

**Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment**

Distr.

GENERAL

CAT/C/TCD/CO/1

4 June 2009

ENGLISH Original:
FRENCH

COMMITTEE AGAINST TORTURE Forty-second session Geneva, 27 April-15 May 2009

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 19 OF THE CONVENTION

Concluding observations of the Committee against Torture

Chad

1. The Committee against Torture considered the initial report of Chad (CAT/C/TCD/1) at its 870th and 873rd meetings, held on 29 and 30 April 2009 (CAT/C/SR.870 and 873), and adopted the following conclusions and recommendations at its 888th meeting on 12 May 2009 (CAT/C/SR.888).

A. Introduction

2. The Committee welcomes the report of Chad, which follows the Committee's guidelines for the preparation of initial reports, but regrets that the report was submitted 11 years late.

3. The Committee notes with satisfaction the frankness with which the State party acknowledges the gaps in its legislation regarding the eradication and prevention of torture and, more generally, in its implementation of the Convention. The Committee appreciates the State party's efforts to identify the measures needed to rectify this situation. It also appreciates the constructive dialogue with the high-level delegation sent by the State party and the replies to the questions raised during the dialogue.

B. Positive aspects

4. The Committee takes note of the encouraging political initiatives aimed at extricating the country from the crisis facing it, including the peace agreement signed on 25 October 2007 by the Government and the main Chadian armed opposition groups, and action to normalize relations between Chad and the Sudan as set out in the Dakar Agreement of 13 March 2008.

5. The Committee is pleased to note that, pursuant to article 222 of the 1996 Constitution, as amended in 2005, the international instruments ratified by the State party, including the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, take precedence over domestic laws.

6. The Committee takes note of the proposed revision of the Criminal Code, which would incorporate provisions on the definition and criminalization of acts of torture and other cruel, inhuman or degrading treatment or punishment.

7. The Committee welcomes the holding in 2003 of a justice summit, and notes with satisfaction that the six main lines of action in the judicial reform programme adopted in 2005 include training for judicial personnel, the fight against corruption and impunity, and the harmonization of legal and judicial provisions with human rights treaties, notably by revising the Criminal Code and the Code of Criminal Procedure.

8. The Committee also welcomes the promulgation in 2002 of Act No. 06/PR/2002 on the promotion of reproductive health, which sets out the right not to be subjected to torture or to cruel, inhuman or degrading treatment of a person's body in general and their reproductive organs in particular, and which prohibits, among other things, female genital mutilation, early marriage, domestic violence and sexual violence.

9. The Committee takes note with satisfaction of the introduction of education in human rights and international humanitarian law in the syllabuses of the colleges of the national police, the national gendarmerie and army officers, as well as the establishment of the

10. The Committee welcomes the signing by the State party in 2006 of the Multilateral Agreement on Regional Cooperation and the regional Action Plan against Trafficking in Persons, especially Women and Children.

11. The Committee welcomes the State party's ratification of the following:

(a) The Rome Statute of the International Criminal Court, in November 2006;

(b) 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;

(c) The International Labour Organization (ILO) Convention concerning Minimum Age for Admission to Employment (No. 138, of 1973), in March 2005;

(d) The ILO Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (No. 182, of 1999), in November 2000.

12. The Committee welcomes the lifting of the immunity of the former Chadian Head of State, Hissène Habré, and the State party's clear determination to cooperate fully with the judicial authorities responsible for investigating and conducting proceedings against Mr. Habré.

C. Main subjects of concern and recommendations

Definition of torture

13. The Committee is concerned at the absence of an explicit definition of torture in the current Criminal Code that would make acts of torture punishable under criminal law, in accordance with articles 1 and 4 of the Convention. While welcoming the bill to revise the Criminal Code, which does contain a definition of torture, the Committee is concerned that the definition is incomplete and is therefore not entirely in conformity with article 1 of the Convention (arts. 1 and 4).

The State party should urgently revise and adopt the bill amending and supplementing the Criminal Code so that the Code includes a definition of torture in conformity with article 1 of the Convention, as well as provisions criminalizing acts of torture and making them punishable by criminal penalties proportional to the seriousness of the acts committed.

State of emergency

14. The Committee notes with concern that Chadian criminal law does not currently contain any provisions guaranteeing the absolute and nonderogable nature of the prohibition of torture, and that numerous abuses, including cases of torture and enforced disappearance recognized by the State party, are committed during states of emergency (art. 2).

