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COMMITTEE ON THE RIGHTS OF THE CHILD

Fiftieth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION

Concluding Observations of the Committee on the Rights of the Child: Chad

1. The Committee considered the second periodic report of Chad(CRC/C/TCD/2) at its 1374th and 1375th meetings (see CRC/C/SR. 1374 and 1375), held on 14 January 2009, and adopted, at the 1398th meeting, held on 30 January 2009, the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the second periodic report as well as the written replies to its list of issues (CRC/C/TCD/Q/2/Add.1) and commends the frank and self-critical nature of the dialogue held with the high-level and multi-sectoral delegation, which allowed a better understanding of the situation of children in the State party.

B. Follow-up measures and progress achieved by the State party

3. The Committee notes with appreciation the measures taken by the State Party for the implementation of the children's rights, such as:

   (a) The promulgation in 2002 of the law relating to the Promotion of Reproductive Health, which, inter alia, provides protection against female genital mutilation, early marriage, domestic violence and sexual violence;

   (b) The revision and the endorsement in 2003 of the birth registration Ordinance of 2 June 1961; and

   (c) The endorsement in 2004 of the decree giving effect to the Labour Code regulating child labour.

4. The Committee also notes with interest that a draft child protection code is being elaborated. It furthermore takes note of the project to harmonize the Penal Code with the Convention, begun in 2003.

5. The Committee welcomes the ratification by the State party of the Optional Protocols to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography and on the involvement of children in armed conflict, in August 2002;

6. The Committee also welcomes the ratification by the State Party of the following:

   (d) The African Charter on the Rights and Welfare of the Child (ACRWC) in March 2000;

   (e) ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour in November 2000;

   (f) ILO Convention No. 138 concerning Minimum Age for Admission to Employment in March 2005; and

(g) The Rome Statute of the International Criminal Court in November 2006.

7. The Committee welcomes the signing of International Convention for the Protection of all Persons from Enforced Disappearance in February 2007, as well as of the Protocols to the African Charter on Human and People's Rights on the establishment of an African Court on Human and People's Rights (Protocol 1) and on the Rights of Women in Africa (Protocol 2) in December 2004.

C. Factors or difficulties impeding the implementation of the Convention

8. The Committee notes and deeply regrets the fact that years of civil war and armed conflict have had and continue to have a negative impact on the situation of children and hamper progress in the effective implementation of the rights enshrined in the Convention.

D. Main areas of concern and recommendations

1. General measures of implementation (arts. 4, 42 and 44, paragraph 6 of the Convention)

The Committee's Previous Recommendations

9. The Committee welcomes efforts by the State party to implement the Committee's concluding observations on the State party's initial report. Nevertheless, the Committee notes with regret that many of these concluding observations, including on such issues as allocation of resources, the situation of girls, birth registration, adoption, malnutrition, adolescent health, juvenile justice, and child labour, have not been significantly addressed.

10. **The Committee urges the State party to take all necessary measures to address those recommendations from the concluding observations of the initial report that have not yet been implemented or sufficiently implemented and to provide adequate follow-up to the recommendations contained in the present concluding observations on the second periodic report.**

Legislation

11. The Committee notes with interest that many laws and regulations have been elaborated by the State party in order to ensure the harmonization of its legislation with the Convention, such as the draft Child Protection Code, the draft Code on the Person and the Family and the draft Penal Code. However, the Committee regrets the slow pace with which legislation is adopted and enters into force.

12. The Committee welcomes the promulgation in 2002 of Act No. 06/PR/2002 on the promotion of reproductive health, which, inter alia, provides protection against female genital mutilation, early marriage, domestic violence and sexual violence. However, it regrets that no applicable sanctions are set forth for these acts.

13. **The Committee urges the State party to take, as a matter of priority, all appropriate measures to expedite the adoption and entry into force of the draft Child Protection Code, the draft Code on the Person and the Family, and the Penal Code, and to ensure adequate human and financial resources for full implementation of the provisions when approved. The Committee also urges the State party to ensure that appropriate penalties are integrated in its legislation and applied for acts that constitute a violation of the rights of the child, such as female genital mutilation, early marriage, and sexual violence.**

Coordination

14. The Committee notes that the Ministry of Social Action and the Family is in charge of coordination of all actions relating to children, in consultation with other ministries. Nevertheless, the Committee notes that the proposal for the creation of a Inter-ministerial Committee to oversee the implementation of the Convention, which was submitted to the Prime Minister's office, has not yet been adopted. The Committee also notes with concern the difficulties of coordination of activities given the vastness of the State party's territory and weak governance at the local level.

