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**Representative of the Secretary-General on the human rights of
internally displaced persons, Mr. Walter Kälin**

Advance note*

MISSION TO THE REPUBLIC OF CHAD

I. INTRODUCTION

1. At the invitation of the Government, the Representative of the Secretary-General on the human rights of internally displaced persons, Mr. Walter Kälin, went on official mission to the Republic of Chad from 3 to 9 February 2009.

2. The Representative paid this visit in accordance with the mandate conferred upon him by Human Rights Council resolution 6/32, to continue dialogue with Governments, non-governmental organizations and other relevant actors with a view to better protecting the human rights of internally displaced persons. This paper and its conclusions and recommendations are based on the Guiding Principles on Internal Displacement (hereinafter the

* This note was submitted after the deadline in order to include information received during the Representative's mission to Chad, 3-9 February 2009. The final report of the mission will be submitted later.

“Guiding Principles”¹ and the international legal guarantees from which they stem. These principles are recognized by States as an important international framework for the protection of internally displaced persons.²

3. During his mission, the Representative had meetings with Chadian authorities, including the Prime Minister, the Minister for Foreign Affairs, the Ministry of the Interior and Public Security, the Minister for Social Action, National Solidarity and the Family, the Minister for Human Rights, the Special Representative of the President for Coordination nationale d’appui à la force internationale au Tchad (National coordination of backup for the international force in Chad (CONAFIT)) and the governors and traditional authorities in the Dar Sila and Ouaddaï regions. He also continued his dialogue with representatives of the United Nations system, non-governmental organizations and civil society.

4. The Representative wishes to convey his keen appreciation to the Government of Chad for its invitation and for the open, constructive nature of the dialogue that took place. He also thanks the Resident Coordinator and Special Representative of the Secretary-General for helping to organize his visit to the Republic of Chad, and the United Nations team for the logistical and material backup they provided.

II. THE SITUATION OF DISPLACED PERSONS IN CHAD

5. Between December 2005 and the end of 2007, large numbers of people in the east of Chad were displaced, chiefly because of attacks by the Janjaweed and others across the border from Darfur. There were also sporadic movements over the course of 2008. Tensions between different communities, exacerbated by competition for access to limited resources, including water and arable land, growing bandit activity and clashes between the Chadian armed forces and rebel groups associated with the events of February 2008 drove many Chadians from their villages in the region bordering the Sudan. About 160,000 Chadians are at present internally displaced. The Dar Sila and Ouaddaï regions in the east have been particularly badly affected.

¹ E/CN.4/1998/53/Add.2, 17 April 1998.

² 2005 World Summit Outcome, document A/60/L.1, para. 132; Human Rights Council resolution 6/32 (2007), para. 5; General Assembly resolution 62/153, para. 10.

6. Insecurity, violence and bandit activity are often linked to tensions between communities, such as between herders and farmers, and these are sometimes exploited by various parties for political ends.
7. The Representative is convinced that, without a settlement to the conflict in Darfur and a domestic peace process in Chad which brings the Government, the opposition and the various rebel groups together in political dialogue, there is a danger that the situation in the east of the country may deteriorate at any time, creating further waves of displaced persons. The Representative also emphasizes that there can be no abiding peace process in Chad unless durable solutions for displaced persons can be found.
8. Even if 2008 was relatively calm and there were no major or systematic attacks on the civilian population, banditry and intercommunal tensions persist; thus the security situation of displaced persons remains uncertain. This uncertainty also affects humanitarian workers, who fall prey to criminal acts such as vehicle thefts, break-ins to homes and break-ins to the offices of humanitarian organizations (more than 160 criminal acts against humanitarian workers have been registered since 2005).
9. The Representative is particularly disturbed that very young displaced children continue to be recruited by rebel groups. He has taken note of the child demobilization programmes run by the Chadian national army. But lacking primary schools to attend or jobs to go to, children are often easily recruited into armed groups.
10. Gender-based violence, including rape of displaced girls and women by armed groups or members of their own communities, genital mutilation and domestic violence, is still a poorly documented challenge requiring more attention from the Chadian authorities and the international community so that displaced women and girls can be better protected.
11. The Representative has also been informed that camps for displaced persons near the frontier between the Sudan and Chad are being militarized by some of the various entities on the spot.

12. The Representative is disturbed at the absence of effective State bodies in eastern Chad to prosecute criminals, combat the spread of weapons and bandit activity, and promote peaceful resolutions of conflicts between communities. This vacuum, in which the fact that wrongdoing almost invariably goes unpunished plays no small part, is one powerful reason why most displaced persons remain so for prolonged periods. The problem is aggravated by the virtual absence of basic State services such as health care and education in the displaced persons' home regions.

13. Prolonged displacement also imposes a heavy burden on the communities which have taken displaced families into their villages; in a good many cases it leads to tension and conflict between the displaced persons and their host communities, in part because of increased competition for natural resources (water, wood etc). Thus the Representative congratulates the humanitarian workers who are providing assistance to communities affected by displacement and helping them to take in displaced persons; he encourages them to concentrate on this approach, which targets all communities affected by displacement, both those displaced and those who take them in.

14. The considerable differences between the levels of assistance offered to Sudanese refugees in the east of Chad and to people displaced within their own country are a powerful reason for discontentment among the displaced community. The Representative is, however, aware that, being in their own country, internally displaced persons have preferential access to resources such as land and support from host communities.

