STRANGLED BUDGETS, SILENCED DISSENT

THE HUMAN COST OF AUSTERITY MEASURES IN CHAD

AMNESTY INTERNATIONAL

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GLOSSARY

WORD	DESCRIPTION
ACHPR	African Commission on Human and Peoples' Rights
ADO	Alliance democratique de l'opposition
AFDB	African Development Bank
ANS	Agence National de Sécurité National Security Agency
BEAC	Banque des états de l'Afrique centrale
CAMOJET	Collectif des associations et mouvements des jeunes du Tchad Joint Youth Associations and Movements of Chad
CCPOD	Cadre de concertation des partis politiques de l'opposition démocratique
CNOU	Centre National des Œuvres Universitaires
CESCR	Committee on Economic, Social and Cultural Rights
CSP	Commissariat de sécurité publique
CTDDH	Convention Tchadienne pour la défense des droits humains Chadian Convention for Human Rights
CGT	Confédération Générale du Travail General Confederation of Labour
COPRAT	Coalition de l'opposition politique pour le redressement et de l'alternance au Tchad
CPA	Centrale Pharmaceutique d'Achats Central Pharmaceutical Procurement Agency
CPOMO	Coalition des partis politiques de l'opposition modérée
ECF	Extended Credit Facility
EU	European Union
ESCR	Economic, Social and Cultural Rights
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights

WORD	DESCRIPTION
IFI	International Financial Institutions
IMF	International Monetary Fund
IRPP	Impôt sur le revenu des personnes physiques Personal Income Tax System
PRA	Pharmacie Regionale d'Approvisionnement Purchasing Procurement Agency
STTL	Société de Transport Tchadien du Logone
TROTHECED	Troupe théâtrale du centre Dombao
UN	United Nations
UNET	Union Nationale des Etudiants du Tchad Chadian National Students' Union
UPR	Universal Periodic Review

EXECUTIVE SUMMARY

Chad continues to be stuck in a cycle of recession, austerity, protests and repression that has gripped the country since at least 2015. Indiscriminate austerity measures are implemented in ways that flout the economic, social and cultural rights of the Chadian population, in violation with international standards that govern the implementation of austerity measures. As this report details, the provision of health and education services have been disproportionately affected. This situation is compounded by the repressive stance that the authorities deploy towards critics and dissenters.

In September 2017, Amnesty International published a report that highlighted the growing repression of human rights defenders, journalists, activists and civil society organizations since the 2015 presidential elections and introduction of austerity measures in response to an economic crisis. It outlined how repressive laws were used against those expressing dissent, and how the security forces including the National Security Agency (ANS) committed arbitrary arrests, incommunicado detention and even torture in their implementation.

This report details how the situation has continued to deteriorate since, with indiscriminate austerity measures threatening people's livelihoods and their realization of economic, social and cultural rights including through general spending cuts including the reduction of public servant salaries and benefits, reduction of spending across sectors including in health and education, a hiring freeze of public workers, the cancellation of scholarships for some public university students, increased and new university fees and increased and new taxes. These measures have led to discontent and protests.

Chad's economic situation has been severe and provides a challenging context in which to respect, protect and fulfil economic, social and cultural rights. However, Chad continues to have clear obligations under international human rights law, not least the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the African Charter on Human and Peoples' Rights (ACHPR) to which it is a state party. Even in times of economic crisis, Chad has an obligation to avoid retrogressive measures, and if they are necessary, ensure they are developed and implemented in line with human rights obligations. This includes protecting the minimum core content of economic, social and cultural rights, which include free primary education for all children, access to essential drugs, and affordable maternal and child health care. Furthermore, the authorities should prioritize revenue raising options through effectively preventing and combating tax evasion and corruption, before measures with retrogressive impact on economic and social rights are implemented.

Between January 2018 and March 2018, dozens of protests against austerity measures and their consequences took place across main Chadian cities. In N'Djamena alone, Amnesty International documented at least 12 protests, including four peaceful protests organized by civil society organizations and opposition parties. In a growing number of cases, anti-austerity protests have been organized by university and school students who have criticized the cancellation of scholarships for all students except those in medical and national vocational schools, increased and new university registration fees and closure of schools due to a public workers' strike. In all but one of these protests, security forces used tear gas to disperse crowds and beat protesters, injuring dozens of them. While in some cases, a minority of protesters may have committed acts of violence, security forces must still react proportionately, using only the minimum force necessary to contain the situation and re-establish public order. In doing so, they must differentiate between those who are acting violently and those who are not. If only a minority of protesters acts violently, it contravenes the principle of proportionality and minimum use of force if security forces use force against protesters generally. Nor is it legitimate to disperse a protest simply because some protesters are committing acts of violence

During these protests, at least 150 people including students were arrested on charges varying from rebellion, unlawful gathering and public disorder – many, but not all, for protesting peacefully. Later at least 42 were sentenced to prison terms ranging from one month to four months. Some of the people arrested and interviewed by Amnesty International said that they were not participating in the protests but running errands when they were arrested. During some of these protests, the Public Prosecutor of N'Djamena told Amnesty International: "It was a mess, people were taken [arrested] anywhere."

The authorities continue to cite "security" concerns to justify the blanket ban on peaceful protests and punish those who participate in them. In February 2018, the government suspended 10 political parties for organizing a peaceful demonstration banned by the authorities. Since mid-March 2018, access to some social media has been restricted. An agent from AIRTEL, a private telecommunications company in Chad, told Amnesty International that the restriction of access to WhatsApp and Facebook was ordered by the authorities, while Chadian authorities said that the restrictions are most likely caused by a technical problem.

The Chadian police and the ANS have continued to target individuals who have criticized austerity measures or supported anti-austerity actions. For example, Vicky Regbassi, a Chadian comedian, was arrested on 6 February 2018 after the publishing of a Facebook message in which he called on all authorities including the government, and military to resign and support actions undertaken by civil society organizations and trade unions against austerity measures. He was charged with incitement to tribal hatred and public disorder and if convicted, could face at least six months imprisonment. Alain Didah Kemba, spokesperson of the youth movement IYINA, was also arrested on 19 February 2018 after a police commander had alleged seeing him with a bottle of gasoline and about to burn a pile of tyres. Alain has denied this allegation. While in detention, he was not allowed regular access to his lawyer and family and he was beaten on the soles of his feet and joints by police officers and their superior and he was forced to move from one room to another with his legs tied up to his hands behind his back. He was released on bail four days later for health reasons and within a week of his arrest all charges against him were dropped. No investigations were carried out into the allegations of torture and other ill-treatment Vicky and Alain were subjected to.

The primary reason for these protests has been economic. Since 2015, Chad has faced a severe economic crisis mainly linked to the sharp fall in the price of crude oil, exacerbated by the lack of economic diversification, including financial pressures emanating from the country's military commitments in the face of multiple security threats, hosting over 449,000 refugees, an oil-backed loan of more than US$ 1 billion from an Anglo–Swiss multinational commodity trading and mining company, Glencore, and the longstanding and major problems of tax evasion and corruption.

In response, the government implemented severe austerity measures and obtained both financial and development assistance and loans from international financial institutions (IFIs) and country donors. Although country donors and IFIs were not directly involved in the design and implementation of austerity measures, their support was in some cases conditional, including to spending cuts, and they have not put in place adequate safeguards to protect social spending and economically vulnerable populations, which have contributed to retrogressive austerity measures that do not comply with human rights criteria. Further, Amnesty International is not aware of any human rights impact assessment of austerity measures conducted by the government or any support from country donors and IFIs to conduct such assessment. For instance, while the IMF has approved a second Extended Credit Facilitation (ECF) for Chad in 2017 to "help stabilize the fiscal position, support a sustainable balance of payments position and help rebuild the regional international reserve pool", it has conditioned it, including to spending cuts, restructuring of the debt with Glencore, broadening of the tax base, and strengthening of tax and customs administrations. Although the IMF set "floors", including for poverty reducing social spending, and Chadian government officials told Amnesty International that social spending was protected from cuts compared to other sectors, this report shows that the "floor for poverty reducing social spending" was insufficient and inadequate and the cuts including in health and education had a retrogressive effect which further limited access to social service especially for economically vulnerable groups. In addition, both the IMF and Chadian authorities failed to evaluate the human rights impact of austerity measures including non-floor spending such as the reduction of the wage bill.

The impact of the austerity measures on the right to education has been significant and has been a major source of discontent and protest. Between 2014 and 2016, the national education spending was cut by 20.9% and scholarships for many public university students were cancelled with no targeted scholarships put in place for poor students. In addition, university registration fees were increased for new students and students who re-register are now forced to pay registration fees by themselves while before it was subsidized by the government. Most students interviewed by Amnesty International and especially those from the rural areas said their living conditions have deteriorated with some of them unable to pay rent following the abolition of scholarships.

Similarly, the public health budget was cut by over 50% between 2013 and 2017 with serious consequences for a system that already suffered from structural weaknesses and long-term underinvestment. Some of the most basic services needed by the most socially and economically vulnerable people have been cut. For instance, the free emergency health care programme budget was cut by 70%, leaving thousands of Chadians with virtually no access to health care including emergency care and essential drugs. This was accompanied by a reduction in the number of emergencies covered by the emergency health care programme from 45 categories to only five, and the authorities did not put in place any targeted programmes to ensure that marginalized groups still get access to the categories that were removed. This means that people now have to pay for at least 40 categories of emergencies including malaria (except for pregnant women and children below 5 years old), and pulmonary infection, which were provided free before. While officials from the Ministry of Public Health said that this reform was necessary for the general efficiency of the health system in the long term and ensure that efforts protect vulnerable groups, including pregnant women and children below 5 years old, this measure has resulted in additional costs related to health care and no alternative programme targeting socially and economically vulnerable people was put in place to mitigate the impact of the reduction of the free emergency health care programme on vulnerable groups. Many patients who cannot afford these new costs told Amnesty International that they have to seek support from families and friends and in an increasing number of cases, patients prefer to self-medicate and go to hospital only when their health condition deteriorates enormously.

Chad faced recurrent drug shortages even before the economic crisis, but since 2015 the situation has worsened with health facilities lacking even essential drugs such as painkillers, because the government failed to pay a debt of between XAF 10 billion (US$ 18.8million) to XAF 15 billion (US$ 28.2million) to its drug suppliers who have requested a payment of half the debt before additional drug supplies are delivered. Health workers are forced to prescribe expensive speciality drugs available only in private pharmacies, while patients seeking cheaper alternatives, resort to buying drugs from unregulated and illegal street traders despite the health risks.

The primary responsibility for respecting, protecting, promoting and fulfilling the human rights of Chad's population lies with the Chadian government, which should assess and review its economic and austerity strategy and budget allocations as well as its response to peaceful dissent. The international community, however, also has an obligation to help Chad meet its own economic and social rights obligations, including particularly safeguarding the rights of vulnerable populations. In addition, the Committee on Economic, Social and Cultural Rights (CESCR) has stressed that when exercising powers delegated to them by their member states, IFIs – IMF amongst them - should refrain from adopting measures that would result in human rights violations and they have the obligation to "ensure that the protection of the most basic economic, social and cultural rights is, to the maximum extent possible, built into programmes and policies aimed at promoting adjustment" including when programmes involving austerity measures are introduced and are expected to have significant human rights impacts.

Given the strong link between the economic crisis and austerity measures, and protests and repression, there is a clear and urgent need for serious reform ahead of Chad's Universal Periodic Review (UPR) and the legislative elections, to ensure that individuals are able to express themselves freely and without fear and enjoy their rights to livelihoods, health and education. Measures that the Chadian authorities should take include:

- Amend Ordinance No. 45/62 on public meetings and Decree No. 193/62 regulating protests in public places to ensure they meet international and regional human rights standards on the rights to freedom of expression, association and peaceful assembly;

- Immediately allow access to all currently blocked websites, and refrain from impermissibly restricting access to the internet and messaging applications such as Facebook and WhatsApp;

- Refrain from denying authorizations for peaceful protests and from arbitrarily arresting and detaining people who exercise their rights to freedom of expression and peaceful assembly;

- Urgently conduct a human rights impact assessment on how budget cuts and austerity measures, including those documented in this report and the hiring freezes and tax increases, have impacted the rights to health and education in Chad and make the results of this assessment public;

- Urgently address the deteriorations of access to and affordability of the right to health and education, in particular:`

- Prioritize the health budget, to ensure that, at a minimum, basic health services are accessible, affordable, and of good quality, including emergency health care, prenatal and postnatal care and emergency transport;
- Take urgent action to reduce shortages of essential drugs in health facilities;
- Gradually restore coverage to the medical emergencies that were removed from the free emergency health care programme; and until this is possible, put in place targeted measures to ensure that vulnerable groups have access to necessary and basic health care;
- Accelerate the identification of students who are most impacted by the cancellation of scholarships and the introduction of new university fees and put in place low-cost and targeted programmes to assist them;
- Introduce scholarships for poorer students as initially planned by the Ministry and Centre National des Œuvres Universitaires (CNOU).

- Urgently explore alternative options for how the budget deficit can be improved by increasing revenues, for example through effectively addressing tax evasion and corruption; and prioritize such alternatives over cutting services.

Amnesty International also urges the international community, including Chad's financial and technical partners, to consider increasing their financial and technical support to Chad to ensure the country fulfils its economic, social and cultural rights obligations. In particular:

- Conduct human rights impact assessments on any economic reform programmes proposed to Chad and those suggested by the Chadian government in this time of crisis, and make modifications to the programmes based on the findings of the assessments;

- Ensure that targets for fiscal consolidation do not undermine the ability of the government of Chad to fulfil economic, social and cultural rights obligations including in the health and education sectors;

- Provide additional financial and technical assistance to Chad to conduct human rights impact assessments including by assisting Chad with relevant indicators, benchmarking and disaggregated data to assist with decision making;

- Provide additional financial and technical assistance to Chad to support the realizations of the rights to health and education, and in particular ensure that people in Chad are able to access the minimum core components of the right to health, including antenatal care, postnatal care, all basic drugs, as well as emergency health care; access to free primary education for all children; and targeted support for university students, especially economically vulnerable ones, to ensure they are not further impacted by austerity measures.

More detailed recommendations are featured at the end of this report.

METHODOLOGY

SCOPE

This report is based on field research carried out in Chad and comprehensive desk research between March 2017 and May 2018. It builds on Amnesty International's report Between repression and recession. The rising cost of dissent in Chad, published in September 2017, which documented human rights violations by the Chadian authorities and security forces between 2015 and 2017. The current research was prompted by an increased correlation between the government's response to an economic crisis and social unrest.

This report reveals how austerity measures have reduced the enjoyment of economic and social rights in Chad, with a particular focus on the rights to health and education. It also documents the human rights violations committed by the government in repressing voices and protests that have opposed these austerity measures.

RESEARCH

During the three field missions carried out for this report between November 2017 and May 2018, Amnesty International delegates visited N'Djamena, Massakory, Massaguet, Dourbali, Doba, Moundou, Bongor and Sarh. During these missions, they conducted at least 176 interviews:

- Individual or small-group interviews with 20 Chadians who were either seeking or had sought health care through the public health system, and their families and carers; and 26 Chadian public university students.

- Individual or small-group interviews with 52 Chadian health workers including doctors, nurses, and nursing assistants. All health workers interviewed had worked in the public health system before and after the economic crisis and austerity measures.

- Individual interviews with 56 public health experts, education experts, human rights activists, trade union representatives, non-profit service providers, budget analysis experts, and academics working on public health and education issues, for background and context on the impact of austerity measures on the health and education systems in Chad, and to confirm information that emerged from the other qualitative interviews.

- Interviews with at least 22 government officials [1] to share the preliminary findings and seek responses. The responses received from the authorities and their technical staff have been incorporated in this report while full written responses from the Chadian authorities have been included in the annex.