15. The Committee recommends that the State party takes steps to ensure that the above-mentioned proposal for an Inter-ministerial Committee is adopted as soon as possible and that the process of decentralization is strengthened.

National Plan of Action

16. While the Committee welcomes the 2005 National Plan of Action to Combat Abuse and Sexual Exploitation of Children and the Accelerated Strategy for Child Survival and Development, it notes with regret that there is no national plan of action on children covering all their rights and integrating all sectoral plans.

17. The Committee encourages the State party to adopt a National Plan of Action on Children that addresses fully all of the rights of the child enshrined in the Convention, and takes into account the outcome document "A World Fit for Children" adopted by the United Nations General Assembly at its special session on children held in May 2002 and its mid-term review of 2007. The Committee also recommends that the State party provide a specific budget allocation and adequate follow-up mechanism for full implementation of the Plan and ensure that it is equipped with an evaluation and monitoring mechanism to regularly assess progress achieved and identify possible deficiencies. The Committee encourages the State party to also monitor the implementation of the "Call for Accelerated Action" adopted during the mid-term review of "Africa Fit for Children", held in Cairo in November 2007.

Independent monitoring

18. The Committee notes the creation of the National Human Rights Commission (NHRC) and the role it plays in defending human rights. Nevertheless, the Committee regrets that there is no ombudsman or independent national institution specialized in child rights.

19. The Committee recommends that the State party establish as soon as possible an ombudsperson, or a unit within the NHRC or other independent body, for monitoring the implementation of the Convention on the Rights of the Child, in accordance with the Paris Principles (General Assembly resolution 48/134) and taking into account the Committee's general comment No. 2 on national human rights institutions. Such a body should be able to receive and investigate complaints from, or on behalf of, children on violations of their rights and promote and educate children and adults on the Convention and its implementation and should be provided with the necessary human and financial resources. In this regard, the Committee recommends that the State party seek technical assistance from, inter alia, UNICEF and OHCHR.

Allocation of Resources

20. The Committee notes that, in real terms, budget allocations to the health and education sectors may have increased only marginally, if at all. The Committee is further concerned that these allocations may still not be enough to achieve the Millennium Development Goals related to health

and education of children, that the transfer of funds to the decentralized levels of government remains a challenge and that the Ministry for Social Action and the Family, which is responsible for the implementation of the Convention on the Rights of the Child, does not receive adequate financial and human resources to carry out its work.

21. The Committee urges the State party to prioritize and increase budgetary allocations for children at national and local levels, and in particular to ensure that the Ministries of Social Action and the Family, Health and Education receive adequate financial and human resources to carry out their work relating to children. The Committee further recommends that the State party introduce budget tracking from a child right's perspective with a view to monitoring budget allocations for children, seeking technical assistance for this purpose from, inter alia, UNICEF.

Data collection

22. The Committee recognizes that considerable efforts was put into a demographic and health survey in 2004, but data collected at that time on child and maternal mortality, nutrition, health, HIV/AIDS and FGM has not been updated. The Committee is concerned that the National Institute of Statistics is not adequately staffed and financed in order to systematically collect date needed to assess progress achieved in the implementation of child rights, in particular with regard to children from vulnerable groups.

23. The Committee encourages the State party to strengthen its data collection system on all aspects of implementation of child rights and to disaggregate data by age, sex, geographical location, socioeconomic situation and other indicators of vulnerability of children. The Committee also recommends that the State party seek technical assistance from, inter alia, UNICEF.

Dissemination, training and awareness-raising

24. While the Committee notes with appreciation the sensitization and awareness-raising campaigns and several training programmes, it regrets that, nevertheless, efforts for the promotion of the Convention have been limited.

