of scientific and technical police departments and improving infrastructure. It also promotes judicial reform and amends legislation in line with Chad's international human rights commitments.

In 2010, the project carried out several activities in the judicial sector, including training 237 judicial police officers; undertaking projects to increase the capacity of prison managers; recruiting a number of consultants to work with the Chadian judiciary on regulating the judicial profession; technical support for the introduction of new laws; support for civil society projects; and building a Detention Centre in Doba and rehabilitating another in N'Djamena. The UN Development Programme is supporting "*maisons des avocats*", resource centres for lawyers and legal aid offices in the east.

Corruption is endemic at various levels but there was some evidence in 2010 that the government was serious about addressing the problem with the arrest, investigation and sentencing of some senior government officials. However, many others were released without charge and there remains a perception that some individuals are above the law because of their political influence.

Death penalty

The death penalty remains on the statute books but there were no reported cases of it being implemented in 2010. A number of high-profile political figures arrested in 2008 continued to be held on death row throughout 2010, though some were released following President Deby's pardoning of political detainees on 11 January 2011.

Prisons and detention issues

Prison conditions are extremely poor with crumbling infrastructure; over-crowding; poorly trained personnel including at management level; limited medical facilities and insufficient visits by medical personnel; inadequate sanitation and food provision; and poor recreational facilities. There has been credible reporting that some prisoners are chained, with consequent medical implications.

The International Committee of the Red Cross had regular access to civilian prison facilities managed by the Ministry of Justice in 2010. It did not have access to Koro Toro, a Ministry of Interior facility, although we understand that the prison has now been handed over to the Ministry of Justice which should lead to the International Committee of the Red Cross being granted access in 2011.

There were several reports of detentions beyond the 48 hours provided for by the Chadian penal code and widespread reports of individuals being detained for civil rather than penal matters. There were also allegations of protective detention, which allows police to take individuals into custody for their own safety, being applied incorrectly and without the authorisation of a judge.

There were widespread, credible allegations of violence being used by officers of the state for their own purposes and limited evidence that such cases had been properly investigated or that any action had been taken against offenders.

We are not aware of any reports of political figures being arrested in 2010. Political prisoners who were previously arrested remained in detention, although President Deby in his address at Chad's 50th anniversary celebrations on 11 January 2011 announced that they would be released.

There was limited progress on several outstanding cases from 2009, including on the case of Ibni Oumar Mahamat Saleh, an opposition leader arrested in 2008 who has not been heard from since.

Freedom of expression

Overall the media environment has improved, although access to information remains difficult and individual cases of violence against journalists continue.

The 2008 media law which limited press freedoms was lifted in June and a new media law was adopted in August. The new law was widely welcomed by the media. It decriminalised virtually all media offences and introduced a reasonable level of fines. We have concerns about the provision under which journalists can be detained, and media organisations suspended for six to 12 months, if their stories are considered to have incited ethnic violence. Some journalists are concerned that this could be used to stifle reporting of the imbalance in the distribution of wealth and power in the country. This provision had not been used by the end of the year.

Chad has a dynamic private press and the government has expressed a commitment to its development. In 2010, the government established a "*Maison des Media*" project to set up a centre of excellence for journalism in Chad, with £320,000 in funding from the EU and £125,000 from the government over two years. Further government funding has been promised. The government has also provided small grants to private media outlets.

In October a journalist was allegedly beaten by security forces while covering a presidential visit to flood-affected areas. A journalist from FM Liberté, a private radio station, was arrested and his equipment seized for interviewing prison detainees despite having been granted permission by the relevant authorities. A reporter was arrested in October for comparing South Sudan's situation with that of southern Chad.

Freedom of religion and belief

The Chadian constitution provides for religious freedom as long as it does not infringe on the rights of others from practising their belief. The principal religions in Chad are Islam (52%), Christianity (46%) and Animist (2%), although these figures are widely accepted as unreliable. In general, these religious communities peacefully co-exist. There were, however, some incidents of religious conflict in 2010. Attempts by a Wahabi Sunni preacher to promote violence in the north led to clashes which allegedly left 100 Chadians dead. The Chadian authorities were able to calm the situation, although there were concerns at the delay in doing so. There was an alleged attack in Ndjamena on a Christian wedding motorcade; the security forces that patrolled the streets intervened and the violence died down.

Women's rights

President Deby delivered a keynote speech on human rights at the country's first National Human Rights Forum in March, with particular focus on the rights of women; the importance of ensuring that women are not disadvantaged in Chad; the need to tackle under-age marriages; and the importance of educating girls. Nonetheless, women remain at a disadvantage in this traditionally male-dominated society. They face difficulties in inheriting wealth, in securing fair access to services, and in seeking employment. Maternal mortality is high, with limited access to adequate medical facilities and properly trained midwives. The proposed law on a family code, which seeks to establish gender equality, had not been adopted by the end of the year.