[1] Government officials included the Minister of Territorial Administration, Public Security and Local Governance and his Secretary General, Director General of the National Police, Director of Intelligence, Director of Public Security, Vice Director of the National Police and Spokesperson of the National Police, Minister of Justice, Human Rights Director at the Ministry of Justice, General Director of the Ministry of Justice, Secretary General of the Ministry of Public Health, Director General of the Ministry of Public Health, two project Coordinators at the Ministry of Public Health, Director of Budget of the Ministry of Public Health, Director of Budget of the Ministry of Finance and Budget, Secretary General of the Ministry of Higher Education, Research and Innovation and the Director General of the Ministry, Director of CNOU, Secretary General of the Ministry of National Education and Civics Promotion, the President of the High Council of Communications, Head of Legal Department of the High Council of Communications and the Public Prosecutor of N'Djamena.

Amnesty International has also shared its key findings and a list of questions with Chad's financial and technical partners including the IMF, World Bank, AfDB and EU. At the time of publishing this report, we received responses from the World Bank and the European Union Delegation to the Republic of Chad.

Amnesty International delegates also visited 32 health facilities including public regional hospitals, district hospitals and health centres. Delegates also visited private and catholic health structures and the Toukra campus of the University of N'Djamena.

This report is also based on extensive desk research including: (a) examining austerity measures introduced since 2015; (b) examining the changes in public health and education spending between 2013 (before the advent of the economic crisis) and 2017 (date of the last published data, at the time of writing this report) to assess the extent of the cuts and their impact on the rights to health and education; (c) analysing a broad range of health and education systems indicators in this period, to assess changes, if any; (d) analysing health and education related laws and policies, as well as reviewing changes introduced after the economic crisis in the public health and education systems; (e) reviewing secondary literature, including governmental and non-governmental studies to understand barriers to accessing health care and education in Chad even before the economic crisis and subsequent austerity measures and (f) analysing court files related to the cases of people arrested during protests between February 2017 and March 2018.

The conclusions in this report were drawn from quantitative data and secondary literature. While a lack of recent data made it hard to fully assess the impact of Chad's austerity measures on key health and education indicators, we used qualitative interviews to supplement these conclusions. While official statistics are likely to underrepresent reality based on what we were told by people in the field, we used figures provided by the Chadian ministries of health, education and finance as well as data from the World Bank, IMF, OECD, UNESCO, UNICEF and WHO whenever data from the Chadian government was not available or inaccessible.

ACKNOWLEGMENTS

Amnesty International thanks the patients, university students and human rights activists for sharing their stories with us; and health and education experts for their invaluable expertise and perspectives.

Amnesty International also appreciates the availability of the Chadian authorities. The information and documents they provided were key in finalizing this report and ensuring that the government's reaction is reflected in it.

Amnesty International also thanks the World Bank and the EU and all the diplomatic representations in Chad for their collaboration.

1. BACKGROUND

1.1 A REPRESSIVE CONTEXT

In September 2017, Amnesty International published a report, *Between repression and recession: The rising cost of dissent in Chad*, that outlined the scale of human rights violations committed by Chadian authorities and security forces against individuals and organizations who spoke out or protested against the government in the context of the 2015 presidential elections as well as the subsequent imposition of austerity measures in response to a serious economic crisis.[2] Violations included bans on peaceful protests, the excessive use of force by security forces on unarmed protesters, the implementation of repressive laws to prosecute human rights activists and journalists, impermissible restrictions on the right to freedom of association and the right to organize, the intimidation and surveillance of activists and journalists, and online censorship. The report also highlighted the central role played by the National Security Agency (ANS) in most cases of arbitrary arrests and detention of human rights activists.

Through this report, and in numerous communications with authorities since 2017, Amnesty International recommended repealing and amending repressive legislation, ending practices like arbitrary detention and torture, reforming the ANS, and investigating the human rights violations documented.

Since publication, there have been a few examples where progress has been made. In September 2017, the Appeal Court of Moundou overturned a prison sentence given to journalist Sylver Beindé Bassandé for contempt of court, although maintained a fine.[3] Further, in April 2018, the online activist Tadjadine Mahadine Babouri known as Mahadine – detained since his September 2016 arrest after he had criticized the alleged misuse of public funds on a Facebook video post - was released from prison and all charges against him were dropped.[4]

Yet most of Amnesty International's recommendations have not been addressed. Restrictive laws regulating public gatherings (Ordinance 45/62 and Decree No. 193/620), associations (Ordinance No. 27/62) and the right to strike (law No. 032/PR/2016)[5] remain in force. Individuals and organizations continue to be subjected to prosecution, harassment and threats related to the exercise of their rights to freedom of expression, peaceful assembly and association. Websites and blogs critical of the government that have been blocked by the authorities and documented in Amnesty International's report continued to be inaccessible within Chad.[6] The ANS has not been reformed, and security forces continue the practice of detaining and interrogating people in unofficial detention facilities. Meanwhile, the main source of contestation and social discord – the imposition of severe austerity measures – remains.

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[2] Amnesty International, Between Recession and repression. The rising cost of dissent in Chad (Index: AFR 20/7045/2017).

[3] Sylver Beindé Bassandé was initially sentenced to two years in prison and fined XAF 100,000 (US$ 188) by the High Court of Moundou for complicity in contempt of court and undermining judicial authority in June 2017. He had been charged after airing a radio interview with a municipal councilor, who had criticized judges after having been convicted with two other councilors in a separate proceeding. The Court of Appeal reduced the verdict by sentencing him for complicity in defamation and fined him XAF 100,000 (US$ 188).

[4] Mahadine Tadjadine Babouri was originally charged with undermining the constitutional order, threatening territorial integrity and national security, and collaborating with an insurrection movement. In March, the judge reduced the charges to defamation and during the trial, he dropped all the charges against him because there was no sufficient evidence against him.

[5] Article 15 of the Law No. 032/PR/2016 modifying law No. 008/PR/2007 of 09 May 2007 on the right to strike in public services, "Days not worked due to strikes are not remunerated. Salaries for days not worked shall be borne by the trade unions which initiated the strike unless the reason for the strike results from a general delay in payment of wages and up to three (3) days' strike in the same month. At the expiry of this period, the salaries of the unpaid days shall be paid by the unions which initiated the strike."

[6] The list includes amongst others: tchadonline.com, magazine-charilogone.over-blog.com, tchadhanana.info, makaila.fr, east-side.chad.overblog.com/tag/tchadenligne,alwihdainfo.com, nouvelessor.over-blog.com, juliette.abandokwe.over-blog.com, zoomtchad.com and tchadoscopie.overblog.com.

1.2 ECONOMIC CRISIS, AUSTERITY MEASURES AND PUBLIC DISCONTENT

CONTINUED ECONOMIC CRISIS AND AUSTERITY MEASURES

The Chadian economy has continued to deteriorate since 2015. The crisis was triggered by a major drop in the international price of oil, on which the economy is heavily dependent, and a lack of economic diversification[7] but also compounded by other factors, including financial pressures emanating from the country's military commitments in the face of multiple security threats, hosting over 450,900 refugees from neighbouring countries,[8] an oil-backed loan of more than US$ 1 billion from an Anglo–Swiss multinational commodity trading and mining company, Glencore,[9] and the longstanding and major problems of tax evasion[10] and corruption in Chad.[11]

With the average annual price of a barrel of Chadian crude oil falling from US$ 103.9 in 2013[12] to US$ 36.2 in 2016 and US$ 49.4 in 2017,[13] the size of Chad's economy and the government's revenues also fell significantly. While in 2014 Chad's Gross National Income (GNI) grew by 3.8%, this slowed to just 0.5% in 2015, before shrinking by 8.9% in 2016.[14] In response, the state budget was drastically reduced from XAF 1,631 billion (US$ 3.06 billion) in 2014 to XAF 937 billion (US$ 1.76 billion) in 2017. Even with this reduction of more than 40% in the state budget, Chad faced a forecasted deficit of more than XAF 496 billion (US$ 932 million) in its 2018 budget year. [15] This situation has undermined Chad's ability to maintain even the weak progress realized over the past decade, in terms of economic, social and cultural rights.[16]

> **"From 2001 to 2006, there was no progress. No impact of the oil revenue was visible. It is only from 2010 that things started to improve, especially in terms of infrastructure. However, the oil money was used for prestigious health projects instead of useful ones. And everyone wanted a slice of the cake."**
>
> Health expert from the Ministry of Public Health.[17]

Prior to the recent economic crisis, Chad had enjoyed years of economic growth – albeit unevenly distributed - following the exploitation of oil. Although the country's GNI per capita, at current rates, grew from US$ 190 in 2002 to US$ 720 in 2016,[18] the authorities failed to prioritize social sectors which were poorly funded compared to other sectors such as defence which was prioritized under the rationale of mounting security risks.[19]

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[7] IMF Report No. 16/364, p.16, www.imf.org/external/pubs/ft/scr/2016/cr16364.pdf and IMF Staff Completes Mission to Chad, April 2017, www.imf.org/en/News/Articles/2017/04/07/pr17123-chad-imf-staff-completes-mission.

[8] As of 31 May 2018 and according to OCHA, https://www.unocha.org/chad.

[9] According to the IMF Country Report No. 17/246, Chad contracted a first loan of US$ 300 million loan with Glencore in 2013, which was increased by US$ 300 million. In 2014, the country contracted another US$ 1.356 billion loan to purchase Chevron's 25% share in the Doba consortium. In December 2015, following the collapse of oil prices, Chad consolidated and rescheduled the two loans with a value of US$1.448 billion, subjected to the imposition of fees which increased the net value of the loan. And at end-2016, this debt stood at US$ 1.369 billion. From the agreement between the Chadian government and Glencore, the loan is serviced through direct deduction from the proceed of government-oil cargoes sold by Glencore - contracted to sell government-owned oil. The IMF report also mentions that "*Based on information from the authorities, in 2016, out of US$ 271 million oil sales revenue (after accounting for operating and transportation costs), debt service to Glencore was $231 million which left only US$ 40 million to the treasury.*"

[10] EU, *Orientations après l'atelier national sur l'évaluation des dépenses fiscales et la réforme de l'IRPP*, p. 6, May 2017.

[11] Chad ranked 165 out of 180 in Transparency International's Corruption perceptions index 2017. According to the 2016-2017 World Economic Forum's Global Competitiveness Index, corruption is one of the most problematic factors for doing business in Chad, www.reports.weforum.org/africa-competitiveness-report-2017/files/2017/05/Chad.pdf.

[12] IMF Country Report No. 16/364, November 2016, www.imf.org/external/pubs/ft/scr/2016/cr16364.pdf. The price of the Chadian crude oil barrel = Brent price minus quality discount.

[13] IMF Country Report of 30 March 2018. The 2017 figure is a projection that reflects the agreement in principal to restructure the Glencore debt.

[14] World Bank Database.

[15] According to Chad Finance laws. Due to inflation, we have used the exchange rate as of 17 April 2018, US$ 1 = XAF530.602 and 1 XAF = US$ 0.00188 in this report.

[16] IMF Country Report No.17/246, p.4, August 2017.

[17] Interview, N'Djamena, November 2017.

[18] World Bank data base, GNI per capita, Atlas method, current US$.

[19] According to the World Bank database, between 1999 and 2013, investment in the Chadian military sector increased 30-fold from XAF 12.9 billion (US$ 24 million) to XAF 359 billion (US$ 674 million), representing an increase in proportion of GDP spent on the military from 1.4% to 5.6%. There has, however, been a reduction in subsequent years. While government total expenditure on education as % of GDP decreased

According to UNICEF, for instance, between 2004 and 2010, the health share fell from 6.6% to 5.6% and the education share of Chad's national budget dropped from 15.4% to 7%, although in gross terms, allocations to social sectors have increased. This is reflected in the 194% increase in the budget of six key social sectors between 2002 and 2010. However, during the same period external financing fell by about 38%, partially offsetting the increase.[20] From 2010, the government initiated major investment projects and mainly on infrastructure such as specialized health care institutions,[21] hospitals, health centres, schools and universities.[22] While this infrastructure was needed, most of the projects were poorly resourced, and while specialized health care is important it should not undermine the development of primary health care.[23]

According to the IMF, Chad's poor performance across development indicators is linked to significant problems in how oil resources were invested over the past several years[24] and field visits conducted by the World Bank in October 2009 showed that many of the health and education infrastructure projects constructed with oil resources stood empty.[25] Amnesty International delegates witnessed the continuation of this trend during field visits in 2017 in different regions. For instance, health workers from the Bébédja district hospital, which was built in 2014 and should provide health care for more than 173,000 people and serve as a referral centre for 16 health centres, told Amnesty International that the government did not provide the district hospital with any equipment for the two surgery rooms and it continues to lack even the most basic equipment today. According to them, only the sanitary delegation provided the hospital with 44 beds and the Mayor office gave XAF 500,000 (US$ 940) to buy drugs and start a pharmacy. A health worker from the district hospital told Amnesty International delegates: "Later, the hospital was able to afford a few blood pressure monitors. Our colleagues from other hospitals also gave us some old medical materials they stopped using. Some of which we had to fix because they were non-functional. The Chief Doctor brought the two printers the hospital uses." According to health workers, even for births without complications the district hospital has to refer patients to health centres, while for complicated deliveries, women go to a hospital run by the Catholic Church, Saint Joseph – the only facility able to perform C-sections in the region - where they pay between XAF 40,000 to XAF 80,000 (US$ 75 to US$ 150)[26] which represents between two-third of the monthly minimum wage in Chad to more than one-third of it - [27] for something that should have been free and available at the district hospital. These fees are unaffordable for most people in a country where 38.4% of the population lives on less than US$ 1.90 a day.[28]

On the left, a surgery room equipped by health workers from the Bébédja district hospital with medical equipment and material they received from their colleagues from other hospitals and without any support from the authorities. On the right, the second surgery room, which is empty. According to health workers from the hospital, both rooms were delivered empty, Bébédja district hospital, Logone Oriental Prefecture.
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from 3.2 to 2.9. And the domestic general government health expenditure as % of GDP decreased from 2.6 in 2000 (data from 1999 was not available) to 1.9 in 2013.

[20] UNICEF, E/ICEF/2011/P/L.22, 13 April 2011, www.unicef.org/about/execboard/files/2011-PL22-ODS-Chad-English.pdf.

[21] For instance, in the Hospital de la Renaissance is a specialty hospital located in N'Djamena. It was inaugurated in November 2013 and costed XAF 34 billion (US$ 63.92 million). The hospital aims according to the President of the state to reduce the number of health related evacuation and allow the populations to get quality treatment for even the most complicated health conditions in Chad, www.presidence.td/fr-news-810-_Lrsquo_HOPITAL_DE_LA_RENAISSANCE_POUR_STOPPER_LES_EVACUATIONS_SANITAIRES_.html and www.hopitalrenaissance-tchad.com/.
In addition, there is the Hopital Mere-Enfant based in N'Djamena, was inaugurated in November 2010 and costed XAF19 billion (US$35.72 million). The hospital provides specialized health care for women and children, www.sante-tchad.org/L-hopital-de-la-mere-et-de-l-enfant-est-inaugure-ce-28-novembre-2010-par-le-Chef-de-l-Etat_a82.html.

[22] According to the Chadian National Health Policy, 2016-2030, while the efforts made by the government, over recent years, to improve infrastructure and endowments of medical and technical equipment throughout the country are recommendable, these efforts are not in line with the standards.

[23] WHO, *The World Health Report 2008. Primary Health Care*, 2008, p.11, www.who.int/whr/2008/whr08_en.pdf.