25. The Committee recommends that the State party expand its awareness-raising campaigns to reach populations outside of urban areas. The Committee urges the State party to strengthen its efforts to make the provisions of the Convention widely known and accepted by adults and children. It also recommends the reinforcement of adequate and systematic training of all professional groups working for and with children, including law enforcement officials, teachers, health personnel, social workers, personnel of childcare institutions and media personnel. In this regard, the Committee recommends that human rights education be included in the official curriculum at all levels of education.

Cooperation with civil society

26. The Committee welcomes the State party's collaboration with nongovernmental organizations and international donors in the delivery of services and programmes for children and notes the State party's indication that civil society is often represented or consulted in actions taken by the Government for the well-being of the population. However, the Committee is concerned about reports that some human rights advocates have experienced intimidation, threats and violence at the hands of government agencies.

27. The Committee recommends that the State party continue and further strengthen its collaboration with civil society and widen the scope of cooperation so as to ensure cooperation on a broad level

in all areas related to the promotion and protection of the rights of the child. The Committee further recommends that the State party publicly support human rights advocacy and create a safe environment for those advocating for human rights. The Committee also recommends that the State party encourage the active, positive and systematic involvement of civil society, including NGOs, in the promotion of children's rights, including, inter alia, their participation in the coordination of the implementation of the Convention and the follow-up to the concluding observations of the Committee.

2. Definition of the child (art. 1 of the Convention)

28. The Committee regrets that the Draft Code on the Person and the Family sets the minimum age for marriage at 18 for boys and 17 for girls, that legally set minimum ages for marriage are not respected and early marriages are widespread in the State party's territory. It is also concerned about the conflict between customary law and the principles and provisions of the Convention in these areas, particularly with regard to the age of the child and the minimum age for marriage.

29. **The Committee urges the State party to ensure the swift adoption of the draft Code on the Person and the Family, which should provide an equal minimum age of 18 for marriage for both boys and girls.**

3. General principles (arts. 2, 3, 6 and 12 of the Convention)

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.**

32. **The Committee requests that specific information be included in the next periodic report on the measures and programmes relevant to the Convention on the Rights of the Child undertaken by the State party to follow up on the Declaration and Programme of Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking into account general comment No.1 (CRC/GC/2001/1) on the aims of education.**

Best Interests of the Child

33. The Committee welcomes that the principle of the "best interests of the child" is taken into account in the draft Child Protection Code and by the court, in some instances such as divorce proceedings, in its decision making. However, the Committee notes with regret that there are only a few references to this principle in legislation, projects and programmes relating to children.

34. **The Committee recommends that the State party continue and strengthen efforts to ensure that the general principle of the best interests of the child is appropriately integrated in all legal provisions and in projects, programmes, and services that have an impact on children and that the executive, legislation and judicial arms of government make it a primary consideration in their decision-making concerning children.**

Respect for the views of the child

35. The Committee notes that children of a certain age/maturity have the right to express their point of view on certain questions, such as adoption or custody issues. The Committee notes with appreciation the existence of a Children's Parliament in the State party. It also welcomes the State party's indication that children are involved in the elaboration and implementation of policies and programmes concerning them. Nevertheless, the Committee regrets that the Chadian legal system does not impose a systematic obligation to hear the views of the child when a decision is to be taken in matters affecting him/her. Furthermore, the Committee notes with concern that children do not have the right, under Chadian law, to initiate legal proceedings.

36. **The Committee recommends that the State party continue and strengthen efforts to implement article 12 of the Convention and promote respect for the views of the child at any age in administrative and judicial proceedings. The Committee also recommends that the State party promote the participation of children and respect for their views in all matters that concern them in the family, school, other children's institutions and the community. Finally, the Committee recommends that the State party take concrete measures to ensure that the Children's Parliament has adequate financial, logistical and other resources.**

Right to life, survival and development

37. The Committee welcomes the Accelerated Strategy for the survival and development of the child (la Stratégie d'accélération de le survie et du développement de l'enfant - SASDE). The Committee also welcomes the full development of the young child policy (politique de développement integral du jeune enfant) elaborated in 2005. The Committee notes with concern however that the rates of infant mortality and chronic malnutrition remain high and that vaccination coverage is weak.