Sexual violence against women, including rape, is common, particularly in vulnerable refugee and internally displaced populations in the east. Cases are rarely brought against the perpetrators. Domestic abuse is also common, with limited recourse to legal redress. Female genital mutilation has been illegal since 2002 but the law has not yet been approved, so it cannot be implemented.

Children's rights

A regional conference held in Chad led to a binding declaration by Chad and five other central African nations on 9 June to end the use of child soldiers and to meet international standards for the protection of children.

Children are vulnerable throughout Chad. Access to education is uneven and unaffordable to many. Girls are particularly unlikely to benefit from full-time education. Child trafficking is a concern, including in the north of the country where they are traded as shepherds to work across the border in Libya. Children are targeted by organised armed gangs as hostages, particularly in the east and the south of Chad. On 23 September, for example, five children were kidnapped on the Cameroonian border in Mboursou and held for a ransom of £6,500. The children were subsequently abandoned and escaped, and no ransom was paid. Child abuse was also widely prevalent.

The law prohibits forced marriages, consensual marriages of boys under 18, girls under 15 and sex with a child under 14 even if married, but these laws are poorly enforced.

Following the defeat of the rebels in 2008, UNICEF sought and was granted government permission to enter the camps where captured rebel child soldiers were being held to be able to identify and remove underage combatants. The government agreed that they could be released into the care of UNICEF who will demobilise and reintegrate them into normal society. More than 1,000 child soldiers have been through this process and more continue to arrive voluntarily as remaining rebel groups in Sudan and elsewhere disband. UNICEF has trained senior commanders in child protection issues. No former child soldiers are currently believed to be detained with adults. There is no evidence that the recruitment of child soldiers remains a major problem.

Racism

Chad is traditionally a tribal society, and there is a perception that justice and access to resources is unfairly balanced towards the president's Zaghawa tribe at the expense of other groups. Tribalism is embedded in Chadian culture with political parties, alliances and even NGOs splitting on largely ethnic lines. These tribal tensions can often boil over into inter-ethnic violence, exacerbated by competition for often scarce resources. There

has been violence between nomadic cattle herders and pastoralists in the east, facilitated by the proliferation of small arms in the area.

Conflict

Since the comprehensive victory over rebels in the east in 2008, the government of Chad has sought to consolidate the peace, including through closer cooperation with Sudan and Libya. The Chadian government encouraged rebel Sudanese movements, who had historically benefited from Chadian support, to seek a negotiated solution with the Sudanese government, including by placing pressure on individual Justice and Equality Movement leaders. The convincing victory of the well-equipped and increasingly well-trained army reduces the risk of a return to violence in the near future. The two countries have created a joint force to monitor the border, making it harder for armed attackers – including bandits and rebels – to cross and escape pursuit. However, there are regional risks that could influence events, including the South Sudan referendum, the situation in Darfur and general regional instability. In addition, borders are porous and small arms are widely and cheaply available.

Continued instability in the east was reflected in the kidnap of a number of humanitarian workers. All were subsequently released. The departure of the UN Mission in the Central African Republic and Chad, the UN Security Council mandated peacekeeping force, on 31 December, at the request of the Chadian government, risks reducing the security capacity in the east.

Protection of civilians

There are approximately 254,000 Sudanese and 68,000 Central African Republic refugees as well as 130,000 internally displaced persons in Chad. Approximately 40,000 internally displaced people in the east are thought to have voluntarily returned to their villages. These communities are particularly vulnerable given the instability in the border areas of Chad. However, security in the east has improved with the creation of a joint Chadian-Sudanese border force based in Abeché, although the situation remains precarious and subject to events in Darfur. Security in the south is also a concern, although a joint Chadian-Central African Republic operation against Central African Republic rebels in Birao demonstrated the value of closer military cooperation in establishing security in these areas. The referendum in South Sudan could also pose challenges for Chad, particularly in terms of a possible further influx of refugees.

Other issues: Forced evictions

Since 2008, the government has been forcibly evicting many inhabitants from their homes in N'Djamena. The Chadian government claim that the evicted homes are government-owned property, even though some tenants hold evidence of ownership. In December, inhabitants from Toukara, N'Djamena were evicted, had their homes destroyed and were left homeless with little or no notice. No efforts to resettle or compensate inhabitants with land titles were made, in breach of Article 41 of the Chadian constitution. There were allegations that some of this land is now in the hands of, for example, senior state officials and influential members of the president's tribe. A further 100 sites have been earmarked for destruction in 2011.