[24] IMF Country Report No. 16/275, p.39 and 40, www.imf.org/~/media/Files/Countries/ResRep/TCD/2016-8-chad-si-3-public-investment-efficiency.ashx.

[25] IMF Country Report No, 16/275, p. 41, www.imf.org/external/pubs/ft/scr/2016/cr16275.pdf.

[26] Interviews, Bébédja, Chad, November 2017.

[27] The monthly minimum wage in Chad XAF 60,000 (US$ 112.8).

[28] World Bank database, Poverty headcount ratio at $1.90 a day (2011 PPP) (% of population).

Despite these investments, Chad made limited progress in strengthening a range of development indicators for reasons set out below, and the country ranked 186th out of 188 countries in the 2016 Human Development Index (HDI), even though it had a significantly larger GNI than countries much higher in the HDI.[29] In 2016, Chad's under-5 mortality rate of 127 deaths per 1,000 live births, was almost twice the average for Sub-Saharan Africa, and higher than the only two countries – Central African Republic and Niger – below it on the HDI.[30]

In response to the economic crisis, the authorities have undertaken drastic cuts across all sectors including primary and secondary education, tertiary education and health.[31] They have also increased taxes on both income and consumption goods and services which has led to an increase in the prices of basic commodities,[32] disproportionately impacting people who are economically vulnerable.[33]

INCREASED STRIKES AND PROTESTS

> **"Social unrest is affecting all social classes; civil servants through increases in income tax, students through the abolition of university scholarships, traders and transporters through the increase of tax on fuel, households through the rise in food prices. In addition to this, the government's ban on peaceful protest is perceived by the population as an unfair measure to muzzle them. This has important consequences including the exacerbation of social tension."**
>
> A Chadian human rights lawyer.[34]

After a few months of relative calm, widespread protests and strikes resumed across the country in January 2018. Amnesty International documented, in N'Djamena alone, at least 12 protests including eight organized by university and high school students. A total of 45 days of strike[35] took place in all public sectors across the country between January and March of 2018 against new austerity measures including the reduction of public servants' bonuses – which were spared until January 2018. In March 2018, the government and unions reached an agreement which included the payment of the salaries of the month of February 2018 to all public workers, the application of a three-month moratorium (February, March and April 2018) by the banking institutions on the loans contracted by the agents of the state with these institutions, the suspension of the current census of the agents of the state, the suspension of the strike and resumption of work after the effective payment of all the agents of the state as well as the continuation of the dialogue between the two stakeholders. On 19 May the strike was suspended and the next day public workers resumed work. However, on 28 May, unions re-conducted the strike because the government failed to fulfil its part of the agreement. At the time of publishing this report – June 2018 - the strike was still ongoing. All leaders of trade unions and university students interviewed by Amnesty International said the protests were driven by the impact of new austerity measures introduced respectively in January 2018 and at the beginning of the 2017-18 academic year, on top of those already introduced in previous years.[36]

The government's decision in 2016 to freeze recruitment into the civil service for the next three years has led to widespread youth protests across the country. For example, in the report *Between repression and recession: The rising costs of dissent in Chad*, Amnesty International documented how authorities banned peaceful protests organized by the youth group CAMOJET in February 2016, and how security forces used excessive force to disperse protesters.[37]

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[29] Some of these countries include: Mozambique, Sierra Leone, South Sudan, Burundi, Guinea-Bissau, Ethiopia, Zimbabwe, Rwanda, Haiti, and Uganda.
[30] According to the Human Development Report 2016, *Human Development for Everyone*, Chad scored 0.396 only slightly above Niger (0.353) and Central African Republic (0.352), despite boasting GNI per capita income that was US$ 1,991, more than two times and three times as high Niger (US$ 889) and Central African Republic (US$ 587), www.hdr.undp.org/en/2016-report.
[31] IMF, 'Attachment I. Memorandum of Economic and Financial Policies', *Country Report No. 18/108*, para 1, p.35, April 2018. http://www.imf.org/~/media/Files/Publications/CR/2018/cr18108.ashx.
[32] Chadian 2018 Finance Law.
[33] Interviews, Chad, between March 2017 and May 2018.
[34] Letter from a human rights lawyer to the Minister of Territorial Administration, Public security and Good Governance, 2 February 2018.
[35] According to interviews with leaders of trade unions in April 2018, most public servants were on strike from 30 January to 15 March 2018. Others joined the strike a few days after and some resumed work a few days after the 15 March 2018.
[36] Interviews, Chad, March 2017.
[37] Amnesty International, *Between Recession and repression. The rising cost of dissent in Chad* (Index: AFR 20/7045/2017).

Young people interviewed by Amnesty International at that time said that they believe the recruitment freeze impeded their chances to obtain a job[38] because the government is the main source of formal sector employment in urban areas.[39]

Later, in October 2016, most public servants across all sectors (including primary and secondary education, tertiary education and health) and in main cities including N'Djamena, Abeche, Sarh and Moundou went on strike following the imposition of new austerity measures which increasingly became the main driver of social unrest. Trade unions organized strikes to both claim the payment of four months' salary arrears and protest against the decision to reduce public servants' benefits by 50%. To this, the government reacted with a new law restricting the right to strike.[40] Trade unions agreed to end the strike action after negotiations with the government which led to among others, the payment of salary arrears with the support of donors[41] and the creation in March 2017 of a tripartite committee[42] composed of state actors and union leaders to discuss the law on the right to strike[43] and the law reducing benefits of public servants by 50%.[44]

[38] Interviews, Chad, between March 2017 and March 2018.
[39] IMF Country Report No.16/246, *Chad. Request for the three-year arrangement under the extended credit facility and cancellation of the current arrangement*, p.18, 19 June 2017, www.imf.org/external/pubs/ft/scr/2016/cr16275.pdf. International Trade Union Confederation (ITUC), *International recognized core labour standards in Chad. Report from the WTO General Council Review of the Trade Policies of Cha*d, January 2007, p.3, www.ituc-csi.org/IMG/pdf/English_TPR_Chad_final.pdf.
[40] Under the new law No. 032/PR/2016, the Government is no longer responsible for remunerating government workers for unpaid strike days but instead decrees that trade unions themselves must pay workers for the days they go on strike.
[41] Interview, Chad, between February and August 2017.
[42] Ministerial Ordinance No.1061/PR/PM/2017 on the creation of a Tripartite Technical Committee for Study and Reflection on the Modalities for the Establishment of a Sustainable Social Peace and Nomination of its Members, www.cnds-tchad.org/images/documents/ARRETE%20COMITE%20TECHNIQUE%20NEGOC..pdf.
[43] Law No. 032/PR/2016 of 31 December 2016 on the right to strike.
[44] Law No. 008 on the Regulation of the Exercise of the Right to Strike in public services and Decree No. 187/PR/PM/MFB/2016 of October 31, 2016.

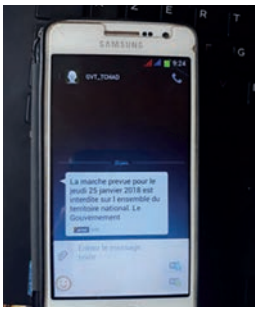
2. CONTINUOUS REPRESSION

2.1 CONTINUED BAN ON PROTESTS

> **"We are stuck if not, we are going back to the worst. Political parties cannot organize meetings except in their own offices and with a limited number of people. Associations are no longer allowed [to demonstrate]."**
>
> A Chadian lawyer who has worked on human rights violations both under the regime of former President Hissène Habré and current Predisent Idriss Déby Itno.[45]

In September 2017, Amnesty International reported on how the Chadian authorities had systematically banned protests criticizing the government. Four platforms and movements – comprising at least 65 associations – and two other organizations told Amnesty International that they had never received an authorization to organize a peaceful protest since they were created between 2014 and 2016. Other organizations including the Chadian National Students' Union (*Union Nationale des Etudiants Tchadiens*, UNET) and three trade union organizations also stated that they had not been granted such authorization since 2008.[46]

Since January 2018, this trend has continued, and even hardened, with the authorities threatening to suspend and dissolve political parties and civil society organizations that do not obey the ban on protests. The authorities continued to cite "security" concerns to justify the blanket ban on peaceful protests and punish those who engage in them, using the same repressive laws such as Ordinance No. 45/62 on public meetings and Decree No. 193/620 regulating protests in public places. In a new development, however, the state asked telecom companies including AIRTEL and TIGO to send SMS messages to their customers warning them that protests have been banned, in order to deter participation.



Text message sent by telecoms companies to their customers following an order from Chadian authorities and warning customers that the 25 January 2018 protest was banned.
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[45] Interview, N'Djamena, February 2018.
[46] Amnesty International, *Between Recession and repression. The rising cost of dissent in Chad* (Index: AFR 20/7045/2017).

Although the Chadian Constitution recognizes the right to freedom of peaceful assembly,[47] in May 2018, the Chadian Minister of Territorial Administration, Public Security and Local Governance told Amnesty International delegates that the number of denied authorizations to peaceful protests equals the number of requests to peaceful protests. According to him, all protests present a risk of security and public disorder. He said that organizers of protests do not have any control over participants in their protests, which can quickly degenerate especially when troublemakers are present. Furthermore, he said that he considers all public protests to be disorderly because they occur on public roads and disturb traffic. He said that protests should instead take place in an enclosed space.[48]

The same Minister added that Chadians do not have a culture of protests and protests have never solved and cannot solve problems. He further told Amnesty International that Chad is a country that has experienced instability and insecurity and he will not allow anyone to destabilize the peace and security "so dearly acquired".[49]

While the International Covenant on Civil and Political Rights (ICCPR)[50] and the African Charter on Human and Peoples' Rights (ACHPR)[51] - Chad is a state party to both - stipulate that the exercise of the right to peaceful assembly may be subject to restrictions on certain prescribed grounds, they made it clear that the restrictions must not jeopardize the essence of the right itself. Both instruments say that permissible restrictions include national security or public safety, public order, protection of public health or morals/ethics, and protection of the rights and freedoms of others. Article 21 of the ICCPR further establishes that restrictions must be necessary and proportionate.[52]

Chadian authorities have also restricted access to social media sites before and during demonstrations to prevent protesters from organizing. For instance, from midnight before a planned peaceful demonstration by civil society organizations on 25 January 2018, access to social media sites was restricted until the following day. Access to social media sites (mainly Facebook and WhatsApp) was also restricted since mid-March 2018 and accessible only through a VPN.[53] An AIRTEL agent told Amnesty International delegates that the authorities ordered them to restrict access to Facebook and WhatsApp for security reasons.[54] The Minister of Territorial Administration, Public Security and Local Governance told Amnesty International delegates that access to social media sites has not been restricted by the government but rather because telecommunications companies are most likely facing a technical problem.[55]

AT LEAST FIVE PROTESTERS ARRESTED FOR TAKING PART IN AN ANTI-AUSTERITY PROTEST, FEBRUARY 2018

On 8 February, during an anti-austerity protest organized by the Chadian Collective of Civil Society Organizations (*Collectif Tchadien des Organisations de la Société Civile*, CDOSC), at least 12 people including four minors were arrested by police officers and charged with rebellion, unlawful gathering and public disorder. The minors were released the same day after a few hours in detention. Six of the people arrested were released after spending between five and 15 days in detention on the grounds that evidence was insufficient to sentence them. Two protesters were sentenced to one month in detention. Both had stated that they joined the protest because the government forgot the youth while one of the minors said that he protested because he has not been able to go to school for two weeks due to the teachers' strike against austerity measure[56]

[47] Article 28 of the Chadian Constitution promulgated in 2018.
[48] Interview with the Minister of Territorial Administration, Public Security and Local Governance, N'Djamena, May 2018.
[49] Interview with the Minister of Territorial Administration, Public Security and Local Governance, N'Djamena, May 2018.
[50] Articles 21 and 22 (2) of the ICCPR, www.ohchr.org/Documents/ProfessionalInterest/ccpr.pdf.
[51] Article 11 of the ACHPR, www.achpr.org/instruments/achpr/.
[52] According to the mandate, the right to assembly is an essential element of the right to participation in any democratic dispensation and restrictions imposed on this right must be closely scrutinized with respect to their necessity and reasonableness (A/61/312, para.56).
[53] Interviews, Chad, between January 2018 and April 2018.
[54] Interview with the Minister of Territorial Administration, Public Security and Local Governance, N'Djamena, May 2018.
[55] Interview with the Minister of Territorial Administration, Public Security and Local Governance, N'Djamena, May 2018.
[56] Court files and interviews, N'Djamena, May 2018.

TEN POLITICAL PARTIES SUSPENDED FOR ORGANIZING A PEACEFUL ANTI-AUSTERITY PROTEST, FEBRUARY 2018

On 6 February, the Minister of Territorial Administration, Public Security and Local Governance announced that all civil society organizations and political parties that do not respect the ban on protests will not only be suspended but their authorization to operate will be "purely and simply taken away".[57] The same day, he suspended 10 political parties under the umbrella of four opposition movements (ADO, COPRAT, CCPOD and CPOMO), for two months. He accused them of encouraging violence and public disorder, and violating a ministerial order[58] denying them authorization to peacefully protest.

The suspension was lifted for five parties under COPRAT[59] a few days later, after they had sent an internal administrative appeal to the same minister. The other political parties, including those under CCPOD, have appealed to the administrative chamber of the Supreme Court and have yet to receive a response.[60]

During the protest, at least 15 people were arrested by police officers and charged with rebellion, unlawful gathering and public disorder. Two of them were sentenced to one month in prison while the others were released after a few days in detention.[61]

ANTI-AUSTERITY PROTEST BANNED AND AT LEAST SEVEN PROTESTERS ARRESTED, JANUARY 2018

On 22 January, the Minister of Territorial Administration, Public Security and Local Governance issued a decree denying a request made by eight civil society organizations to peacefully protest against austerity measures on 25 January.[62] The same day, he announced in the media that "The civil society protest scheduled for 25 January is strictly forbidden on the whole national territory […]. The defense and security forces are required to ensure the implementation of this decision." Two days later, the government sent an SMS message to all AIRTEL and TIGO customers to inform them that the protest was banned.

A day before the planned protest, authorities summoned the organizers to a meeting with various senior government officials including the Minister of Justice, Minister of Territorial Administration, Public Security and Local Governance, Director of the National Police and the Director of the National Security Agency (ANS). They asked the organizers to reschedule the protest to allow them to take the required measures to protect public safety and order; and communicate a single itinerary. Two of the organizers decided to go ahead, telling Amnesty International that the government had the capacity to cover the 10 itineraries they had communicated for the protest and ensure public safety.

On the day of the planned protest Chadian security forces were deployed around 5am, along the 10 pre-communicated itineraries and main roundabouts in N'Djamena. When a number of protesters in N'Djamena managed to come together, the security forces used tear gas to disperse them. During the protest, at least seven peaceful protesters from the Chadian Convention for Human Rights (Convention Tchadienne pour la défense des droits humains, CTDDH) were arrested. They were charged with rebellion, participating in an unarmed gathering and public disorder. They were released after 22 days in detention, on the basis that there had been a procedural irregularity as the judicial police officers interrogated them in the absence of their lawyers.

[57] Deutsche Welle, DW, 'Le pouvoir tchadien menace de dissoudre les organisations qui manifestent', 6 February 2018, www.dw.com/fr/le-pouvoir-tchadien-menace-de-dissoudre-les-organisations-qui-manifestent/a-42472639.
[58] Ministerial order no.0014/PR/MATSPGL/SG/2018.
[59] These political parties include : Parti du peuple pour la reconstruction et la démocratie au Tchad (PRDT), Union nationale pour la démocratie et le socialisme (UNDS), Mouvement africain pour la nouvelle indépendance et la démocratie au Tchad (MANID TCH), Parti populaire pour l'unité et la démocratie (PPUD) and Rassemblement des tchadiens libres (RTL).
[60] Interviews, N'Djamena, between January 2018 and April 2018. Amnesty International had also had access to Court documents on this case.
[61] Interview, N'Djamena, between February and May 2018 and court files.
[62] Ministerial order no.002/PR/MATSPGL/SG/2018.