38. **The Committee urges the State party to continue and strengthen its efforts to address issues related to the right to life, survival and development, particularly through the application of its strategies, policies and plans on this issue. The Committee further recommends that particular attention be given by the State party to addressing the problem of malnutrition.**

4. Civil rights and freedoms (arts. 7, 8, 13-17, 19 and 37(a) of the Convention)

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 project 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.

Torture and Degrading Treatment

41. The Committee notes that Law n°06/PR/2002 on the Promotion of Reproductive Health provides for the right to be protected against torture and cruel, inhuman or degrading treatment relating generally to the person as a whole and particularly to reproductive organs. The Committee is concerned, however, by the lack of and explicit definition of "torture" in the Penal Code. The Committee also notes with concern reports that children in Koranic schools are often chained up because they are considered difficult or rebellious and are that some children are forced to go out begging on behalf of their Mouhadjir, and are beaten if they do not bring back certain amounts of money.

42. The Committee recommends that the State party take all necessary measures to prevent, prohibit and protect children from all forms of torture or other cruel, inhuman and degrading treatment or punishment in all settings, In this regard, particular attention should be paid to the situation of Mouhadjirin children. The Committee further recommends that the State party review its legislation in order to provide explicit prohibition in the Penal Code against torture and other cruel, inhuman or degrading treatment or punishment.

Follow-up to the UN Study on Violence against Children

43. The Committee notes with concern the phenomenon of abduction of children for ransom which has resulted in the deaths of a number or children.

44. The Committee encourages the State party to prioritize elimination of all forms of violence against children, including through the strengthening of legislation to address the problem of child abduction and penalize perpetrators of such acts. With reference to the United Nations Study on Violence against Children, the Committee recommends that the State party:

(a) Take all necessary measures to implement recommendations of the United Nations Study on violence against children (A/61/299), taking into account the outcome and recommendations of the Regional Consultations for West and Central Africa (held in Bamako, Mali from 23-25 May 2005). In particular, the Committee recommends that the State party pay particular attention to the following recommendations:

(i). Prohibit all forms of violence against children

(ii). Strengthen national and local commitment and action

(iii). Promote non-violent values and awareness-raising

(iv). Enhance the capacity of all who work with and for children

(v). Ensure accountability and end impunity

(b) Use the recommendations of the Study as a tool for action in partnership with civil society and, in particular, with the involvement of children to ensure that all children are protected from all forms of physical, sexual and psychological violence and to gain momentum for concrete and time-bound actions to prevent and respond to such violence and abuse; and

(c) Seek technical cooperation in this respect from OHCHR, UNICEF and WHO, and other relevant agencies, inter alia, ILO, UNESCO, UNHCR, UNODC, as well as NGO partners.

Corporal punishment

45. While the Committee welcomes the fact that corporal punishment has been forbidden in schools, it notes with concern that children are still subjected to corporal punishment in schools, particularly Koranic schools. The Committee also notes with concern that corporal punishment remains lawful in the home, in alternative care centres and as a disciplinary measure in penal institutions.

46. The Committee recommends that the State party explicitly prohibit by law corporal punishment in all settings, including in the family, in all forms of schools, alternative childcare and places of detention for juveniles, and implement those laws effectively. It also recommends that the State party intensify its awareness-raising campaigns in order to promote the use of alternative forms of discipline in a manner consistent with the child's human dignity and in accordance with the Convention, especially article 28, paragraph 2, taking into account the Committee's general comment No.8 on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment (CRC/C/GC/8, 2006).

5. Family environment and alternative care (arts. 5, 18(paras.1-2), 9-11, 19-21, 25, 27 (para.4) and 39 of the Convention)

Family environment

47. The Committee notes the initiative of the State party to support women through programmes of micro-credit, among others, but is concerned at the high number of families, particularly in rural areas, that suffer from extreme poverty, the effects of the HIV/AIDS pandemic, armed conflict and violence, as well as the lack of decentralized state services to reinforce the capacity of families to care for their children and prevent the break-up of the family unit, as well as to care for orphaned children from the extended family.

48. The Committee recommends that the State party place emphasis on policies and programmes that strengthen the family structure, in particular by making socio-economic and conflict mediation services accessible at all levels of society. These services should be provided with adequate human and financial resources, including staff qualified in the area of child rights, and should collaborate with traditional leaders.