The State party should ensure that the principle of the absolute prohibition of torture is incorporated in its criminal legislation. The State party should also ensure the strict application of such legislation, in accordance with article 2, paragraph 2, of the Convention, which stipulates that no exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.

Due obedience

15. The Committee notes with concern that article 143 of the Chadian Criminal Code, which establishes that any person who acts on the orders of a hierarchical superior shall be exempt from punishment, is not in conformity with the obligations stemming from article 2, paragraph 3, of the Convention (art. 2).

The State party should amend its legislation to explicitly state that an order from a superior officer or public authority may not be invoked as justification of torture.

Guarantees for detainees

16. The Committee notes with concern that the current Code of Criminal Procedure does not provide fundamental legal guarantees for persons in detention. The Committee also regrets that the right to legal assistance for the poor, as provided for in article 47 of the Code of Criminal Procedure, is nonexistent in practice. Moreover, the Committee is deeply concerned at the fact that the 48-hour limit for police custody is not observed in practice and at shortcomings in maintaining detention registers (arts. 2 and 11).

The State party should revise the Chadian Code of Criminal Procedure to include fundamental legal guarantees for all suspects during detention, including, in particular, the right of access to a lawyer, the right to be examined by an independent physician, the right to contact a relative or friend and the right to be informed of one's rights from the moment of detention, including the right to be informed of the charges and to be brought promptly before a judge. The State party should also guarantee the full enjoyment of these rights in practice, and should ensure that the limit on the period of custody is strictly applied, and that access to legal aid is available for the poorest. In addition, the authorities should systematically and regularly update detention registers, which should contain the name of every detainee, the identity of the officials carrying out the detention, the date of the detainee's admission and departure, and all other information needed for such registers.

Widespread use of torture and illtreatment, especially during military operations

17. The Committee is deeply concerned about:

(a) Persistent and consistent reports of torture and illtreatment allegedly carried out by the State party's security forces and services, especially in district police stations, gendarmeries and remand centres, and the apparent impunity enjoyed by the perpetrators of such acts;

(b) Allegations that the newly formed environmental protection brigades and the brigade responsible for searching for weapons indulge in acts that contravene the Convention;

(c) The conclusions of the commission of inquiry into the events of February 2008, and conclusions drawn from other sources, which report summary and extrajudicial executions, rapes, kidnappings followed by enforced disappearance, torture and cruel, inhuman or degrading treatment, arbitrary arrests, intimidation and harassment of political opponents, human rights defenders and civilians. The Committee is particularly concerned about the fate of Mr. Ibni Oumar Mahamat Saleh, a political opponent and former minister who was arrested on 3 February 2008 and who has since disappeared;

(d) Reports that torture and illtreatment are commonly used on prisoners of war and political opponents (arts. 2 and 12).

The State party should:

(a) **Take immediate steps to guarantee in practice that all allegations of torture and illtreatment are the subject of a thorough, prompt and impartial investigation and that the perpetrators of such acts are brought to trial and, if found guilty, sentenced to penalties proportional to the seriousness of the acts committed;**

(b) **Investigate the involvement of government agents, members of the armed forces and government security forces and allies of the Government in acts of torture, rape, enforced disappearance and other abuses committed during the events of February 2008;**

(c) **Investigate the activities of the environmental protection brigade and the brigade responsible for searching for weapons and ensure effective control over their future actions;**

(d) **Implement, as soon as possible, the recommendations of the commission of inquiry into the events of February 2008;**

(e) **Offer full reparation, including fair and adequate compensation for the victims of such acts, and provide them with medical, psychological and social rehabilitation.**

Secret detention centres

18. The Committee notes that secret places of detention are prohibited, but nevertheless expresses concern about the conclusions in the report of the commission of inquiry into the events of February 2008, which reveal the existence of secret places of detention run by State agents (arts. 2 and 11).

The State party should identify and order the closure of all illegal places of detention, order the immediate handover of anyone still detained in such places to the judicial authorities, and ensure that they enjoy all the fundamental guarantees for the prevention of and their protection from any act of torture and illtreatment.

19. The Committee takes note of the Government's assurance regarding respect for general human rights principles by the National Security Agency (ANS), set up in 1993 to replace the Documentation and Security Directorate (DDS), a political police force described as "an engine of oppression and torture" by the commission of inquiry into former President Habré's crimes and abuses of power. The Committee notes with concern, however, that all the Agency's activities are treated as classified information and are not subject to any controls or evaluation (arts. 2 and 11).