During the same demonstration, Versinis Nelly, spokesperson of the Collectif contre la vie chere was beaten by security forces before being taken to the judicial police headquarters. The Public Prosecutor who was present at the judicial police headquarters when he was brought in, intervened to free him.[63] Similarly, Djimet Wiche, a journalist at Alwihda Info, was also beaten by security forces while covering the protest.[64]

2.2 USE OF EXCESSIVE FORCE AND ARBITRARY ARRESTS OF STUDENT PROTESTERS

> **"The situation is complex and I wonder in which direction we are going... We are very worried about the [student] arrests."**
>
> A Chadian lawyer who represented several groups of students arrested during anti-austerity protests.[65]

The Chadian Constitution,[66] the ICCPR and the ACHPR recognize the right to life and the right to freedom of peaceful assembly.[67] However, the Chadian security forces have often resorted to the excessive use of force against protesters. If a protest is known about in advance – for example through a request for authorization or an announcement in the media - the security forces deploy early in the morning across town to deter protesters. If a protest is spontaneous or unannounced, the police intervene as soon as they are aware to disperse protesters, almost always with the use of tear gas, often with beatings, and in a few cases with live ammunition. As a result, protesters and bystanders have been injured or killed,[68] and many more arrested.

In 2015 and 2016, Amnesty International documented several protests during which Chadian security forces used excessive force – beating protesters, using tear gas and in some cases using live ammunition – to break up peaceful protests and arrest protesters.[69] More recently, following a renewal of protests as a result of the imposition of new austerity measures, Amnesty International has documented at least seven cases of excessive use of force against peaceful student protesters and bystanders in N'Djamena alone over a period of just three months, January to March 2018. In one case, Amnesty International met two students who had been injured by security forces on 4 January 2018 during a spontaneous march about the deteriorating conditions at the University of Toukra in N'Djamena. One of the students had a visible scar where he had been hit on the head with a tear gas canister, while the other had a plaster cast where he had been shot in the leg with live ammunition (*see box below*).

During the same period, from January 2018 to March 2018, more than 150 people, the majority of whom were students, were arrested for protesting against austerity measures and at least 42 of them were sentenced to prison terms. For instance, during a spontaneous students' protest against austerity measures in N'Djamena on 29 January 2018, police arrested dozens of students and schoolchildren who took part in a spontaneous protest calling for schools to resume classes after teachers went on strike following additional austerity measures taken in January 2018. Several people, including schoolchildren and bystanders, told Amnesty International that they were arrested in their homes and while walking on the street. Several people arrested were released the same day.

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[63] Interview with the Public Prosecutor of N'Djamena, N'Djamena, February 2018
[64] Interview, N'Djamena, February 2018.
[65] Interview with a Chadian human rights lawyer, N'Djamena, February 2018.
[66] Article 17 of the Chadian Constitution.
[67] Chad has ratified the International Covenant on Civil and Political Rights (ICCPR) in 1995 and the African Charter on Human and Peoples' Rights (ACHPR) in 1986. Article 6 of the ICCPR says "Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life". And article 21 "*The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others*".
Article 4 of the ACHPR states "*Human beings are inviolable. Every human being shall be entitled to respect for his life and the integrity of his person. No one may be arbitrarily deprived of this right*". And article 11 stipulates "*Every individual shall have the right to assemble freely with others. The exercise of this right shall be subject only to necessary restrictions provided for by law, in particular those enacted in the interest of national security, the safety, health, ethics and rights and freedoms of others*".
[68] For instance, in February 2016, at least two young men were killed following demonstrations demanding justice for Zouhoura, a 16-year-old girl who was raped. More information in Amnesty International's report *Between Recession and repression. The rising cost of dissent in Chad* (Index: AFR 20/7045/2017).
[69] Amnesty International, *Between Recession and repression. The rising cost of dissent in Chad* (Index: AFR 20/7045/2017).

Forty-eight were taken before the High Court of N'Djamena and 32, including 18 students, were sentenced to four months in prison. They were released on 3 June 2018 after they had served their prison sentence in the Moussoro prison, more than 300 kilometres from N'Djamena and their families. Police later reported in the media that some protesters stoned several administration and private cars.[70] The Public Prosecutor told Amnesty International of that day and other student anti-austerity protests "it was a mess, people were taken [arrested] anywhere."[71]

The Minister of Territorial Administration, Public Security and Local Governance told Amnesty International that people who engage in an unauthorized protest are outlaws who should be treated as such and arrested. He added that the National Police is equipped to intervene and disperse such protests while he acknowledged that it happens that people are injured when the police intervene to disperse protests. The Director of the National Police told Amnesty International that officers never used force against protesters.

The UN Basic Principles on the Use of Force and Firearms by Law Enforcement officials provide that law enforcement officials avoid the use of force to disperse assemblies that are unlawful but non-violent, or where that is not practicable, they shall restrict such force to the minimum extent necessary. The Principles state that when dispersing violent assemblies, law enforcement officials may use firearms only when less dangerous means are not practicable and only to the minimum extent necessary.[72] Yet, security forces in cases documented by Amnesty International, some of which are presented in this section, did not differentiate in the means nor the level of force they used to disperse peaceful protests or protests during which a minority of the protesters may have acted violently (*see below cases*).

AT LEAST 96 PEOPLE ARRESTED FOR ENGAGING IN A SPONTANEOUS PROTEST CALLING FOR SCHOOLS AND UNIVERSITY TO RESUME CLASSES, FEBRUARY 2018

On 10 February, 96 people were arrested and dozens injured when police officers used tear gas to disperse a spontaneous students' protest in N'Djamena. During the protest, police officers threw tear gas canisters into private homes and into a church. They also prevented a journalist from a private radio channel, Oxygène FM, from covering the protest. According to staff from Oxygène FM, police officers entered the radio channel's office to arrest a journalist who took a photo of police officers when they were arresting a protester about to burn a tyre. The journalist fled to the broadcasting studio and police officers followed him. They arrested the journalist, a broadcaster and a technician while they were in the middle of a live show before releasing them following an order from their commander.[73] The Director of the National Police told Amnesty International that a protester had escaped into the radio offices, which was the reason why officers entered Oxygène FM to arrest him.

The spontaneous protest took place after the UNET had called on students, their parents and others to blow whistles and bang pots at specific times to demand the resumption of classes. The leaders of UNET said that they did not expect protesters to take to the streets. According to media reports, the police had communicated the arrests of at least 90 people including students and bystanders.[74]

[70] Interviews, N'Djamena, May 2018. Alwihdainfo.com, 'Tchad: la repression brutale des eleves et etudiants par les force de l'ordre doit cesser', 30 January 2018, www.alwihdainfo.com/Tchad-La-repression-brutale-des-eleves-et-etudiants-par-les-forces-de-l-ordre-doit-cesser_a61057.html.
[71] Interview with the Public Prosecutor of N'Djamena, N'Djamena, 2 February 2018.
[72] UN, *Basic Principles on the Use of Force and Firearms by Law Enforcement Officials Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders*, Havana, Cuba, 27 August to 7 September 1990, para 13 and 14, www.ohchr.org/Documents/ProfessionalInterest/firearms.pdf.
[73] Interviews with eyewitnesses and staff from Oxygène FM radio channel, N'Djamena, between February 2018 and April 2018.
[74] RFI, 'Tchad: des dizaines d'étudiants arrêtés lors de l'opération «tintamarre»', 10 February 2018, www.rfi.fr/afrique/20180210-tchad-etudiants-arrestations-union-nationale-etudiants-tchadiens-unet-guelem-richar.

POLICE OFFICERS INJURED SEVERAL PEACEFUL STUDENT PROTESTERS INCLUDING WITH A TEAR GAS CANISTER AND ANOTHER WITH LIVE AMMUNITION, JANUARY 2018

On 4 January, students from the Toukra campus of the University of N'Djamena spontaneously marched to the *Centre National des Oeuvres Universitaires* (CNOU) to submit to the director a petition demanding more university bus for the transportation of students between the town and campus. According to eyewitnesses, students were marching and signing the national anthem. When they arrived near at a roundabout known as *rond-point gazelle*, a police car from the *Commissariat de sécurité publique* no.17 (CSP) drove through the crowd of protesters while other police officers were firing tear gas on protesters and beating them.

No protesters were arrested but several of them were injured and at least two student protesters were taken to hospital for emergency treatment. Those who took the injured students to hospital said there were no drugs, and explained they had to pay for basic medical products to treat one student who had been hit in the head with a tear gas canister, while a second student had to be transferred to a private clinic for an X-ray as there was no electricity. The two injured students decided not to file complaints to the police, as they felt it would not be dealt with seriously.[75]

The protest followed attempts by the students' union to negotiate a solution with university authorities, as well as with the police. UNET leaders told Amnesty International that they had met with the CNOU director several times regarding the lack of bus. The director of CNOU told Amnesty International that they could not afford to buy fuel for all the bus following cuts in CNOU's budget as a result of the economic crisis and austerity.[76]

According to UNET leaders, both on 3 and 4 January, they met police commanders to explain the objective of the march and its peaceful nature. They told Amnesty International that on 4 January the Commander of the Commissariat Centrale told them that he did not believe that 2,000 people can march peacefully and he ordered police officers to disperse protesters. The day before, there had been a similar peaceful march and no incidents were reported.

When interviewed by Amnesty International delegates on the violations committed by security forces during the 4 January protest, the Director of the National Police denied using excessive force. In addition, the Minister of Territorial Administration, Public Security and Local Governance told Amnesty International that the spontaneous protest held on 3 January never took place.[77]

POLICE OFFICERS INJURE NINE STUDENTS PROTESTING AGAINST NEW AND INCREASED UNIVERSITY FEES, JANUARY 2018

On 18 January, the spokesperson of the National Police reported in the media that officers injured nine students, including two who were struck in the head with tear gas canisters, while dispersing a protest involving hundreds of students from the University of N'Djamena who were demonstrating against the government's decision to introduce new and increased university fees. According to the new rules, new students must pay a register fee of XAF 50,000 (US$ 90) instead of XAF 28,000 (US$ 52.64) and a re-registration fee of XAF 28,000 (US$ 52.64) the following year – something that was previously subsidized by the government but now is unaffordable for many students given average incomes (see chapter 3, section 3.3 on the right to education).[78]

The same day, the National Police also issued a statement accusing the students of engaging in an unauthorized demonstration and attacking police officers who were mandated to disperse the protest.[79]

[75] They have cited cases in which no investigation took place such as the one of Abachou Hassan Ousmane, a 17-year-old boy who was shot by the police during a peaceful demonstration to claim justice for the rape of Zahara Mahamat Yosko alias Zouhoura on 15 February 2016. His family had lodged a complaint in April 2016. No further information about the current status of the investigation is yet available. More information in Amnesty International, *Between Recession and repression. The rising cost of dissent in Chad* (Index: AFR 20/7045/2017).
[76] Interviews with students, eyewitnesses, victims and their family members and UNET leaders, N'Djamena, between January 2018 and April 2018.
[77] Interviews with the Director of the National Police and the Chadian Minister of Territorial Administration, Public Security and Local Governance, N'Djamena, May 2018.
[78] Ministry of Higher Education, Research and Innovation, University of N'Djamena, 'Communiqué' de la Direction de la Scolarité et des Examens (DES), 15 January 2018.
[79] Interviews with eyewitnesses. According to Anadolu Agency, in its article entitled 'Tchad : 30 etudiants blesses lors de la dispersion d'une manifestation a N'Djamena (Syndicat)', 18 January 2018, the General Direction of the Police released a statement stating "The National Police denounce the irresponsible attitude of the students to engage in unauthorized in the capital city and to attack police officers on

2.3 PERSECUTION OF INDIVIDUAL ACTIVISTS

"The government is interested in all means of censorship and does not hesitate in using them."

A Chadian lawyer who defended an individual arrested in relation to anti-austerity protests. [80]

The Committee on Economic, Social and Cultural Rights established to monitor compliance by state parties to the International Covenant on Economic, Social and Cultural Rights to which Chad is a state party says that targeting human rights defenders violates the provisions of the Covenant,[81] but Chad is still doing so against individuals who have been campaigning against austerity measures. In addition, the UN Declaration on Human Rights Defenders recognizes that everyone has the right, individually and in association with others at both the national and international levels to peaceful assembly to promote and protect human rights; and the state has the obligation to take all necessary measures to protect these individuals and associations against any violence, threats, retaliation, discrimination, pressure or any other arbitrary action as a consequence of their human rights activities.[82]

ANTI-AUSTERITY ACTIVIST ARRESTED AND TORTURED, FEBRUARY 2018

Alain Didah Kemba, spokesperson of the youth movement IYINA, was arrested on 19 February at around 5am and taken into custody at the N'Djamena Police headquarters. According to the National Police spokesperson, Alain Kemba Didah was arrested because a police commander had alleged seeing him with a bottle of gasoline in his hand and about to burn a pile of tyres. Alain has denied this allegation. During the first day of his detention, Alain was denied access to his lawyer and family. The next day, Alain told Amnesty International that he was tortured by police officers, including their superior, who beat him on the soles of his feet and joints. Alain said that he was forced to move from a room to another with his legs tied up to his hands behind him. He said the officers' superior accused him of leading protests against austerity measures.

On 20 February, Alain's lawyer attempted to visit him twice at the police headquarters, but the police denied having him in custody. It was only after Alain's friends and family were able to confirm that he was detained there that his lawyer was able to see him. The lawyer told Amnesty International that his client could barely stand because of the pain in his feet. Alain was transferred to the judicial police on 23 February after he had started a hunger strike the day before. The prosecutor released him on bail for medical reasons. All charges were dropped on 26 February following a hearing. No investigation was carried out into the allegation of torture.

mission who did not have the choice but to use tear gas. Unfortunately, the Police documented nine cases of injuries during the operation, including two cases of head trauma", www.aa.com.tr/fr/afrique/tchad-30-%C3%A9tudiants-bless%C3%A9s-lors-de-la-dispersion-dune-manifestation-%C3%A0-ndjamena-syndicat/1034884.

[80] Interview with a Chadian human rights lawyer, N'Djamena, April 2018.

[81] CESCR, 'Human Rights Defenders and Economic, Social and Cultural Rights', E/A.12/2016/2, 7 October 2016.

[82] UN, Declaration on human rights defenders, www.ohchr.org/Documents/Issues/Defenders/Declaration/declaration.pdf.

A CHADIAN COMEDIAN TORTURED FOR SUPPORTING PROTESTS AND STRIKES AGAINST AUSTERITY MEASURES IN A FACEBOOK POST, FEBRUARY 2018

Tchadforum TF
29 Janvier ·

Tchad: Depuis Moundou le célèbre artiste comédien Vicky Regbassi annonce son ralliement à la société civile.
.....

En ma qualité d'artiste comédien et humouriste, je demande à toutes les autorité, même ceux qui sont à la discrétion du gouvernement et aux militaires de démissionner pour soutenir la société civile et les grévistes. Le plus tot sera le mieux.

Je compte organiser à Moundou dans les jours a venir une grande production théatrale pour soutenir la sociéte civile.
Fait à Moundou le 29 janvier 2018 l'artiste comédien et humouriste Le Ministre de la Population (nom d'état civil Regbassi vicky)

Tchad Forum.