Children without parental care

49. The Committee notes with concern that the State party has not developed an appropriate strategy for the placement and care of children without parental care. The Committee notes with regret that centres do not have qualified personnel and lack norms of protection of children. The Committee also notes that the centre in the city of Koundoul, the only governmental centre for children without parental care, has limited capacity, rarely admits children and does not accept girls at all because of a lack of appropriate facilities to care for them. The Committee is also concerned by the lack of monitoring and minimum standards for children in care.

50. The Committee recommends that the State party develop a strategy to reduce the number of children without parental care, including through the provision of support to families living in poverty. The Committee encourages the State party to promote foster care as form of alternative care. The Committee also encourages the State party to create small-scale alternative care institutions to be used as a last resort when other alternative care options are not possible.

Adoption

51. Recalling its previous concluding observations (CRC/C/15/Add.107, paragraph 23), the Committee notes with concern that the traditional customary practice of "intra-family" adoption has further increased since the State party was last before the Committee. The Committee also notes with regret that the State party has still not ratified the Hague Convention on inter-country adoptions, and therefore there is no legal protection for children involved in such adoptions.

52. The Committee urges the State party to take appropriate measures to ensure that adoptions procedures are respected, including through the strengthening of its legal framework regarding adoption. The Committee also encourages the State party to consider ratifying the Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry adoption of 1993 without delay.

Abuse and neglect

53. The Committee welcomes the awareness-raising campaigns and lobbying activities carried out by civil society, including youth associations ("conseils des élèves") to combat violence against children in schools. The Committee also notes with appreciation that peace education has been integrated into the teaching programme and that the State party has developed lobbying and awareness-raising activities for communities through its child protection programme. Nevertheless, the Committee notes with regret that violence against children continues to take place in the home, in schools, in children's shelters, in detention centres and in the street and is often legitimized by custom.

54. The Committee encourages the State party to continue and strengthen awareness-raising activities to combat violence against children in all settings. The Committee recommends that all appropriate measures be taken to introduce mandatory reporting of violence of children. The Committee also recommends that the State party take all necessary legislative, policy and other measures in order to address and prevent violence, abuse or exploitation of children and to care for and reintegrate child victims of violence.

6. Basic health and welfare (arts. 6, 18 (para.3), 23, 24, 26, 27 (paras.1-3) of the Convention)

Children with disabilities

55. The Committee notes that a National Action Plan for disabled persons is in the process of being elaborated. The Committee welcomes the State party's indication that registration for children with disabilities in public schools is free and in private schools is at a reduced cost. The Committee is concerned however, at reports that children with disabilities are often discriminated against and cannot go to school.

56. In light of the United Nations Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee's general comment No. 9 on the rights of children with disabilities (CRC/C/GC/9, 2006), the Committee recommends that the State party:

(a) **Take all necessary measures to ensure the implementation of legislation providing services for children with disabilities and consider adopting specific legislation on the issue;**

(b) **Make every effort to provide programmes and services for all children with disabilities and ensure that such services receive adequate human and financial resources;**

(c) **Take all necessary measures to ensure the swift completion and adoption of the National Plan of Action for disabled persons;**

(d) **Carry out awareness campaigns to sensitize the public about the rights and special needs of children with disabilities and encourage their inclusion in education and in society;**

(e) **Provide training for professional staff working with children with disabilities, such as medical, paramedical and related personnel, teachers and social workers; and**

(f) **Consider signing and ratifying the Convention on the Rights of Persons with Disabilities and its Optional Protocol.**

Health and access to health services

57. The Committee notes with great concern:

(a) The lack of improvement in health indicators despite the implementation of programmes aimed at improving the health and well-being of the population, particularly due to the persistence of certain epidemics;

(b) The lack of access to basic health and social services;

(c) The disproportionate health worker-patient ratio;

(d) The high number of underweight/malnourished children;

(e) The continuing high rates of child and maternal mortality and the inexistence of the practice of exclusive breastfeeding of children under six months of age;

(f) The low number of trained health personnel; and

(g) The decrease in vaccination coverage since 2006.