In view of the traumatic memories left by the political police force that preceded the National Security Agency, the State party should ensure full transparency and should exercise effective control over the Agency's activities. The Committee recalls that the activities of all public institutions, including the National Security Agency, regardless of who carries them out, their nature or the place where they are carried out, are acts of the State party which fully engage its international obligations.

Sexual violence and abuse

20. The Committee is seriously concerned at the extent of sexual violence, including rape, against women and children, particularly in and around sites for displaced persons and refugee camps, committed with impunity whether by militias, armed groups, the armed forces or any other person. The Committee is also concerned that cases of rape are usually not dealt with as criminal offences but settled amicably, through financial compensation, under the supervision of tribal or village chiefs, and that the guilty parties are rarely brought to justice (arts. 2 and 16).

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

(a) **Conduct major information campaigns to raise awareness among the population and all parties to the conflict**

that acts of sexual violence are offences under criminal law, to break the taboos on sex crimes and to eliminate the stigmatization and exclusion of victims, which discourages them from lodging a complaint;

(b) Continue with, and reinforce, the deployment of the *Détachement intégré de sécurité* (Integrated Security Detachment) (DIS) near sites for displaced persons and camps for refugees in order to guarantee protection for them, especially for women and children, to provide a simple mechanism for lodging complaints to which all have access and to ensure that complaints are systematically and immediately transmitted to the relevant authorities and that victims are protected;

(c) Set up a rehabilitation and assistance scheme for victims;

(d) Amend Act No. 06/PR/2002 on the promotion of reproductive health to include penalties for the perpetrators of sex crimes, or incorporate offences of sexual violence in the Criminal Code, providing for penalties proportional to the seriousness of the crimes;

(e) Ensure that customary laws and practices are not invoked to justify violating the absolute prohibition of torture, as the Committee recalled in its general comment No. 2 (2007) on implementation of article 2 by States parties.

Obligation to investigate and right to complain

21. The Committee is concerned that the current Code of Criminal Procedure contains no provisions authorizing the judicial authorities to launch investigations in *prima facie* cases of acts of torture and ill-treatment. Moreover, the Committee is alarmed at information submitted by the State party indicating that there is often no follow-up to complaints of torture brought to the attention of the public prosecutor or investigating judge (art. 12).

The State party should revise the Code of Criminal Procedure to include clear provisions on the obligation of the competent authorities to systematically launch objective and impartial investigations, without consultation and without first receiving a complaint from the victim, whenever there are reasonable grounds for believing that an act of torture has been committed.

Impunity

22. The Committee expresses serious concern about:

(a) The fact that credible allegations of acts of torture and ill-treatment are rarely the subject of investigations or judicial proceedings and that the perpetrators are rarely convicted or, when they are, are given light sentences that do not reflect the seriousness of their crimes;

(b) The climate of impunity for the perpetrators of acts of torture, including for members of the armed forces, the police, the National Security Agency, the former Documentation and Security Directorate and other State bodies, particularly when these are highly placed officials who reportedly planned, ordered or perpetrated acts of torture, notably during the regime of Hissène Habré or during the armed conflicts in 2006 and 2008;

(c) The fact that the judicial investigation under way since October 2000 into the alleged accomplices of Hissène Habré has still not been the subject of any procedural action or judicial decision;

(d) The absence of any measures to protect the complainant and witnesses from ill-treatment or intimidation once they have filed a complaint or statement, which means that only a small number of complaints are filed for acts of torture or cruel, inhuman or degrading treatment (arts. 12 and 13).

The State party should demonstrate firm commitment to eliminating the persistent problem of torture and impunity. It should:

(a) Publicly and unambiguously condemn the use of all forms of torture, addressing in particular members of the forces of law and order, the armed forces and prison staff, and including in its statements clear warnings that any person committing such acts, participating in them or acting as an accomplice shall be held personally responsible before the law and shall be liable to criminal penalties;

(b) Take immediate steps to ensure that in practice all allegations of torture and ill-treatment are the subject of prompt, impartial and effective investigations and that those responsible – law enforcement personnel and others – are prosecuted and punished. Investigations should be conducted by a fully independent body;

(c) In *prima facie* cases of torture, suspects should be systematically and immediately suspended from duty for the duration of the investigation, particularly if there is a risk that they might otherwise be in a position to obstruct the investigation;

(d) Ensure that, in practice, complainants and witnesses are protected from any ill-treatment and acts of intimidation related to their complaint or testimony.

