

29 April 2019

Excellency,

I have been following the third cycle of the Universal Periodic Review (UPR) of Chad and welcome the constructive engagement of your Government during the 31st session of the UPR Working Group in November 2018.

As the final outcome report on the review of Chad has been recently adopted by the Human Rights Council at its 40th session, I would like to take this opportunity to follow up on a number of areas raised in the two reports that my Office had prepared for the review of Chad – the Compilation of United Nations information and the Summary of Stakeholders' submissions – which I consider in need of particular attention over the next four and a half years until the next cycle of the UPR. In identifying those areas, I have also considered the statements and/or recommendations made by 83 delegations, the presentation and responses made by the delegation of Chad and the actions taken by your Government to implement the 119 recommendations it had accepted during the second cycle of the UPR. The aforementioned areas cover a range of issues and appear in the Annex to this letter.

I would like to commend the measures taken by Chad in the legislative field, particularly the reforms of the National Human Rights Commission, the Penal Code and the Code of Criminal Procedure in order to bring the practices of the country in line with its international commitments. I note with appreciation that the National Human Rights Commission has been constitutionalized, strengthening its status and visibility. I also note the Commission will serve as the national mechanism for the prevention of torture.

The new Penal Code introduces the crime of torture, with a definition which is consistent with that of the Convention against Torture. The new Penal Code also abolishes the death penalty for ordinary crimes, although it regrettably maintains it in the Law N0 034 / PR / 2015 of 5 August 2015 on the suppression of acts of terrorism. I have taken due note of the Government's commitment to observing a moratorium on the death penalty and of the efforts to revise the law on the suppression of terrorist acts in order to review its provisions on the death penalty, to reframe the definition of terrorism in accordance with international standards, and to determine the modalities of its application while respecting the right to a fair trial.

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H.E. Mr. Chérif Mahmat Zene
Minister of Foreign Affairs, African Integration, International Cooperation and the Diaspora
Chad



I encourage Chad to develop a comprehensive national human rights action plan in order to achieve concrete results in the areas highlighted in the Annex to this letter and to facilitate the preparations for Chad's fourth cycle of the UPR. My advice to Member States is to develop and implement national action plans in close consultation and cooperation with all stakeholders, in particular the national human rights institution and civil society organizations, and, where necessary, the support of international organizations, including the Office of the United Nations High Commissioner for Human Rights (OHCHR) in Chad and other United Nations entities, under the leadership of the United Nations Resident Coordinator.

I encourage Chad to continue its efforts to strengthen the Inter-ministerial Committee for the Follow-up of International Human Rights Instruments with a view to preparing comprehensive reports and following-up on the recommendations received from all international and regional human rights mechanisms and treaty obligations, and linking this to the Sustainable Development Goals. I strongly recommend the use of the practical guide that my Office released on this topic, which is available at:

http://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf.

Please kindly note that I am sharing my advice with all Member States as they go through the third cycle of the UPR with a view to assisting them with the implementation of the recommendations, following the review. An important measure that can contribute positively to follow-up action is voluntary mid-term reporting. Therefore, I strongly encourage all Member States to submit a voluntary mid-term report two years after the adoption of the UPR outcome report. In this regard, I encourage Chad to consider submitting a mid-term report on the follow-up of the third cycle of the review, by 2021.

As stated by the Secretary-General in his 2017 report on the work of the Organization (A/72/1, paragraph 98): *“The Human Rights Council’s universal periodic review process is now entering a new cycle, with every Member State scheduled for a third round of scrutiny. We will work to strengthen the relevance, precision and impact of the Council’s recommendations, including by providing better support to Member States in implementation, stronger collaboration with United Nations country teams and the establishment of national mechanisms for human rights reporting and follow-up to link the universal periodic review to the implementation of the Sustainable Development Goals.”*

I look forward to discussing with you ways in which my Office may assist Chad in relation to the areas identified in this letter and its Annex.

Please, accept, Excellency, the assurances of my highest consideration.