58. **The Committee recommends that the State party:**

(a) **Take the necessary steps to ensure that health care is both accessible and affordable;**

(b) **Continue to conduct training for health workers;**

(c) **Address the problems of infant and maternal mortality and malnutrition, particularly in rural areas, including through awareness-raising campaigns and other activities to encourage exclusive breastfeeding of children under the age of six months;**

(d) **Take the necessary steps to reverse the downward trend of vaccination coverage; and**

(e) **Consider seeking technical assistance from UNICEF and WHO, among others.**

Adolescent health

59. The Committee notes with appreciation that the State party has ratified the WHO Framework Convention on Tobacco Control. The Committee welcomes the sensitization actions carried out against drug use by youths, but it shares the State party's opinion that much remains to be done to combat the harmful effects of drug and alcohol on Chadian youths. The Committee also notes with concern the high levels of early pregnancy and the high number of unsafe abortions.

60. The Committee recommends that the State party, taking into account the Committee's general comment No.4 (CRC/GC/2003/4) on adolescent health and development in the context of the Convention on the Rights of the Child, increase its efforts to establish more child-friendly programmes and services in the area of adolescent health. The Committee also recommends that the State party elaborate clear policies and, when applicable, legislation, addressing the prevention of adolescent health-related issues, in particular early pregnancies and drug and alcohol abuse. In this regard, the Committee urges the State party to adopt and implement gender sensitive policies and strategies, including education to combat early pregnancies. The Committee further urges the State party to seek technical assistance from, inter alia, WHO and UNFPA in this regard.

Harmful Traditional Practices

61. The Committee welcomes efforts taken by the State party to eradicate female genital mutilation (FGM), including through the integration of prevention and management of FGM into professional training programmes and awareness-raising campaigns carried out by women's associations targeted at all sectors of society. Nevertheless, the Committee is deeply concerned that FGM remains very prevalent (45% in total) in the society with majority of girls being excised between the age of 5 and 14. The Committee also regrets that despite legislation forbidding FGM (Law 06/2002), there are no sanctions for perpetrators of this crime and that the decree giving effect to this legislation has not yet been elaborated.

62. The Committee urges the State party to:

(a) Implement and apply legislative and other measures to prohibit traditional practices that are harmful to the health, survival and development of children, especially girls, including female genital mutilation and early and forced marriage,

(b) Ensure that legislation prohibiting harmful traditional practices provide for appropriate sanctions, including by elaboration and adoption of decree giving effect to Law 06/2002, and that perpetrators of such acts are brought to justice;

(c) Establish reporting or complaint mechanisms that are accessible to all children;

(d) Continue and strengthen, using a rights-based approach, awareness-raising and sensitization activities for practitioners, families, traditional or religious leaders and the general public in order to encourage change in negative traditional attitudes; and

(e) Take measures to assist practitioners of female genital mutilation with adequate training and support to find alternative sources of income.

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 (CRC/GC/2003/3) 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.

Right to an adequate standard of living

65. The Committee welcomes initiatives taken by the State party to combat poverty, such as the creation of a State Secretariat for micro-credit and the creation of the National Solidarity Fund to combat extreme poverty in Chad. While the Committee notes with appreciation the efforts of the State party to ensure access to clean drinking water for the population, it expresses concern that still much of the population lacks adequate shelter, clean drinking water and basic sanitation facilities, particularly in rural areas. The Committee notes with regret that the standard of living in Chad is very low (and continues to deteriorate) and that a large part of the population lives in a situation of chronic food insecurity.

66. The Committee recommends that the State party strengthen the application of its poverty reduction strategies and other measures, in order to provide economically disadvantaged families with, inter alia, adequate nutrition, drinking water, housing, and sanitation facilities, as well as basic social security services. The Committee further urges the State party to see technical assistance in this regard from, inter alia, UNDP.

7. Education, leisure and cultural activities (arts. 28, 29 and 31 of the Convention)

Education, including vocational training and guidance

67. The Committee notes with appreciation that the right to education is set out in the Chadian Constitution and welcomes the adoption of a 10-year Support Programme for Reform of the Educational System (2004-2015), the integration of education in the State party's Poverty Reduction Strategy and the cooperation with local communities, many of which accept responsibility for their schools. Although, according to information provided in the dialogue, more classrooms have been built and more teachers have been recruited and trained, the Committee notes with concern the inadequate teacher to student ratio, the widespread lack of learning materials, the low rate of school attendance of girls as compared to boys, the high drop-out rate, the extremely low enrolment rates in secondary schools, and the low percentage of children receiving pre-school education. The Committee notes with additional concern the gap between the compulsory education age and the minimum age for employment.