15. The Representative notes that some people displaced from Assoungha and Dar Sila have spontaneously decided to return to their villages despite an uncertain security situation and the lack of access to basic services in their home districts. It remains to be seen whether returns in such unstable circumstances will prove durable or remain temporary, enabling displaced persons to keep possession of and cultivate land in their home districts before going back into displacement.

16. As regards the role of the international community, the Representative welcomes the presence of humanitarian workers at the 14 displacement sites: this has had an encouraging effect on the response to displaced persons' basic needs and has made for better protection of their rights. Such a presence is and remains essential for avoiding a serious humanitarian crisis.
17. The Representative also welcomes the progressive deployment of the Integrated Security Detachment (DIS) whose role is to maintain law and order in the refugee camps, the displacement sites and the main towns in the surrounding regions, while also helping to guarantee the safety of humanitarian operations.
18. The Representative notes with satisfaction the positive impact of the presence of international forces, the European Union military operation in the Republic of Chad (EUFOR) and the United Nations Mission in the Central African Republic and Chad (MINURCAT), in the east of the country on the security situation near where the displaced persons are living.
19. As regards the role of the Chadian State, the Representative wishes to point out that, under Guiding Principle No. 3, it is primarily the duty and responsibility of the national authorities to offer protection and assistance to people displaced within their own country, and displaced persons are entitled to seek such protection from their Government. The Chadian authorities must commit themselves vigorously to protecting the displaced, upholding in particular their rights to security, food and water, health and education, but also their right to decide for themselves whether and when to return to their home villages, to settle where they have taken shelter, or to settle in another part of the country. It is also their duty and responsibility to establish conditions, as well as provide the means, which allow internally displaced persons to return voluntarily, in safety and with dignity, to their homes or places of habitual residence, or to resettle voluntarily in another part of the country, and to facilitate the reintegration of returned or resettled internally displaced persons (see Guiding Principle No. 28).
20. The Representative wishes to emphasize that human rights can be breached not only by action but also by omission, including reluctance to investigate, prosecute or punish, to protect the population in combat zones or to supply basic needs or the services necessary for the enjoyment of economic, social and cultural rights.

21. This being so, a strong State presence must be established in the areas affected by displacement, including return areas, so as to bring about the conditions necessary for a durable return. Even if the situation remains unstable and fresh military clashes continue to be a risk, it is important to move beyond the purely humanitarian phase with international organizations playing a central role, and to begin creating conditions that will help to stabilize the east of the country and a climate in which return is possible, or, if return cannot be envisaged for a long time to come, displaced persons can be integrated socially and economically where they already are.

22. The Representative hails the establishment and activities of CONAFIT, the Government body for coordination not only with the international forces but also with humanitarian and development agencies. At the same time, he deplores the thin CONAFIT presence on the ground and, in particular, the absence of any strategic early recovery framework to bring about the necessary conditions for the attainment of durable solutions that will allow displaced persons either to return to their homes, to integrate into the areas where they have sought refuge, or to settle elsewhere in the country. Such a framework should include targeted interventions to reinstate security, including legal and reconciliation mechanisms, the establishment of basic services, and the start of efforts at economic reintegration as the displaced return home or settle into the local community.

23. Besides this, Chad needs to adopt national legislation and draw up a strategy on displacement. These should be based on the Guiding Principles on Internal Displacement and, hence, cover all phases of displacement, i.e. protection from displacement, protection during displacement and the attainment of durable solutions. The passage of legislation defining this institutional and regulatory framework will be an important milestone towards the Government's assumption of its responsibility to assist and protect the displaced.

III. RECOMMENDATIONS

A. The Representative recommends the Government of Chad to:

24. Do everything necessary to restore and reinforce without delay a State presence at all levels in the areas affected by displacement, including return areas - in particular a judicial

system, a police presence and basic services such as education, health care and economic reintegration. It will also be necessary to back and strengthen mechanisms for conflict resolution and reconciliation among local communities;

25. Step up efforts to put existing programmes for demobilizing children in all Chad Army units into effect, ensure that the ban on recruiting children and the civilian nature of displacement sites are respected and upheld by all members of the armed forces, and incorporate international obligations to protect children into national legislation, thus making any act which runs counter to such obligations a crime;

26. Increase protection for women's rights and actively prosecute those guilty of gender-based violence;

27. Make a vigorous commitment to adopting, with community support, a strategic early recovery plan to bring about the conditions in which durable solutions for displaced persons can be attained - a plan that meshes with the Government's overall strategies for development and poverty-reduction in the east of the country. This will define targeted interventions to improve security, re-establish inter-communal reconciliation mechanisms, provide access to basic services and foster economic reintegration;

28. Draw up a legal framework and national strategy to govern internal displacement, covering all phases (protection from displacement, protection and assistance during displacement and durable solutions) and adopt them without delay.

B. The Representative recommends United Nations system organizations and agencies to:

29. Continue to provide assistance and protection for displaced persons, paying especial attention to bringing about the conditions required for durable solutions for displaced persons;

30. Enter into dialogue with the Chadian Government, CONAFIT in particular, on the development of an early recovery strategy that meshes with overall development and poverty-reduction strategies in the east of the country;

31. In cooperation with national and local authorities, conduct a thorough survey of the status of displaced women and develop public-information campaigns on the protection of women's rights.

C. The Representative invites donors to:

32. Continue to provide financial backing for the protection and assistance of displaced persons in Chad. In particular he urges the provision of enough funds to allow early recovery activities to begin forthwith in the areas affected by displacement.