Non-refoulement

23. The Committee is concerned at the absence of a legislative framework regulating expulsion, refoulement and extradition consistent with the requirements of article 3 of the Convention. In addition, the Committee is particularly concerned at the fact that the

State party's current expulsion, refoulement and extradition procedures and practices may expose individuals to the risk of torture (art. 3).

The State party should adopt a legislative framework regulating expulsion, refoulement and extradition and revise its current procedures and practices in order to fulfil its obligations under article 3 of the Convention.

The State party should also review the terms of the 1961 General Agreement on Cooperation in Judicial Matters and all other judicial cooperation agreements so as to ensure that the transfer of detainees to another signatory State is carried out under a judicial procedure and in strict compliance with article 3 of the Convention.

Administration of justice

24. The Committee is concerned at the numerous shortcomings in the Chadian justice system which undermine the right to prompt and impartial examination of cases and the right to reparation and compensation, and which promote impunity. The Committee regrets in particular that the shortcomings highlighted in 2005 by the independent expert on the situation of human rights in Chad, namely the dependence of the judiciary upon the executive, the scarcity of physical and human resources and the climate of insecurity affecting certain judges, continue to apply (E/CN.4/2005/121, para. 5). The Committee notes with concern that because of understaffing among professional judges, sub-prefects have been given the powers of district judges. Moreover, allegations have been received of corruption among judges, police officers and gendarmes and of a lack of training for judicial personnel. The Committee is also concerned that responsibility for the appointment and promotion of judges rests entirely with the President, which jeopardizes the independence of the judiciary (arts. 2, 13 and 14).

To address the shortcomings in the administration of justice, the State party should:

- (a) Urgently implement the Justice Reform programme approved in 2005 and request the support of the international community to that end;**
- (b) Provide appropriate training for all judicial personnel in order to address the shortage of judges and ensure, to the extent possible, that professional judges are deployed to all judicial districts;**
- (c) Pursue and intensify anti-corruption efforts, including by adopting the necessary legislative and operational measures;**
- (d) Ensure that the judiciary is fully independent, in accordance with relevant international standards.**

Living conditions in places of detention and systematic monitoring of places of detention

25. While taking note of the efforts made by the State party to improve prison conditions, the Committee remains deeply concerned about the deplorable living conditions in places of detention. The Committee has received reports of prison overcrowding, "inmate self-government" in places of detention, corruption, lack of hygiene and insufficient food, health risks and inadequate health care, and violation of inmates' right to visits. The Committee is concerned about reports of a failure to separate juvenile from adult prisoners and persons awaiting trial from convicted prisoners. It is also concerned at the reference in legislation governing pretrial detention to the undefined concept of a "reasonable" period and at reports that some persons awaiting trial have been detained in a remand centre for a period longer than the sentence incurred (arts. 11 and 16).

The State party should take urgent measures to bring conditions of detention in gendarmeries, police stations and remand centres into line with the United Nations Standard Minimum Rules for the Treatment of Prisoners, in particular by:

- (a) Reducing prison overcrowding, including by considering non-custodial forms of detention, and, in the case of children in conflict with the law, by ensuring that detention is only used as a measure of last resort;**
- (b) Improving the food and the health care provided to detainees;**
- (c) Reorganizing prisons so that persons awaiting trial are detained separately from convicted prisoners and improving the conditions of detention for minors, ensuring that they are detained separately from adults in all circumstances;**
- (d) Reducing the frequency and duration of incarceration of persons awaiting trial, including by amending the Code of Criminal Procedure in order to set a maximum length of pretrial detention;**
- (e) Taking appropriate measures to put a definitive end to alleged corruption and ransom demands in prisons;**
- (f) Strengthening judicial supervision of conditions of detention.**

26. The Committee notes with satisfaction that some non-governmental organizations (NGOs) have been granted permanent authorization to visit N'Djamena remand centre, but regrets that such access is not granted to all places of detention and that it is restricted to announced, accompanied visits with no possibility of communicating with detainees. The Committee notes the mandate entrusted to the National Human Rights Commission to monitor places of detention, but regrets that this body is unable to do so (art. 11).

The State party should adopt all appropriate measures to enable NGOs to carry out periodic, independent, unannounced and unrestricted visits to places of detention. The State party should also provide all the human and financial resources

necessary to enable the National Human Rights Commission to effectively carry out its mandate.