Michelle Bachelet
High Commissioner for Human Rights

cc: H.E. Mr. Djimet Arabi,
Minister of Justice, in charge of Human Rights
Chad

Annex

Scope of international obligations and cooperation with international human rights mechanisms and bodies

- Ratification of international human rights conventions, including the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty; the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights; the Optional Protocol to the Convention on the Rights of the Child on a communications procedure; the Optional Protocol to the Convention on the Rights of Persons with Disabilities; the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women; the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the International Convention for the Protection of All Persons from Enforced Disappearance; and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

National human rights framework

- Legislative reforms so as to ensure full compliance with ratified international human rights treaties.
- Continuation of efforts to ensure the smooth operation and full independence of the National Human Rights Commission in accordance with the Paris Principles.

Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

Equality and non-discrimination

- Incorporation into domestic legislation of a definition of discrimination that is in line with the International Convention on the Elimination of All Forms of Racial Discrimination.
- Inclusion in the draft personal and family code of the elimination of all forms of discrimination against women.
- Adoption of comprehensive legislation to combat and abolish the caste system.
- Adoption of other measures to combat all forms of discrimination and violence on any grounds, including against women, children and other vulnerable groups.

Development, the environment, and business and human rights

- Implementation of the 2030 Agenda for Sustainable Development to further promotion of economic and social development according to the national development plan, and reduction of poverty.

Human rights and counter-terrorism

- Combating terrorism so as to create a peaceful and stable environment for all people, fully in line with international human rights standards.

B. Civil and political rights

Right to life, liberty and security of person

- Abolition of the death penalty for all crimes, including those linked to terrorism.
- Stepping up efforts in fighting and preventing torture and ill-treatment, and taking steps to guarantee the full observance of human rights in detention facilities and refugee camps.

Administration of justice, including impunity, and the rule of law

- Respect of fundamental guarantees for persons detained, in accordance with due process, including the right to be informed of the grounds for detention, to have access to legal counsel, to contact members of their family, to receive medical care, and to be tried before an independent court in accordance with international fair trial standards.
- Investigation and prosecution of alleged human rights abuses by the security forces, including torture and arbitrary killings, with a view to ensuring full accountability.
- Taking effective measures to put an end to impunity with regard to violations of the rights of women.
- Ensuring that all allegations of enforced disappearances are subject to an independent investigation and that the perpetrators of these acts are prosecuted and convicted.

Fundamental freedoms

- Development and adoption of a law to recognize human rights defenders, to protect them from arbitrary arrests and intimidation, and to support their work in accordance with the United Nations Declaration on Human Rights Defenders.
- Ensuring full enjoyment of the rights of freedom of opinion and expression, freedom of peaceful assembly and association, and freedom of the press, in line with relevant international standards.

Prohibition of all forms of slavery

- Strengthening mechanisms to combat trafficking of persons and ensuring perpetrators of human trafficking are brought to justice.

Right to family life

- Acceleration of the approval of the draft Code of Persons and the Family, ensuring that it is fully compliant with the International Covenant on Civil and Political Rights.

C. Economic, social and cultural rights

Right to an adequate standard of living

- Stepping up efforts to tackle socioeconomic problems, improving the living conditions of the population, and eradicating poverty and social inequalities.

Right to health

- Increase efforts to make more available its national health policy, in particular for women, children and the elderly.

Right to education

- Taking measures to ensure universal primary education and eradicate illiteracy, especially for girls and in rural areas.

D. Rights of specific persons or groups

Women

- Taking measures to address the persistence of traditional stereotypes that may undermine women's dignity and strengthen their subordination in the family and society, as well as the existence of customary and religious laws that recognize practices such as polygamy, repudiation and forced and early marriages.
- Ensuring that the National Strategy to Combat Gender-based Violence is effectively implemented so that victims of gender-based violence receive multidimensional care.
- Increasing efforts to prevent and address all forms of violence against women, including sexual violence, female genital mutilations and forced marriage.

Children

- Intensification of efforts to end child marriages in law and in practice.
- Implementation of practical measures to immediately halt the use of child labour.
- Ensuring the implementation of measures to prohibit corporal punishment, under all circumstances, against children.

Persons with disabilities

- Further strengthen the rights of persons with disabilities, in line with the provisions of the Convention on the Rights of Persons with Disabilities.

Refugees, asylum seekers and internally displaced persons

- Taking measures to provide better access to public services for refugees, asylum seekers and displaced persons.