Facebook post by comedian Vicky Regbassi posted on Tchadforum TF. ©Private

Vicky Regbassi, a Chadian comedian, was arrested after a message he had sent to a Facebook page, Tchadforum TF, calling on all authorities, including the government and military, to resign and support actions undertaken by civil society organizations and trade unions against austerity measures, was made public on Facebook. He was charged with incitement to tribal hatred and public disorder. He awaits trial and if convicted, could face at least six months imprisonment. Prior to his arrest, Vicky held a press conference on 2 February to condemn anonymous threatening phone calls he had been receiving immediately after the publication of his solidarity message.

Vicky was arrested on 6 February by police officers in Moundou while on his way to the Dombao centre for a rehearsal with his theatre group, *Troupe théâtrale du centre Dombao* (Trotheced). According to Vicky, he was beaten by police officers during the arrest. He said that the next day, he was handcuffed and blindfolded before being driven to another location, which he later recognized to be an ANS detention facility located opposite the BEAC offices and near the *Société de Transport Tchadien du Logone* (STTL).[83] Vicky said that during his detention at the ANS, he was tortured, suffocated with a plastic bag while blindfolded, and his hands were handcuffed to his feet. Vicky said that the ANS agents told him that as an artist he should not side with the civil society or strikers. He also said that they asked him to give the names of the people with whom he was planning to organize a protest.

Vicky was transferred to the Moundou Police Headquarters on 16 February after being forced to sign an apology letter in which he confessed that he harmed the state. Vicky said that the ANS agents told him to never talk about the torture he suffered, if he did not want to die. The next day, the Attorney General released Vicky for medical reasons and he was admitted to intensive care at the Moundou hospital for 48 hours. No judicial proceedings have yet taken place, although charges remain against him. [84]

[83] Maoundoe Decladore told Amnesty International he was detained in the same ANS facility in May 2017. Amnesty International, Between Recession and repression. The rising cost of dissent in Chad (Index: AFR 20/7045/2017).
[84] Interviews with Vicky Regbassi and his two lawyers, N'Djamena and Moundou, between February 2018 and April 2018.

3. IMPACT OF AUSTERITY MEASURES AND THE ROOTS OF DISCONTENT

> **"There is increasing evidence that violations of economic, social and cultural rights are causes, consequences and often even predictors of violence, social unrest and conflict."**
>
> United Nations Human Rights, Office of the High Commissioner in a report titled 'Early warning and economic, social and cultural rights.' [85]

Protests and repression initially spiked in 2015 across Chad for political and economic reasons, with the announcement of President Déby's candidature for a fifth term in office (he was re-elected in April 2016),[86] and rising socio-economic hardship due to the ongoing economic crisis. During this period, civil society organizations held peaceful demonstrations against President Déby's candidature and re-election including by organizing "ghost town" protests and actions encouraging people to blow whistles and bang pots in their homes and at scheduled times.[87] They also, together with opposition parties, protested against austerity measures and criticized the government's management of public funds, which they believed was at the root of that economic crisis.[88] The authorities responded by stifling activists' voices and restricting their rights to freedom of expression, association and peaceful assembly (*see chapter 2 on repression*).[89] As documented in this report, these recent events in Chad illustrate the general observation by the OHCHR (*above*).

> **"Following the dramatic spending cuts of the past two years, further adjustment risks leading to disorderly economic adjustment and social instability."**
>
> IMF Country report on Chad, 2017. [90]

Since 2015, the nature of public discontent has evolved and has increasingly been driven by concerns about the austerity measures - introduced in 2016 but maintained and deepened in subsequent years. The Chadian government postponed all new public investments (including equipment, infrastructure and reconstruction) in 2015 to the subsequent year, and has since made drastic spending cuts across sectors, including in health and education (*see table 1*).[91]

[85] UNHR, Office of the High Commissioner, 'Early warning and economic, social and cultural rights', (hereinafter: OHCHR, report on austerity), www.ohchr.org/EN/Issues/ESCR/Pages/Earlywarning.aspx.
[86] Reuters, 'Chadian President Deby re-elected in landslide first-round victory', 21 April 2016, www.reuters.com/article/us-chad-electionidUSKCN0XI2XY.
[87] From the French siffle citoyen and tintamarre des casseroles et marmites vides. Human rights defenders in Chad have often opted for these protest methods to circumvent bans on public demonstrations because they could be violently repressed.
[88] Interviews, Chad, between March 2017 and April 2018.
[89] Amnesty International, *Between Recession and repression. The rising cost of dissent in Chad* (Index: AFR 20/7045/2017).
[90] IMF Country Report No.17/246, p.5, August 2017.
[91] World Bank, Program information document (PID), appraisal stage, 30 May 2017, Report no. AB7898, documents.worldbank.org/curated/

Table 1. Changes in government budget and spending by sectors in millions of US$:

	2013	2014	2015	2016	2017
Total State Budget[92]	2,492.99	3,067.30	2,832.67	2,735.78	1,761.74
Health Spending[93]	282.65	222.88	156.23	156.09[94]	113.58[95]
Education spending[96]	272.78	320.72	274.29	253.42	-
Wage bill spending[97]	-	641.08	693.72	686.20	654.24
Agriculture spending[98]	186.67	116.22	176.39	33.91	76.47
Livestock spending[99]	44.66	58.20	109.74	18.01	63.7

Further, the authorities introduced a freeze on wage increases and suspended all recruitments across the civil service including health and education. As part of a series of 16 austerity measures, they reduced all public servants' benefits by 50%,[100] which resulted in widespread strikes; and cancelled the scholarships of all university students in Chad (except those in medicine and national vocational schools),[101] causing youth and university student' protests.

Reforms were also made to widen the tax base, including most recently via the 2018 Finance Law restructuring the personal income tax system (*Impôt sur le revenu des personnes physiques*, IRPP) and new items of public servants' salaries spared until 2018 were taxed[102] beyond the previous halving of benefits.[103] This decisiofn has drastically reduced public servants' salaries. For instance, a teacher told Amnesty International that following the imposition of the new tax measures, his total net monthly salary including benefits and bonuses decreased by 37% from XAF 325,000 (US$ 611) and to XAF 205,000 (US$ 385.4).[104]

en/880751496635777956/pdf/AB7898-PGID-P163968-Box402912B-PUBLIC-Disclosed-6-1-2017.pdf.

[92] Finance Laws. We have used budgets to supplement the lack of data related to overall state spendin

[93] Chadian Ministry of Public Health.

[94] For 2017, we have used budget to supplement the lack of data related to spending was not available at the Ministry of public health.

[95] For 2017, we have used budget to supplement the lack of data related to spending was not available at the Ministry of public health.

[96] Ministère de l'Economie et de la Planification du Développement, Plan National de Développement, August 2017.

[97] IMF, Report on the request for a three-year arrangement under the extended credit facility and cancellation of the current arrangement, p. 29.

[98] According to the Decree 11-242 2011-03-21 PR/PM/MFB/2011 on public servants' remuneration, benefits also called allowances, rewards or bonuses aim to encourage the exercise of certain jobs and/or to compensate for hardship inherent to certain jobs; and reward special efforts and/or special performance, www.ilo.org/dyn/natlex/docs/ELECTRONIC/97342/115461/F1977457123/TCD-97342.pdf. Bonuses vary depending on the post, seniority and responsibilities. For example and according to an interview with a leader from a trade union in November 2017, a newly appointed doctor has an average gross salary of XAF 120,000 (US$ 225.6) and bonuses of XAF 110,000 (US$ 206.8).

[99] According to the Decree 11-242 2011-03-21 PR/PM/MFB/2011 on public servants' remuneration, benefits also called allowances, rewards or bonuses aim to encourage the exercise of certain jobs and/or to compensate for hardship inherent to certain jobs; and reward special efforts and/or special performance, www.ilo.org/dyn/natlex/docs/ELECTRONIC/97342/115461/F1977457123/TCD-97342.pdf. Bonuses vary depending on the post, seniority and responsibilities. For example and according to an interview with a leader from a trade union in November 2017, a newly appointed doctor has an average gross salary of XAF 120,000 (US$ 225.6) and bonuses of XAF 110,000 (US$ 206.8).

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[101] Office of the Chadian Prime Minister, *The Communication on emergency reform measures, Extraordinary Council of Ministers*, Wednesday 31 August 2016, signed by the Prime Minister, Head of Government, Mr Pahimi Padacke Albert (hereinafter: Chadian Prime Minister's Communication on emergency reform measures). Décret numéro 686/PR/PM/MESRI/2016 portant suppression de bourses internes accordées aux étudiants. In addition, according to a response from the Ministère de l'enseignement supérieur, de la recherche et de l'innovation to a right of reply letter sent by Amnesty International in April 2018, students from the following national vocational universities are not concerned by the scholarship cancellation measure: Ecole Nationale d'Administration, Ecole Nationale Supérieure des Travaux Publics, Ecole de la Magistrature et de Justice, Ecoles Normales Supérieures, Ecole Nationale des Agents Sociaux et Sanitaires and Institut National de la Jeunesse et des Sports.

[102] Article no.1 of the Law no.021/PR/2017 on the state general budget for 2018. These items are *augmentation general speficique* and *bonification indiciare.*

[103] Décret N° 687/PR/PM/MFB/2016 portant Réduction des indemnités et primes des agents de l'Etat.

[104] Interview, N'Djamena, May 2018.

At the same time, other measures increasing the cost of living were imposed including taxes on commodities such as petrol, diesel, fish, fruits and telecommunications,[105] and a nine-fold increase in obtaining a national identity card from XAF 1,000 (US$ 1.88) in 2015 to XAF 9,000 (US$ 16.92) in 2017.[106] This response by the Chadian authorities to the economic crisis has led to further strikes and protests (*see chapter 2 on continuous repression*) as this had an impact on livelihoods in Chad, where 46.7% of the population live below the national poverty line.[107] Public workers interviewed by Amnesty International said the reduction of their benefits combined with the rising tax and cost of living have made it difficult for them to live and support family members. They said they are struggling to pay their rent and bills as well as provide for their families. Some said they had to ask their children studying abroad to return to Chad to reduce expenses.[108]

These austerity measures were often supported by IFIs such as the IMF who have in some cases made their financial support to Chad conditional including on general spending cuts such as the wage bill reduction (*see chapter on the role of international donors and international financial assistance*).[109]

Although there have been multiple socio-economic impacts of austerity measures this chapter focuses on the impact of such measures on the rights to health and education and shows how the response of Chadian authorities to the economic crisis, has caused a retrogression in the enjoyment of the rights to education and to health, including a failure to protect minimum core obligations (*see section 3.3*).

3.1 CHAD'S ECONOMIC, SOCIAL AND CULTURAL RIGHTS OBLIGATIONS AND AUSTERITY

> **"There are two priorities for the population: education and health. A country where education and health are abandoned will never be developed. No matter the country's social and economic situation, these two priorities should not be neglected. If they are, it will be very difficult for the country to develop. People should have access to health care. It's a right. If neglected, the country will die."**
>
> Leader of the health worker union.[110]

Chad has ratified a range of international and regional treaties that require it to respect, protect, promote and fulfil economic, social and cultural rights. These include the ICESCR;[111] the Convention on the Elimination of All Forms of Discrimination against Women; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Rights of the Child; the ACHPR; and the African Charter on the Rights and Welfare of the Child. These obligations mean that Chad must refrain from interfering with the enjoyment of the rights; prevent others from interfering with their enjoyment; and take deliberate, concrete and targeted steps towards the full realization of economic, social and cultural rights to the maximum of its available resources.[112] Countries including Chad are required to prioritize the 'minimum core obligations', that is, the minimum essential levels of each the rights.[113] In the context of the right to health, the Committee on Economic, Social and Cultural Rights has stated that "a state party cannot, under any circumstances

[105] Article 24 of the Law no.033/PR/2016 on the General State Budget for 2017. For instance, a tax of XAF 50 per liter was introduced on gasoil and super in 2017 and reduced in 2018 to XAF 47 per liter for super and XAF 22 per liter for super following several protests and strikes in the transportation sector. The cost of other basic commodities were also increased due to increased taxes on their circulation in the country. For example, tax on fresh fish increased from XAF 10 per kilo in 2016 to XAF 25 per kilo in 2017, tax on dry fish from XAF 15 per kilo in 2016 to XAF 30 per kilo in 2017 and tax on smoked fish from XAF 10 per kilo in 2016 to XAF 25 per kilo in 2017. Another example of taxes which contributed to the high living cost and increased hardship on the population is the introduction of a tax on fruits of XAF 25 per Coro - Coro is the unit of measurement for goods in Chad. For instance, one Coro of salt = 4 kg of salt.
[106] The cost of a national ID card was increased from XAF 1,000 in 2015, to XAF 3,000 in 2016 and XAF 9,000 in 2017. A national ID card has 10-year validity, article 12 of the Law no.033/PR/2016 on the General State Budget for 2017.
[107] World Bank, Databank, World Development Indicators, Poverty headcount ratio at national poverty line (% of population) in 2011 – latest data available.
[108] Interviews between November 2017 and May 2018.
[109] According to interviews with government officials carried between November 2017 and March 2018 and the IMF report on the first review under the extended credit facility arrangement, request for a waiver of nonobservance of performance criteria, rephrasing of disbursements, and financing assurances review, 30 March 2018, other measures to reduce the wage bill include the elimination of ghost workers, civil servants that reached retirement age, and those that are under age; review and update of the payroll file with comprehensive information for each civil servant to ensure benefits and bonuses are only paid to eligible recipients; improvement of the budgeting and monitoring of the wage bill; and the implementation of the recommendations of the planned audit of diplomas of the civil service in 2018.
[110] Interview in N'Djamena, November 2017.
[111] Chad has ratified the International covenant on Economic, Social and Cultural Rights by way of accession in 1995, www.indicators.ohchr.org.
[112] CESCR, General Comment 14, para 30.
[113] CESCR General Comment 14, para 47.

whatsoever, justify its non-compliance with the core obligations […] which are non-derogable".[114] If Chad fails to meet these minimum core obligations because it does not have the resources, it must demonstrate that it has made every effort to use all available resources, as a matter of priority, to do so.[115] In situations where the state is unable to meet its minimum core obligations through the resources available to it, it should seek international cooperation and assistance. [116] Chad also has the obligation to avoid any deliberately retrogressive measures that may cause a deterioration in the enjoyment of a right, such as not providing free emergency health care (*discussed below in section 3.2*). To introduce such retrogressive measures, Chad has to justify why this was done by demonstrating that it has adopted the measure only after carefully considering all options, assessing the impact and fully using its maximum available resources.[117]

The realization of economic, social and cultural rights is progressive and international human rights laws recognize that it can be affected by a lack of resources, including during an economic crisis. [118] However, even in times of economic crisis, obligations regarding economic, social and cultural rights continue to apply. Human rights monitoring bodies have developed criteria for when austerity measures that have a retrogressive impact, can be considered consistent with economic, social and cultural rights obligations. They have noted that austerity measures should never violate the minimum core content of economic, social and cultural rights.[119] Such measures should be temporary and only remain in place only as long as they are necessary. Furthermore, as per the Guiding Principles on Foreign Debt and Human Rights, States should ensure that their rights and obligations arising from an external debt agreement or arrangement, particularly the obligation to repay external debt, do not undermine their minimum core obligations with respect to these rights.[120]

Chad is also required to prioritize the most marginalized and disadvantaged people in its allocation of resources and in all policies and programmes. This is particularly essential in the context of austerity, where sharp economic contractions can create new forms of disadvantage, and disproportionately impact groups that are already marginalized. The CESCR has stressed that in general states should put in place targeted programmes to assist those most in need so that their limited resources are used efficiently and effectively.[121] Furthermore, states must ensure that any austerity measures are not directly or indirectly discriminatory,[122] and that the rights of disadvantaged and marginalized individuals and groups are not disproportionately affected.[123]

In reaction to Chad's economic crisis, the authorities have taken several austerity measures involving structural changes in health care and drastic cuts in health and education sectors. Some of these measures have resulted in a retrogression in the enjoyment of the rights to health care and education, for example, and have failed to ensure the satisfaction of minimum essential levels of the rights, for example in the provision of some essential primary health care (*see section 3.3*), and are therefore inconsistent with the right to health.[124]

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[114] CESCR General Comment 14, para 47.
[115] UN Human Rights Council, Report of the Independent Expert on the effects of foreign debt, UN Doc. A/HRC/37/54, 20 December 2017, para 29.
[116] Article 2 (1), part II of the ICESCR.
[117] OHCHR, *Report on austerity measures,* 2013, para 18.
[118] CESCR General Comment 14, para 32.
[119] UHRC, '*Report of Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights*', A/HRC/37/54, 20 December 2017, para 28, www.un.org/en/ga/search/view_doc.asp?symbol=A/HRC/37/54 (hereinafter: UNHRC, Report of Independent Expert on the effects of foreign debt and other related international financial obligations of States).
[120] UNHRC, *Report of the Independent Experto n the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights*, April 2011, para 18.
[121] CESCR, General Comment 3, para12.
[122] OHCHR, report on austerity, para 19.
[123] OHCHR, report on austerity, para 29.
[124] CESCR, General Comment No. 14, para 43 and 44.