National Human Rights Commission

27. The Committee notes with concern that the National Human Rights Commission is no longer operational, owing in particular to a lack of human and financial resources. Furthermore, the Committee regrets that the Commission does not comply with the Paris Principles in respect of its membership, lack of independence and lack of pluralism (arts. 2, 11 and 13).

The State party should, as a matter of extreme urgency, take the necessary organizational and budgetary measures to make the National Human Rights Commission operational and ensure that it complies with the Paris Principles (General Assembly resolution 48/134, annex).

Reparation and compensation

28. The Committee regrets the National Assembly's failure as yet to follow up on the bill proposed in 2005 by the Association of Victims of Crimes and Political Repression (AVCRP), which recommended the establishment of a compensation fund for victims of the abuses committed by the regime of President Hissène Habré. Moreover, the Committee notes the absence of a reparation programme or other national reconciliation measures such as that proposed in 1992 by the commission of inquiry into the crimes and abuses of power committed by former President Habré and his accomplices (art. 14).

The State party should, as a matter of great urgency, adopt the bill on material compensation for the victims of torture under the Hissène Habré regime and establish appropriate mechanisms to meet the victims' legitimate needs for justice and to promote national reconciliation.

Confessions obtained under duress

29. The Committee is concerned at the lack of legal provisions explicitly prohibiting the use as evidence in judicial proceedings of confessions and statements obtained by torture. It is alarmed by reports from the State party indicating that confessions obtained by torture are invoked as a form of evidence in proceedings and that such practices persist owing to the impunity of guilty parties and pressures on judges (art. 15).

The State party should amend the Code of Criminal Procedure to explicitly prohibit the use of any statement obtained by torture as a form of evidence in judicial proceedings.

The State party should take the necessary measures to ensure that criminal convictions are based not only on the confession of the accused but also on other, legally obtained evidence, thus allowing the judge to exercise full discretion. It should also take the necessary measures to ensure that statements made under torture are not invoked as evidence in any proceedings, except against a person accused of torture, in accordance with the provisions of the Convention.

The State party is requested to review criminal convictions based solely on confessions in order to identify instances of wrongful conviction based on evidence obtained through torture or ill-treatment and to take appropriate remedial measures.

Violence against women

30. While welcoming the promulgation of Act No. 06/PR/2002 to eradicate female genital mutilation, early marriage, domestic violence and sexual violence (the most severe form of female genital mutilation, infibulation, is practised in eastern Chad), the Committee remains concerned about the widespread occurrence of traditional practices which violate the physical integrity and human dignity of women and girls. The Committee also notes with concern that Act No. 06/PR/2002 does not provide penalties for perpetrators of such crimes and that no decree giving effect to this legislation has yet been drafted (art. 16).

The State party should pursue its awareness-raising efforts and implement existing legislative measures to combat traditional practices that constitute cruel, inhuman or degrading treatment of women and girls. The State party should amend Act No. 06/PR/2002 to ensure that it stipulates appropriate penalties reflecting the seriousness of the abuse, and as soon as possible draft a decree to give effect to that Act, and bring the perpetrators to justice.

Protection of children from cruel, inhuman or degrading treatment

31. While taking note of the State party's efforts, including at the legislative level, to eliminate ill-treatment of children and, in particular, to prevent their economic exploitation, the Committee remains alarmed at the persistence of these practices and regrets the lack of information provided on their scale (arts. 2, 12 and 16).

The State party should take effective measures to combat and eradicate the exploitation and degradation of children and ensure the protection of children, in particular of the most vulnerable children, including child livestock-herders, *muhajirin* and child domestic workers.

32. While noting that corporal punishment in schools is prohibited in the State party's legislation, the Committee remains concerned at the absence of legislation prohibiting it within the family, in alternative care institutions and as a disciplinary measure in penal institutions. The Committee is also concerned at the frequent resort to this practice in education, in particular in Koranic schools (art. 16).

The State party should extend legislation prohibiting corporal punishment to apply also to families, educational and

religious establishments, alternative care institutions and places of juvenile detention. The State party should ensure that the legislation prohibiting corporal punishment is strictly enforced, and should conduct awareness-raising and educational campaigns to that end.

33. The Committee is concerned at reports of children being kidnapped by traffickers and removed abroad. It is also concerned at reports from the State party suggesting that trafficking in children is widespread. It regrets the lack of information or statistics on these phenomena and on any related prosecutions and convictions (art. 16).

The State party should take all possible measures to protect children from trafficking and to ensure that traffickers are prosecuted without delay.