68. The Committee recommends that the State party:

(a) Ensure access to education, including early childhood education, in all regions of the State party and pay particular attention to girls and all vulnerable groups of children, including nomadic children and children in remote areas;

(b) Take all measures to ensure that children complete their schooling, taking concrete action to address the reasons behind non-completion of schooling;

(c) Make every effort to ensure that schools are safe places for children, in particular for girls, and that they are free from sexual and physical violence and recruitment into armed conflict;

(d) Improve the quality of education through, inter alia, increasing the ratio of teachers to students, ensuring at the same time that teachers are well-trained and fully qualified and that they receive adequate salaries, and the introduction of active learning methods and relevant curricula;

(e) Create and strengthen promotion of vocational education and training, including for children who have dropped out of primary or secondary schools;

(f) Take legislative measures to eliminate the gap between the compulsory education age and the minimum age for labour, taking into account ILO Convention 138 Concerning Minimum Age for Admission to Employment;

(g) Include human rights and child rights in the curricula of schools; and

(h) Take into account the Committee's general comment No. 1 (CRC/GC/2001/1) on the aims of education.

8. Special protection measures (arts. 22, 38, 39, 40, 37(b) and (d), 30, 32-36 of the Convention)

Children affected by armed conflict

69. The Committee welcomes the signing of a protocol of agreement on protecting child victims of armed conflict and reintegrating them into communities and families. The Committee also welcomes steps already taken by the State party to end child recruitment in its national army. Nevertheless, it expresses grave concerns about the persistence of widespread violations and abuses committed against children, the continuation of recruitment and use of children by all parties to the conflict, in particular the Sudanese rebel movement (JEM) and certain local commanders of the Chadian armed forces. It notes with regret that only a small number of children have been demobilized since 2007.

70. The Committee is also concerned by 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 DDR programme, 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.

72. The Committee further urges the State party to take all necessary measures to protect children against landmines, including through mine clearance programmes and programmes for mine awareness and physical rehabilitation of child victims.

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.**

Street Children

75. The Committee is concerned that there is a high number of children living in the streets, predominantly children living in poverty and HIV/AIDS orphans and that they are at heightened risk of sexual and economic exploitation. The Committee is also concerned about the lack of specialized institutions or shelters to address the needs of these children.

76. **The Committee recommends that the State party take all necessary measures to identify and address the root causes of children living in the streets and to develop effective strategies, in collaboration with street children, to provide assistance and protection to these children. The Committee encourages the State party to continue its collaboration with UNICEF in seeking technical assistance in this area.**

Economic exploitation, including child labour

77. The Committee notes with appreciation that certain national legislation of the State party takes in account ILO Conventions 138 and 182 and that Decree n°55/PR/PM-MTJS-DTMOPS has now been revised to take into account the provisions of ILO Convention 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 5 years of age, are working/labourers, with children in rural zones being particularly vulnerable to this problem. The Committee also expresses concern over 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 over reports that children have been kidnapped and trafficked abroad. The Committee expresses further concern over 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

Sexual exploitation and abuse

81. The Committee welcomes the elaboration by the State party of a national action plan to combat sexual exploitation and abuse. It notes with appreciation that Penal Code revisions have resulted in more severe sanctions for sexual exploitation and abuse against children. The Committee also notes with appreciation that legislation is being drafted to ensure harmonization of the Penal Code with the Convention. The Committee notes with concern, however, reports of sexual abuse and exploitation of children. The Committee regrets the lack of statistics at national level on sexual abuse and exploitation.

82. The Committee recommends that the State party:

(a) Develop and strengthen appropriate legislative measures to address the issues of sexual abuse and sexual exploitation;

(b) Take appropriate measures to ensure the prosecution of perpetrators of sexual offences against children;

(c) Ensure that child victims of sexual exploitation or abuse are not criminalized or penalized;

(d) Systematically gather quantitative and qualitative data on sexual exploitation of children, vulnerable groups and root causes for such exploitation; and

(e) Provide appropriate support services and continue to implement appropriate policies and programmes for prevention, recovery and social reintegration of child victims, in accordance with the Declaration and Agenda for Action and the Global Commitment adopted at the 1996, 2001 and 2008 World Congresses against Commercial Sexual Exploitation of Children, as well as the outcome of other international conferences on this issue.