HUMAN RIGHTS COMPLIANCE CRITERIA FOR THE IMPOSITION OF AUSTERITY MEASURES

When austerity measures result in a retrogression of human rights, according to the OHCHR, the burden of proof shifts to the implementing state to provide justification for such measures. However, in the case of Chad, our research has revealed that the manner in which austerity measures were developed and implemented by the Chadian government are inconsistent the below eight compliance criteria, including criteria (f), (g) and (h).

For austerity measures to be consistent with economic and social rights obligations, states should demonstrate that they are (a) temporary and only cover the period of the economic crisis; (b) legitimate (for example when austerity measures result from a decrease in the state resources due to external factors), with the ultimate aim of protecting the totality of human rights; (c) necessary, in that they must be justifiable after the most careful consideration of all other less restrictive alternatives; (d) reasonable, in that the means chosen are the most suitable and capable of achieving the legitimate aim; (e) proportionate, in the sense that, the adoption of any other policy or failure to act would be more detrimental to the enjoyment of economic, social and cultural rights; (f) not discriminatory and can mitigate the inequalities that can emerge in times of crisis; and they ensure that the rights of disadvantaged and marginalized individuals and groups are not disproportionately affected; (g) protective of the minimum core content of economic, social and cultural rights; based on transparency and genuine participation of affected groups in examining the proposed measures and alternatives; (h)subject to meaningful review and accountability procedures. [125]

3.2 THE RIGHT TO HEALTH

> **"Over the last three years, the global economic crisis and the security priorities have negatively affected the share of the general state budget allocated to the Ministry of Public Health. [...] The choice of priorities that has been made for its use has not made it possible to substantially improve the health of women and children."[126]**
>
> Chad National Health Policy, 2016-2030.

The ICESCR guarantees "the right of everyone to the enjoyment of the highest attainable standard of physical and mental health"[127] and the African Charter on Human and People's Rights[128] in its Article 16 provides that "Every individual shall have the right to enjoy the best attainable state of physical and mental health. State Parties to the present Charter shall take the necessary measures to protect the health of their people and to ensure that they receive medical attention when they are sick".[129]

The right to health includes, amongst other things, access to timely and appropriate and affordable health care for everyone without discrimination. [130] Another key aspect is the participation of the population in all health-related decision-making at the community, national and international levels.[131]

[125] UNHRC, Report of the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights, A/HRC/37/54, 20 December 2017, www.un.org/en/ga/search/view_doc.asp?symbol=A/HRC/37/54.

[126] République du Tchad, Ministère de la Santé Publique, *Politique Nationale de Sante, 2016-2030*, page.24.

[127] Article 12 of the International Covenant on Economic, Social and Cultural Rights states 1. The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. 2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for: (a) The provision for the reduction of the stillbirth-rate and of infant mortality and for the healthy development of the child; (b) The improvement of all aspects of environmental and industrial hygiene; (c) The prevention, treatment and control of epidemic, endemic, occupational and other diseases; (d) The creation of conditions which would assure to all medical service and medical attention in the event of sickness, available from http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx.

[128] Chad has ratified the African Charter on Human and People's Rights in 1986, www.achpr.org/states/chad/ratifications/.

[129] ACHPR, African Charter on Human and Peoples' Rights, www.achpr.org/instruments/achpr/#a16.

[130] General Comment 14, para 12.

[131] General Comment 14, para 11.

MINIMUM CORE OBLIGATIONS UNDER THE RIGHT TO HEALTH

The CESCR[132] has underlined that states, with regard to the right to health, must amongst other things ensure the right of access to health facilities, goods and services on a non-discriminatory basis, especially for vulnerable or marginalized groups, and the provision of essential drugs. Similarly, the CESCR added the following minimum core obligations on sexual and reproductive health: The guarantee of universal and equitable access to affordable, acceptable and quality sexual and reproductive health services, goods and facilities, in particular for women and disadvantaged and marginalized groups; and the provision of medicines, equipment and technologies essential to sexual and reproductive health, including based on the WHO Essential Medicines List.[133]

According to the ACHPR[134] the minimum core obligations of the right to health include at least the following: Ensure the right of access to health facilities, goods and services on a non-discriminatory basis, especially for vulnerable or marginalized groups; and ensure the provision of essential drugs to all those who need them, as periodically defined under the WHO Action Programme on Essential Drugs, and particularly anti-retroviral drugs.

ORGANIZATION OF THE CHADIAN HEALTH SYSTEM

The health system in Chad is organized in a pyramidal structure with three levels of responsibility:

- At the central level and at the top of the pyramid is the Ministry of Public health, responsible for the formulation of national health policies including the design of the sectoral policy, the strategic planning, the coordination of the activities of collection, compilation of data and their analysis, the mobilization and allocation of resources, as well as monitoring and evaluation.[135]
- At the intermediary level are 23 regional health delegations each headed by a regional delegate who coordinates and implements the strategy at the regional level and manages the health personnel. Regional health delegations oversee districts within their responsibility zones and they are in charge of strategies as well as the coordination of sanitary activities (water and sewage) and support to the health districts.[136]
- At the peripheral level which has two levels of responsibility, are 107 functioning sanitary districts each headed by a chief doctor and within them, over 1,334 functioning responsibility zones.[137] Each sanitary district is composed at the minimum of a district hospital and an average network of 10 health centres. Sanitary districts oversee health centres within their responsibility zones and are responsible for the implementation of the strategies that have been designed at the central level. A responsibility zone is composed at the minimum of a health centre which covers an average of 10,000 people.[138]

Health centres provide a minimum package of services including curative health care services (primary care including consultations for adults and children, normal childbirth, the management of chronic diseases such as tuberculosis, leprosy, malnutrition), preventive health care services (prenatal consultation, precautionary consultation for children under 5, the Family Well-Being, vaccination of children, pregnant women and women of childbearing age and the Complementary Activities Package system), and health promotion programmes (health information to the population, education and communication).

Heath districts and regional hospitals provide complementary services including consultation, emergency care, complicated births, hospitalization, surgery, medical imaging (radiology, ultrasound), laboratory, and some specialized care.

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132 OHCHR, the right to health, Factsheet no.31, p.25.

133 CESCR, General Comment No. 22, para 49, www.tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=E/C.12/GC/22&Lang=en.

134 African Commission on Human and Peoples' Rights, Principles and guidelines on the implementation of economic, social and cultural rights in the African Charter on human and People's rights, para 67, www.achpr.org/files/instruments/economic-social-cultural/achpr_instr_guide_draft_esc_rights_eng.pdf.

135 Ministère de la Sante Publique, Annuaire des statistiques sanitaires, Tome A, 29eme édition, 2015.

136 Ministère de la Sante Publique, Annuaire des statistiques sanitaires, Tome A, 29eme édition, 2015.

137 According to the Ministry of Public Health in the *Annuaire des statistiques sanitaires,* Tome A, 29eme édition, 2015, there were 23 regional health delegations, 138 sanitary districts of which 107 functioning and 31 non-functioning, 1,652 responsability areas (or health centres) of which 1,334 functioning and 318 non-functioning; which represents a theoretical health coverage of 80.75%.

138 Ministère de la Sante Publique, Annuaire des statistiques sanitaires, Tome A, 29eme édition, 2015.

Since 2006, Chad's budget in the public health sector is decentralized. This means that the government has transferred budget management to regional health delegates or district chief doctors who are responsible for managing these financial resources and for redistributing purchased materials and medications for health facilities under their jurisdiction.[139]

In 2015, Chad had a total of 9,146 health workers or an average of one doctor for 19,641 people, a pharmacist for 173,039 people and a nurse for 3,837 people.[140] This means that there were only two trained health workers (doctors, nurses, or midwives) for every 10,000 people which is significantly below the WHO standard of 23 health workers for every 10,000 people. Chad has three medicine training faculties.[141]

AUSTERITY MEASURES IN THE HEALTH SECTOR

REDUCTIONS IN PUBLIC HEALTH BUDGET

> **"Resources are rare. The resources allocated to different health structures were reduced by two thirds in 2017. It is difficult to implement activities on the ground."**
>
> Senior official, Sarh Regional Sanitary Delegation.[142]

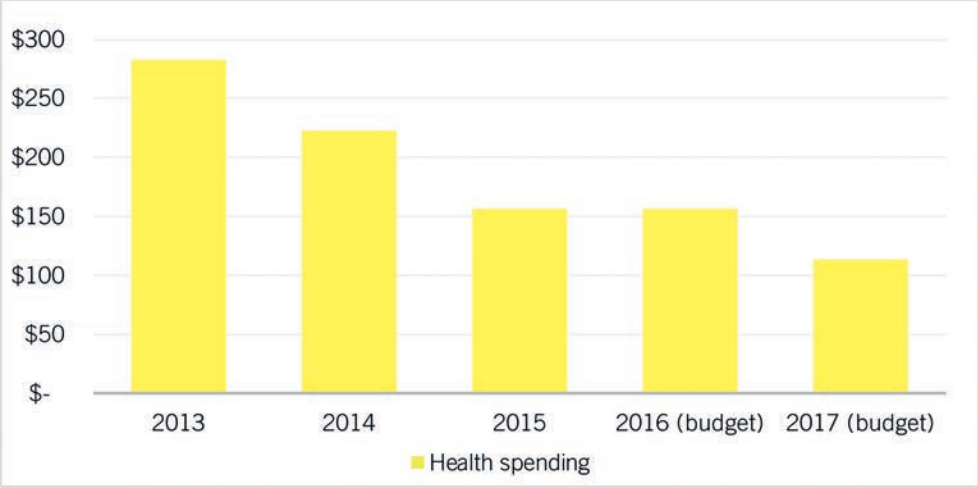
Even before the advent of the recent economic crisis, access to basic care was a major challenge to most people including due to the historically low financial support of the Chadian public health sector despite the country's regional commitments. In 2001, for instance, Chad signed the Abuja Declaration which committed the government to a minimum target of allocating 15% of its annual budget to the improvement of the health sector. In 2013, health spending reached 9.14% of the total budget - its highest level since 2005 (10.36%) - before falling to 6.45% in 2017. According to the World Health Organization, the low contribution of the Chadian government to the health sector "severely limits the supply of care and does not contribute to improving the health status of populations significantly".[143]

Other challenges to accessing health care include insufficient quality and quantity of health workers,[144] insufficient equipment and infrastructure, low organizational capacity,[145] geographical limitations and lack of ambulances. To access care, for instance, patients have to travel an average of 14.4 kilometres.[146] According to UNICEF, other key factors impeding the fulfilment of the basic rights including health of children and women in Chad include protracted geopolitical instability, fragile security, widespread poverty, top-down and multifaceted inequality, insufficient social infrastructure and resources, weak institutional capacities, poor governance and the absence of institutional protection mechanisms for the vulnerable and marginalized parts of the population.[147]

The recent economic crisis and the government's response of drastic austerity measures have further exacerbated issues emanating from historical under-investment in the health sector and barriers to accessing health care mentioned above, undermining the right to health in Chad especially for people who are economically vulnerable. For instance, the public health budget was further reduced, categories of emergencies covered by the free emergency health care program was cut from 45 to five, shortages of essential drugs became recurrent and financial burdens of health related costs increased.

139 Interviews from November 2017 and May 2018, various public documents from the Ministry of Public Health including 'Annuaire des statistiques sanitaires', Tome A, 29eme edition, 2015, and 'Health budget decentralization and health outcomes in Chad' by Douzounet Mallaye and Yogo Urbain Thierry.
140 Ministère de la Sante Publique, Annuaire des statistiques sanitaires, Tome A, 29eme édition, 2015.
141 Chadian National Health Policy, 2016-2030.
142 Interviews with staff from Sarh Regional Sanitary Delegation, Sarh, November 2017.
143 WHO, *Stratégie de coopération de l'OMS avec les pays 2008-2013*, Tchad, p.9, apps.who.int/iris/bitstream/handle/10665/136967/ccs_tcd.pdf;jsessionid=DA3968311B81330DA02F368ADE8BE30A?sequence=1.
144 WHO, Country profile, www.who.int/workforcealliance/countries/tcd/en/.
145 Ministère de la Sante Publique, *Annuaire des statistiques sanitaires*, Tome A, 29eme édition, 2015.
146 Jacquineau Azetsop and Michael Ochieng, *The right to health, health systems development and public health policy challenges in Chad*, www.ncbi.nlm.nih.gov/pmc/articles/PMC4336701/.
147 UNICEF, *Chad Country programme document 2012-2016*, para 10.