Child soldiers

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

The State party should:

(a) With the support of the United Nations and civil society, draft a time-bound plan of action to prevent the illicit recruitment of child soldiers and to facilitate their rehabilitation and reintegration into society and institute transparent procedures for the liberation and monitoring of the demobilization of children involved in armed groups operating in Chadian territory;

(b) Criminalize the illicit recruitment and use of children in armed conflicts;

(c) Investigate and prosecute persons responsible for recruiting child soldiers in order to put an end to impunity;

(d) Launch a public information campaign to ensure that all members of the armed forces are aware of Chad's international obligations to prevent the use and recruitment of child soldiers in armed conflicts;

(e) Authorize the verification by United Nations led teams of the presence of children in military camps, training centres and detention centres, as agreed by the State party in May 2008 during the visit of the Special Representative of the Secretary-General for Children and Armed Conflict;

(f) Ensure that refugee camps and sites for displaced persons are of a civilian and humanitarian nature and increase the security and protection of civilian populations both within and around them, given that such measures help in preventing the recruitment of children and in protecting them.

Training on the prohibition of torture

35. While acknowledging the State party's significant efforts to provide human rights training to public officials, the Committee is concerned that the information, education and training provided to military and law-enforcement personnel and prison staff, army personnel, judges and prosecutors are inadequate and do not cover all the provisions of the Convention, in particular the non-derogable nature of the prohibition of torture and the prevention of cruel, inhuman or degrading treatment or punishment. The Committee also notes with concern that medical personnel working in detention facilities receive no specific training in how to detect signs of torture and ill-treatment (art. 10).

The State party should strengthen its training programmes for all law-enforcement and army personnel on the absolute prohibition of torture and other ill-treatment, as well as those for prosecutors and judges on the State party's obligations under the Convention. The programmes should include the inadmissibility of confessions and statements obtained as a result of torture.

The State party should also ensure that all medical personnel working with detainees receive adequate training on detecting signs of torture or ill-treatment, in accordance with international standards as set out in the Istanbul Protocol (Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment).

36. The Committee notes the State party's acceptance of the recommendation made in the course of the universal periodic review to ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and to establish a national prevention mechanism (A/HRC/WG.6/5/L.4, para. 82)[1] and encourages it to take all necessary measures to that end.

37. The Committee recommends that Chad should make declarations under articles 21 and 22 of the Convention.

38. The Committee encourages the State party to involve NGOs, United Nations experts in the field and academic experts in the review of domestic legislation, including the draft criminal code, to bring it into line with the provisions of the Convention. The State party should take the necessary steps to adopt the draft code without delay.

39. The Committee encourages the State party to continue its cooperation with MINURCAT and to seek technical cooperation

from the Office of the United Nations High Commissioner for Human Rights in zones that do not fall within the mandate of MINURCAT, in order to implement the recommendations of the Committee, in particular those contained in paragraphs 27 and 35 above, and to embark on the reforms needed to consolidate the rule of law.

40. The State party should establish effective mechanisms to collect data and produce statistics on criminal justice and crime and all statistics relevant to monitoring implementation of the Convention at the national level. The State party should thus provide in its next periodic report the following data, which will facilitate the Committee's assessment of the implementation of obligations arising from the Convention:

- (a) Statistics on the capacity and population of every prison in Chad, including data disaggregated by sex and by age group (adults/children) and the number of pretrial detainees;
- (b) Statistics on violence in detention centres, police stations and gendarmeries;
- (c) Statistics on complaints of alleged torture, and action taken;
- (d) Statistics on corruption among law-enforcement officials and penalties imposed;
- (e) Statistics on cases of extradition, expulsion and refoulement;
- (f) Statistics on violence against women and children and outcomes of proceedings instituted.

41. The State party is encouraged to disseminate widely its reports to the Committee, as well as the Committee's concluding observations, in appropriate languages and by all appropriate means, including through the media and NGOs.

42. The Committee invites the State party to update its core document (HRI/CORE/1/Add.888) in accordance with the harmonized guidelines on reporting, approved recently by the international human rights treaty monitoring bodies (HRI/GEN/2/Rev.5).

43. The Committee requests the State party to provide it with information on follow-up to the Committee's recommendations contained in paragraphs 13, 17, 22, 24, 28 and 34 above, within one year.

44. The Committee requests the State party to submit its second periodic report by 15 May 2012.

[1] The final document will be issued under symbol number A/HRC/12/5 (<http://www.ohchr.org/EN/HRBodies/UPR/PAGES/TDSession5.aspx>).