Helpline

83. The Committee also notes with regret the lack of a helpline, which can be a useful tool to monitor the situation of children and protect them from violations of their rights.

84. The Committee recommends that the State party establish a three digit toll-free 24-hour helpline for children and ensure that children are aware of, and can access this helpline.

Juvenile justice

85. The Committee notes with interest that legislation provides for the creation of children's divisions in the courts of first and second instance. Nevertheless, the Committee regrets that the revision of the Penal Code, begun in 2003, has not been completed. The Committee is concerned that the State party does not have an appropriate mechanism to monitor the effective application of pre-trial detention, that children may be held in custody together with adults, and that detention centres are overcrowded. The Committee is further concerned that children in conflict with the law may receive penalties of up to ten years in prison for serious crimes.

86. **The Committee urges the State party to ensure that juvenile justice standards are fully implemented, in particular articles 37 (b), 40 and 39 of the Convention, as well as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (the Havana Rules). In particular the Committee recommends that the State party, while taking into account the Committee's general comment No. 10 on the administration of juvenile justice (CRC/C/GC/10, 2007):**

(a) **Take all necessary measures, including strengthening the policy of alternative sanctions for juvenile offenders, to ensure that children are held in detention only as a last resort and for as short a time as possible;**

(b) **Take all necessary measures to ensure that when detention is carried out, it is done so in compliance with the law and respects the rights of the child as set out under the Convention, that the ten-hour time limitation for custody and the general conditions of pre-trial detention are respected is respected and that children are held separately from adults both in pre-trial detention and after being sentenced;**

(c) **Take all necessary measures to ensure that children are not ill-treated in detention, that conditions in detention facilities are not contrary to the child's development and meet international minimum standards, and that cases involving juveniles are brought to trial as quickly as possible;**

(d) **Take the necessary steps to ensure that persons working with children in the justice system, juvenile judges, etc. receive appropriate training;**

(e) **Seek technical assistance and other cooperation from the United Nations Interagency Panel on Juvenile Justice, which includes UNODC, UNICEF, OHCHR and NGOs.**

Protection of witnesses and victims of crimes

87. **The Committee also recommends that the State party ensure, through adequate legal provisions and regulations, that all children victims and or witnesses of crimes, e.g. children victims of abuse, domestic violence, sexual and economic exploitation, abduction, and trafficking and witnesses of such crimes, are provided with the protection required by the Convention and that it take fully into account the United Nations Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime (annexed to Economic and Social Council resolution 2005/20 of 22 July 2005).**

9. Ratification of International Instruments

88. The Committee welcomes the ratification by the State party of the Optional Protocols to the Convention on the sale of children, child prostitution and child pornography, and on the

involvement of children in armed conflict and encourages the State party to submit its initial reports under the two Optional Protocols, due 28 September 2004, as soon as possible.

10. Follow-up and dissemination

Follow-up

89. The Committee recommends that the State party take all appropriate measures to ensure that the present recommendations are fully implemented, inter alia by transmitting them to the members of the Council of Ministers, the National Advisory Council, the Parliament, and to local Governments, when applicable, for appropriate consideration and further action.

Dissemination

90. The Committee further recommends that the second periodic report and written replies submitted by the State party and the related recommendations (concluding observations) it adopted be made widely available in the languages of the country, including (but not exclusively) through the Internet to the public at large, civil society organizations, youth groups, professional groups and children, in order to generate debate and awareness of the Convention, its implementation and monitoring.

11. Next report

91. The Committee invites the State party to submit its combined third, fourth and fifth periodic report by 31 October 2012. This report should not exceed 120 pages (see CRC/C/118). The Committee expects the State party to report every five years thereafter, as foreseen by the Committee.

92. The Committee also invites the State party to submit an updated core document in accordance with the requirements of the Common Core Document in the Harmonised Guidelines on Reporting, approved by the 5PthP Inter-Committee meeting of the human rights treaty bodies in June 2006 (HRI/MC/2006/3).