Graph 1: Chad public health spending, in millions of US$:[148]



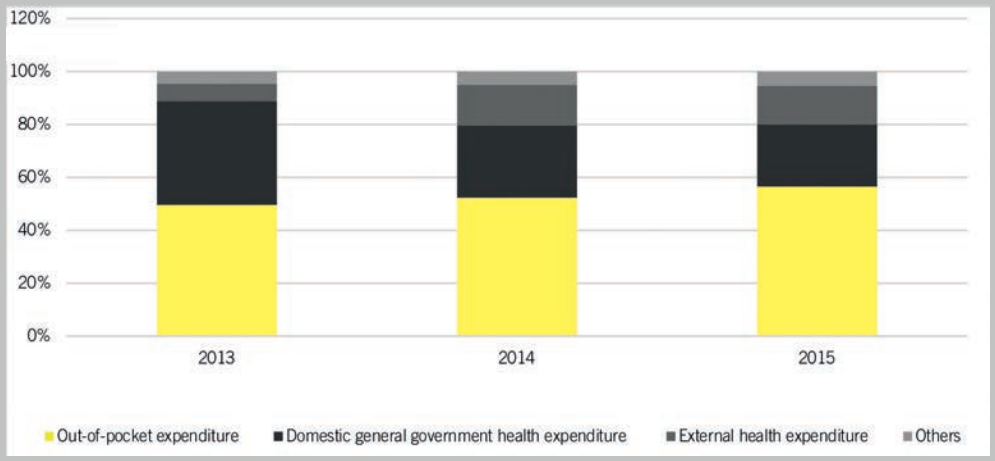
FINANCING OF THE CHADIAN HEALTH SECTOR

The Chadian health sector is financed by a mix of funding from development partners (donors, international organizations, and non-governmental organizations), fees paid by patients (out-of-pocket payments), budgetary allocations made by the state and others. Here are the details:

- Fees paid by patients known as out-of-pocket payments[149] represent the main source of financing for healthcare in Chad,[150] 56.37% of total health spending in 2015.[151]
- Budgetary allocations made by the Chadian state or domestic general government health expenditure[152] decreased from 39.14% in 2013 to 23.46% of current health expenditure.
- External health expenditure[153] encompassed all funding to the Chadian health sector from external sources channelled either through the government or through non-governmental organizations or other mechanisms. Key external contributors include UN agencies (UNFPA, UNICEF, WHO and UNDP), the World Bank, the EU mainly through the European Development Fund (EDF), and the Agence Francaise de Development (AfD).
- Other financing sources include health insurance and health mutual programme which are used by a small proportion of the population. Health insurance in 2011 (latest data available) was used by 2.5% of people in Chad[154] while health mutual, more common in the southern regions is still in its experimental phase.[155]

[148] Data from a response of the Ministry of Public Health to a right of reply letter sent by Amnesty International in April 2018.
149 World Bank database, Out-of-Pocket expenditure is Out-of-pocket payments are spending on health directly out-of-pocket by households.
[150] Fabienne N. Jaeger, Mahamat Bechir, Moumini Harouna , Daugla D. Moto and Jürg Utzinger, Challenges and opportunities for healthcare workers in a rural district of Chad, 2018, (hereinafter: Fabienne N. Jaeger, Mahamat Bechir, Moumini Harouna , Daugla D. Moto and Jürg Utzinger, Challenges and opportunities for healthcare workers in a rural district of Chad), bmchealthservres.biomedcentral.com/track/pdf/10.1186/s12913-017-2799-6?site=bmchealthservres.biomedcentral.com.
[151] World Bank database
[152] According to the World Bank Database, Domestic general government health expenditure is the share of current health expenditures funded from domestic public sources for health. Domestic public sources include domestic revenue as internal transfers and grants, transfers, subsidies to voluntary health insurance beneficiaries, non-profit institutions serving households (NPISH) or enterprise financing schemes as well as compulsory prepayment and social health insurance contributions. They do not include external resources spent by governments on health.
[153] According to the World Bank Database, External health expenditure is the Share of current health expenditures funded from external sources. External sources compose of direct foreign transfers and foreign transfers distributed by government encompassing all financial inflows into the national health system from outside the country. External sources either flow through the government scheme or are channeled through non-governmental organizations or other schemes.
[154] World Bank database.
[155] Fabienne N. Jaeger, Mahamat Bechir, Moumini Harouna , Daugla D. Moto and Jürg Utzinger, Challenges and opportunities for healthcare workers in a rural district of Chad,

Graph 2: Funding sources of the Chadian health sector in % of health spending:[156]



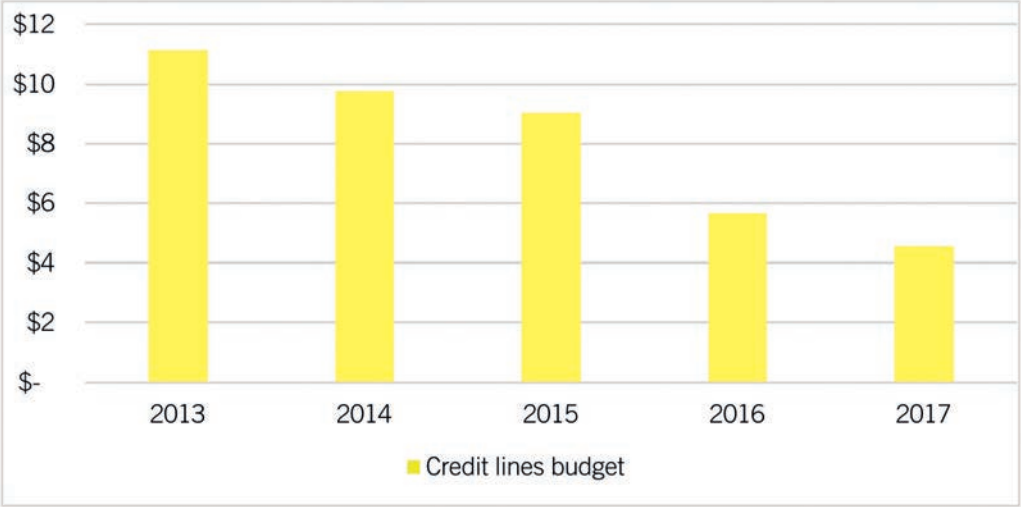
The Chadian government and its partners, as part of disease control strategies, have developed 19 national health programmes. Eight of these programs are solely financed by the Chadian state while the remaining 11 are financed by both the government and external partners, with varying levels of the Chadian state contributions.

With the advent of the economic crisis, funding was slashed and the health budget in 2017 was cut to half the level of 2013, a reduction of XAF 60 billion (US$ 112 million),[157] more than the overall cut to the state budget which was 40% from 2014 to 2017.[158] The budget and spending cuts applied across the board and affected all key budget lines including investments (equipment, infrastructure and rehabilitation of existing infrastructure), current transfers (subsidies to the national reference hospital and regional hospitals), material assets and services (in form of credit lines to regional health delegation[159] and central level) and health workers' salaries. Subsidies and credit lines, the two key financial supports from the Ministry of Public Health to regional hospitals and health districts, were also reduced.

For example, the annual budget for credits to regional health delegations was cut by XAF 3.5 billion (US$ 6.5 million) between 2013 and 2017 (*see graph 3*), a reduction of more than 40%. This budget is used by regional health delegations to provide health centres and district hospitals with fuel for refrigerators, generators and ambulances, disinfectant (bleach, soap, etc.), gloves, compresses, normal delivery kits,[160] food for patients admitted and other office equipment.[161]

156 World Bank database.
[157] Data from the Ministry of Public Health.
[158] Chadian finance laws.
[159] Regional health delegation, *Delegation sanitaire regionale* in French, is the government body that implements the national public health strategy at the region level. Regional health delegations usually cover a district hospital and 10 health centres.
[160] Theoretically, gloves, compresses, delivery kits come from the free emergency healthcare programme but this has stopped since 2015 for most regions.
[161] The funding and functioning of health districts are very important as they provide a complementary activities package to the minimum activities package offered by health centres. District hospitals are the ones empowered to treat complicated cases referred by health centers in the provinces (*see box on the organization of the Chadian public health system*).

Graph 3: Credit lines allocated to regional health delegations, in millions of US$:[162]



IMPACT OF THE AUSTERITY MEASURES ON ACCESS TO HEALTH CARE

REDUCED ACCESS TO EMERGENCY HEALTH CARE

The free emergency healthcare programme, initially solely-funded by the Chadian government, was introduced through a series of measures by the Head of state between 2006 and 2010. According to President Déby, the programme was introduced to reduce deaths in general, and maternal and child mortality in particular. Under the policy, 100% of the cost of emergency care in hospitals, including childbirth and emergency obstetric and neonatal care, would be met by the government. In 2013, the policy was extended to health centres, targeting pregnant women and children under 5 years old.[163] Under the programme, health facilities received free medical supplies (drugs and material) for over 40 targeted medical emergencies. Health workers, in turn, use them to treat patients covered under the program.[164]

The free emergency healthcare programme was a commendable effort made by Chadian authorities to ensure the satisfaction of the right to health of economically vulnerable persons, including by ensuring access to essential drugs and reproductive, maternal and child health care in emergencies, which are both minimum core obligations under the right to health. Under the programme, patients had access to a wide range of health care and drugs including free antimalarial drugs, infant vaccines, preventive and curative health care in health centres, as well as emergency care in hospitals and health care for people living with HIV / AIDS.

The programme has suffered from flaws in its implementation including late delivery and inadequate quantities of drugs and medical products and the delivery of unnecessary drugs and medical products to some health facilities.[165] WHO and AfD, following an assessment of the free emergency healthcare programme conducted between 2007 and 2010, added that no measures were put in place to limit the negative effects of the programme on the already underfunded health facilities especially health centres which largely depend on drugs sales to renew their drugs stocks - that are not part of the free emergency healthcare nor the 19 national wide health programmes, pay their staff under contract and bonuses to health workers.[166] The two organizations had then recommended that the authorities "reduce the number of [free] benefits to four [at the level of hospitals]: deliveries, trauma, malaria, and acute respiratory infections that cover three quarters of the demand for free care. These benefits could also be extended to rural health centres which, for the time being, are being left behind. This will make the measure more manageable, more

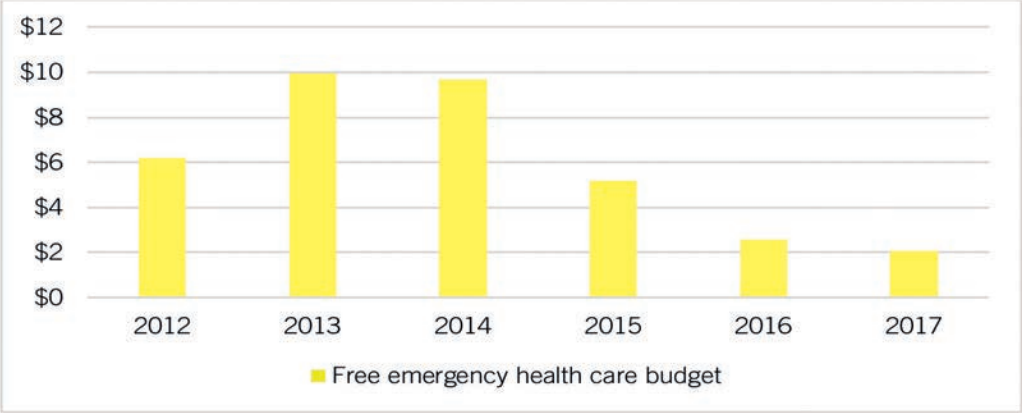
[162] Data from the Ministry of Public Health.
[163] Ministry of Public Health, *Document de consensus national sur la gratuité des soins d'urgence en milieu hospitalier*, August 2010.
[164] Statement of the President of the Republic of Chad, 27 April 2012, www.presidence.td/fr-news-228.html.
[165] Interviews with health workers and officials from the Ministry of Public Health, N'Djamena, between November 2017 and May 2018.
[166] AfD and Association Tchadienne pour le Bien-Être Familial, *La santé des femmes au Tchad, entre urgence et développement Échanges entre acteurs et initiatives pour améliorer la santé de la reproduction*, 2013, (Hereinafter: AfD and Association Tchadienne pour le Bien-Être Familial, *La santé des femmes au Tchad, entre urgence et développement Échanges entre acteurs et initiatives pour améliorer la santé de la reproduction*), www.afd.fr/sites/afd/files/2018-02-11-09-02/savoirs-communs-15.pdf.

equitable and fully in line with the Millennium Development Goals." [167]

Despite these challenges faced by the free emergency healthcare programme, health workers told Amnesty International delegates that it contributed to improve access to health care and reduce the financial burden on patients and their families. [168] The Agence francaise de Developpement (AfD), one of the main donors to the Chadian public health sector said that the programme has facilitated financial affordability of health care for the populations.[169]

As a result of the economic crisis, the budget allocated to the free emergency healthcare programme was progressively cut from XAF 5.3 billion (US$ 6.20 million) in 2013 to XAF 1.1 billion (US$ 2.06 million) in 2017 (*see graph4*). Several health workers interviewed by Amnesty International said they had not received any drugs or materials under the free emergency healthcare programme since 2015.

Graph 4: Free emergency healthcare budget, in millions of US$:[170]



In August 2017, a Ministerial Ordinance No. 345 reduced the categories of emergencies covered under the free emergency healthcare programme from 45 to five,[171] leaving coverage just for childbirth including health care related to pregnant woman and children up to 5 years old, snake and scorpion bites and fistulas.[172] Examples of types of emergencies no longer covered include malaria (except for pregnant women and children up to five years old), emergencies such as trauma including accidents, and meningitis. This measure is intended to be permanent, with an expert from the Ministry of Public Health who implemented the free emergency healthcare programme telling Amnesty International that the changes were not just about responding to the economic crisis, but were a response to flaws identified in the implementation of the programme that he claimed would improve the general efficiency of the health system in the long-term.[173] He added that initially the free emergency health care programme benefitted the entire population including non-vulnerable categories, which had according to him, an impact on the programme's performance in efficiently targeting and supporting vulnerable categories. However, while reducing the categories of emergencies covered under the free emergency healthcare programme, the authorities did not put in place any targeted emergency healthcare programme covering categories of emergencies removed through the Ministerial Ordinance No. 345 for vulnerable populations. The reform applied to everyone.

[167] AfD and Association Tchadienne pour le Bien-Être Familial, *La santé des femmes au Tchad, entre urgence et développement Échanges entre acteurs et initiatives pour améliorer la santé de la reproduction*, 2013, (Hereinafter: AfD and Association Tchadienne pour le Bien-Être Familial, *La santé des femmes au Tchad, entre urgence et développement Échanges entre acteurs et initiatives pour améliorer la santé de la reproduction*), www.afd.fr/sites/afd/files/2018-02-11-09-02/savoirs-communs-15.pdf.
[168] Interviews, November 2017.
[169] AfD and Association Tchadienne pour le Bien-Être Familial, *La santé des femmes au Tchad, entre urgence et développement Échanges entre acteurs et initiatives pour améliorer la santé de la reproduction.*
[170] Data from the Ministry of Public Health.
[171] Ministry of Public Health, *Document de consensus national sur la gratuité des soins d'urgence en milieu hospitalier*, August 2010.
[172] Arrêté numéro 345/PR/PM/MSP/SG/DGAS/DOSS/2017 portant recadrage du paquet de gratuité des soins au Tchad, 30 August 2017.
[173] Interview with Dr. Garba, N'Djamena, November 2017.

45 categories of emergencies were covered under the free emergency healthcare programme before it was reduced to five categories.
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"Free emergency healthcare is the only humanitarian act offered by the state to the population. But since 2015, the population do not receive the free healthcare coverage."

Senior official from the Doba regional health delegation.[174]

The free emergency health care pharmacy is closed in a health center, as they have not received any drugs under the program since 2015, Moundou.
©Amnesty International

Senior officials from the Ministry of Public Health told Amnesty International that in 2019, the state will put in place a health coverage "targeting poor people who according to the Ministry of Public Health, represent at least 3 million people in Chad". According to them, the health coverage will be funded including through a tax levy of 1% on the already existing tax of 18% on alcohol and tobacco.[175] Until then, besides the limited free emergency health care programme, no specific programme has been created to specifically target people who are economically vulnerable, including those funded by donors (*see the box financing of the Chadian health sector).*

[174] Interview with a senior official from the Doba regional health delegation, Doba, November 2017.
[175] Interviews with senior officials from the Ministry of Public Health, N'Djamena, May 2018.

Because the free healthcare programme was reduced, patients have had to pay for all or some of the costs related to certain procedures including those that were in principle totally covered by the programme. This can result in serious financial burdens and distress since costs of health care can be high. Patients interviewed by Amnesty International said that they are increasingly unable to afford costs related to health care and they have to think several times before accessing even urgent, emergency health care because of costs. For example, a village chief in Massaguet said "Last night, a woman from my village went into labour. Villagers rented a vehicle at XAF 5,000 (US$ 9.4) and took her to the health centre. It was around 10 pm. We paid XAF 1,000 (US$ 1.8) for a medical booklet and consultation fees.[176] A mid-wife and nurse checked her out and told us they can't carry out the delivery because there was no clean water in the health centre. She had to be transferred to the Massaguet district hospital. The midwife looked for an ambulance to take us to the regional hospital but she was told no driver was available. So I looked for a vehicle and paid XAF 5,000 (US$ 9.4). Health workers at the hospital put her on drip. The first drip was free but we had to pay for the second, as well as other drugs. I paid XAF 25,000 (US$ 29.5). Health care is expensive. She finally gave birth to a baby boy. Her new-born was immunized for free but the doctor gave her a prescription for both her child and herself. Before, she would have gotten some of the drugs for free."[177] They have spent in total XAF 36,000 (US$ 67.68) to access and get basic maternal health care which represents more than half the monthly minimum wage in Chad that is XAF 60,000 (US$ 112.8).[178]

Both health workers and beneficiaries of the programme told Amnesty International that they were not consulted on the consequences of the cuts and that no measures to alleviate the impact of the cuts on the most vulnerable were implemented, contrary to UN austerity guidelines (*see section 3.1*). Health workers also said that the government failed to raise awareness about the reduction of diseases covered by the free emergency healthcare programme which puts health workers in a difficult situation when patients seek treatment. As a result, several people believe that they are still entitled to a range of free emergency health care which they no longer are, due to the change in regulations. A doctor said, "Patients become aggressive. They do not understand and they do not believe us."[179]

ALAIN[180] WAS FORCED TO SPEND ONE-THIRD OF THE MONTHLY MINIMUM WAGE IN CHAD FOR HIS BABY'S BIRTH WHICH WOULD NORMALLY BE COVERED BY THE FREE EMERGENCY HEALTH CARE 4

Because health facilities did not receive free drugs and materials as part of the free emergency healthcare programme, patients in Chad, sometimes, are forced to pay for essential services that should be free, even under the reduced free emergency healthcare programme. For example, Alain told Amnesty International how his pregnant wife did not benefit from the free emergency healthcare programme, despite being entitled to it.

"On 18 October 2017 around 11am, my pregnant wife went into labor and was rushed to the emergency room at the nearest hospital, Hôpital de l'Union also known as l'Hôpital Américain, in N'Djamena. I was called to come and pay for tests and a prescription before she was attended to. That day I spent XAF 6,500 (US$ 12.2) for the tests and XAF 9,450 (US$ 17.7) for a first prescription. I was also asked by the midwives to buy three boxes of gloves from a private pharmacy as they did not have any at the hospital. The boxes of gloves costed me around XAF 1,500 (US$ 2.80). I was also asked to buy a plastic sheet for the delivery bed which costed me XAF 1,500 (US$ 2.80). There was no such thing as free emergency healthcare. We paid for everything. They did not give us anything free other than the vaccines for my new-born. Before, we would have gotten these things for free. Now, we have to pay for them. I also had to give XAF 3,000 (US$5.6) to the midwives because they told me they helped my wife deliver and both my wife and baby are well." [181]

Alain spent XAF 21,950 (US$ 41.26) for health care that should have been covered under the free emergency health care. This represents a third of the monthly minimum wage in Chad that is XAF 60,000 (US$ 112.8).[182]

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[176] In Chad, pregnant women are requested during the first check-up to purchase a booklet is which all information and updates related to the pregnancy, birth and parenting are recorded. The booklet is also used to record and follow-up on key vaccines from 0 to 5 years old. In some cases, the booklet also provides advice on how to take care of a baby.
[177] Interviews, Massaguet, November 2017.
[178] ILO, Rapport intérimaire, Rapport no.372, June 2014, (hereinafter: ILO, Rapport intérimaire, June 2014), www.ilo.org/dyn/normlex/fr/f?p=NORMLEXPUB:50002:0::NO::P50002_COMPLAINT_TEXT_ID:3173662.
[179] Interviews, Doba, November 2017.
180 Not his real name.
181 Interview, N'Djamena, November 2017.
182 ILO, Rapport intérimaire, June 2014.

A month later, on 10 November, Alain's newborn baby had a high fever at night. They took him to the emergency room at the same hospital. They were asked to pay XAF 1,100 (US$ 2) for a medical booklet and consultation fees. Alain said "Only then was my baby examined. After that, we were given a prescription which cost me about XAF 8,500 (US$ 15.98)."[183]

REDUCED AVAILABILITY OF ESSENTIAL DRUGS AND MEDICAL PRODUCTS

> **"There is nothing even medical products and equipment. [...] The state is strangled. But unfortunately the burden falls on hospitals and patients. "**
>
> A doctor.[184]

Access to medicines is an integral component of the right to health[185] and the provision of essential drugs is a minimum core obligation for all states irrespective of their resources.[186] In addition, the ACHPR also recognizes "that access to needed medicines is a fundamental component of the right to health and that states parties to the African Charter have an obligation to provide where appropriate needed medicines, or facilitate access to them".[187] Yet, Chad has failed to ensure that essential drugs are regularly available in public health facilities.

Even before the economic crisis, access to essential medicines in Chad was limited due to, among other things, regular shortages at the national level, logistical issues to distribute drugs and other essential medical products from the capital to regions and inadequate financing to health facilities who depend mainly on fees paid by patients including drug sales.

THE CHADIAN PUBLIC PHARMACEUTICAL SECTOR

The public pharmaceutical sector in Chad is supplied by the Central Pharmaceutical Procurement Agency (Centrale Pharmaceutique d'Achats, CPA), created in 1994 to improve the availability of drugs in the health facilities.
The CPA ensures proper coordination and better management of the supply of essential medicines (mainly generic) in the public sector and through the Regional Purchasing Pharmacy system in regions. The CPA was conceived as an autonomous entity which needed to be self-sustainable including through fees paid by patients for drugs. The CPA has a monopoly over drugs and medical products distributed by its regional branches known as regional Purchasing Procurement Agency (Pharmacie Regionale d'Approvisionnement, PRA) and sold to the public and non-profit health facilities. The drugs sector is regulated by the government and markup rates at each level of the supply chain are determined at the central level by the Ministry of Public Health.[188]

The economic crisis and subsequent austerity measures imposed by the authorities have further reduced this access (*see section on the free emergency healthcare programme*).[189] In November 2017, Amnesty International delegates visited 32 health centres across eight regions, and documented the lack of essential medicines, including those on the 19th WHO Model List of Essential Medicines needs for a basic health-care system.[190] For example, many health centres did not have paracetamol,[191] quinine,[192] sulfadoxine and pyrimethamine,[193] antianaemia medicines, intestinal anthelminthics such as mebendazole, antiseptics such as povidine iodine, and disinfectants including alcohol, which are all on the WHO list of minimum medicine.[194]

[183] Interview, N'Djamena, November 2017.
[184] Interview, Regional hospital, Sarh, November 2017. Medical consumables and equipment includes syringes, needles, sutures, staples, packaging, tubing, catheters, medical gloves, gowns, masks, adhesives and sealants.
[185] Article 12, ICESCR and UN Human Rights council, *Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Anand Grover, on access to medicines*, para 3, www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A-HRC-23-42_en.pdf.
[186] OHCHR, the right to health, Factsheet no.31, p. 25.
[187] ACHPR, *141: Resolution on Access to Health and Needed Medicines in Africa*, 24 November 2008, www.achpr.org/sessions/44th/resolutions/141/.
[188] World Bank, Leakage of Public Resources in the Health Sector: An Empirical Investigation of Chad, Policy Research Working Paper 4351, September 2007.
[189] Ministry of Public Health, *Chadian National Health Policy, 2016-2030*, according to an evaluation of the health sector between 2007 and 2015, and undertaken by the Ministry of Public Health "*shortages of medical supplies in health facilities have been frequent and occasioned dysfunction and underutilization. And cash-flow difficulties at the CPA led to pharmaceutical shortages accented by a lack of local drug production have led to a dysfunctional pharmaceutical sector.*"
[190] WHO, 19th WHO Model List of Essential Medicines, April 2015, (hereinafter: WHO, List of Essential Medicines, 2015), www.who.int/medicines/publications/essentialmedicines/EML2015_8-May-15.pdf.
[191] Non-opioids and non-steroidal anti-inflammatory medicines and for the treatment of acute attack.
[192] For use only in the management of severe malaria and in combination with doxycycline.
[193] For use in the treatment of malaria and in combination with artesunate 50mg.
[194] WHO, List of Essential Medicines, 2015.

Health workers told Amnesty International delegates that there have been further shortages since 2015 because health facilities in Chad make negative profit margins since the economic crisis started in 2015. This makes it unaffordable for health facilities to face different charges including the renewal of drug stocks. The Chadian Ministry of Public Health reported in 2015, a decline revenue generated by health facilities from fees paid by patients including due to the low level of household income and increased cost of living coupled with the relatively high cost of health.[195] As a result, health facilities face further challenges to pay salaries for contractors, bills, renewal of drug stocks, etc., especially because state subsidies and transfers were cut.[196]

These shortages were further aggravated by reductions and shortages of drugs from the free health care emergency programme. All health workers from public health facilities visited by Amnesty International said they have not received drugs from the free emergency health care program since 2015.[197]

Officials from public regional pharmaceutical suppliers interviewed by Amnesty International confirmed that they face recurrent shortages as they depend on the Central Pharmaceutical Procurement Agency (*Centrale Pharmaceutique d'Achats*, CPA) which itself lacks several essential drugs and basic equipment. Officials from the Moundou Regional Purchasing Procurement Agency (*Pharmacie Régionale d'Approvisionnement*, PRA) – a branch of the CPA - explained that there is a supply chain of responsibility that goes beyond them because the suppliers have refused to deliver additional drugs unless the CPA makes a payment of at least 50% of its debts. The state debts to pharmaceutical suppliers amounted to between XAF 10 and 15 billion.[198] This information was later confirmed by officials from the Ministry of Public Health who added that they are currently trying to make all payments and avoid additional debts.[199]

An official from the Sarh PRA confirmed that they face the same situation and told Amnesty International: "In the past, regional hospitals used to receive a subsidy from the state, but since 2015 they stopped receiving it. So, they have to pay for drugs for their pharmacy with the resources from fees paid by patients. Even if they fail to pay, because most of their resources from fees paid by patients go to the payment of their contractors, we cannot refuse to give drugs and equipment. Because of this situation, in the long run, in two to three years, we will not talk about PRA anymore".[200] Further, the European Commission said that the bankruptcy of the CPA coupled with health workers strike [including against non-payment of salaries and austerity measures] have contributed to paralyzing the public health sector since 2016.[201]

INCREASED FINANCIAL BURDEN AS A DETERRENT TO ACCESSING HEALTHCARE

> **"We have a functioning pharmacy [in the health centre]. But because of the economic crisis, […] the poor go to the tchoukou (street vendor) or traditional doctor. Hospitals risk being abandoned. "**
>
> A doctor.[202]

In the years prior to the economic crisis, investments in health programmes had gradually reduced the proportion of health costs paid by patients, known as 'out-of-pocket expenditure', from 68.81% of total health expenditure in 2008 to 49.73% in 2013.[203] However, in 2014 and 2015- which are the latest data available- out–of-pocket expenditure increased respectively to 52.32% and 56.37% including due to the public health budget cuts, and regular generic drug shortages.[204] This has particularly impacted people who are economically vulnerable. In interviews, patients told Amnesty International that due to the high costs, they prefer to self-medicate and go to a health facility only when their health condition deteriorates significantly. Most health workers interviewed by Amnesty International stated that this trend has continued till 2017 with patients increasingly struggling to pay for increased health costs.[205] One doctor in a specialized maternity hospital in N'Djamena, told Amnesty International how they have seen a sharp drop in patients visiting the centre: "There is a decline of around 30% in the attendance rate probably due to the economic crisis and austerity. Patients wait until there is in an emergency situation before coming. Even when a C-section is planned they wait till they have contractions."

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[195] Latest data available.
[196] According to Ordinance no.375, health structure should reinvest 75% of the revenues generated from the fees paid by patients to renew their drug stocks. Ministère de la Sante Publique, 'Annuaire des statistiques sanitaires', Tome A, 29eme édition, 2015.
[197] Interviews, Chad, between November 2017 and May 2018.
[198] Interviews with staff from the PRA, Moundou, November 2017.
[199] Interviews with senior officials from the Ministry of Public Health, N'Djamena, May 2018.
[200] Interviews with staff from the PRA, Sarh, November 2017.
[201] European Commission, Country Profile on Nutrition, Chad, July 2017, ec.europa.eu/europeaid/sites/devco/files/2017_country_profile_on_nutrition_-_chad.pdf.
[202] Interviews with health workers from the regional hospital, Doba, November 2017.
[203] World Bank database.
[204] World Bank database.
[205] Interviews with health workers, Chad, Massaguet, November 2017.

"It has been different since the advent of the economic crisis. Many more patients do not have financial means. Often, when you give a prescription, they cannot afford it. Some patients cannot go for check-ups or tests. They say they have no money and ask us to give them a painkiller and they say that if they get money, they will purchase the prescribed drugs. "

A doctor.[206]

A senior manager of the regional hospital of Doba said that they are experiencing a "decrease in the attendance levels as patients do not have money to pay for drugs and wait until the last minute"[207], while another added that since two years, he has noticed that patients are less and less able to pay for consultations and prescriptions.[208] A doctor from the National Reference Hospital (*Hopital National de Reference)* in N'Djamena said "Statistics do not reflect reality.[209] A tiny number of patients go to the hospital. The poor stay at home and only go to the hospital when it is too late", when their life is in danger, before adding "the poor are poorer and they can't access paid health care and drugs."

In November 2017, Amnesty International delegates visited a health center in Bébédja where several pregnant women were waiting for a check-up. Delegates took the opportunity to organize a focus group with 12 pregnant women aged between 16 and 36-years old who agreed to be part of the group. The women told Amnesty International delegates that they all walked from villages as far as 15km (Nara) from the health center. They were all around five to six months pregnant and all except one were at their first pre-natal check-up. When asked why they waited so long, they all said that they did not have the money for the medical tests and medicines.

One 29-year-old woman who was five months pregnant and lives 12 km away from the health centre told Amnesty International: "I did not come before because I did not have the money for the health tests, nor money to buy iron tablets or purchase the booklet.[210] What made me come today is that I have not been able to sleep for days." The nurse accompanying them said none of the women had done the minimum medical tests required for pregnant women (for example blood group, hepatitis and hemoglobin), because they can't afford them. They had only received free malaria and HIV tests, co-funded by the Chadian government and the Global Fund.

Health workers and patients interviewed by Amnesty International stressed that more people are increasingly unable to pay for their medical fees and medicines due to the economic crisis and austerity measures.[211] They said that in some cases, health centres provide treatments and ask patients to pay once they have the money – which they rarely do - while in most cases, patients seek the support of their families and friends to pay for the medicines and materials needed, something that is becoming increasingly difficult with the economic crisis. As a result, health workers said that patients stay at home in a growing number of cases to avoid costs related to health care, and often access health care at a much later stage than they should which complicates their health condition. There is also a risk that if the economic crisis worsens, the burden on families will increase and families will have more and more difficulty supporting patients.

"When you tell people who are ill to go to the hospital, some of them do not want to because of the cost of health care"

A nurse.[212]

In some cases, health facilities are trying to provide free drugs to patients who cannot purchase them, placing health workers and the managers of these facilities under considerable financial strain. A mid-wife told Amnesty International: "Patients have to pay for their own drugs now. But some do not have the financial means to do so. As our health centre was built by the community, we try to support them. We give them drugs on loans but afterwards, they do not reimburse the health centre. It's not sustainable. But when there are sick people, especially children, in front of you, what are you supposed to do? We are left with no choice, mothers and pregnant women are suffering."[213]

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[206] Interview with a doctor from a health center, November 2017.
[207] Interview, Doba, November 2017.
[208] Interview, Doba, November 2017.
[209] According to most health workers interviewed by Amnesty International, official statistics are likely to underrepresent reality.
[210] In Chad, pregnant women are requested during the first check-up to purchase a booklet is which all information and updates related to the pregnancy, birth and parenting are recorded. The booklet is also used to record and follow-up on key vaccines from 0 to 5 years old. In some cases, the booklet also provides advice on how to take care of a baby.
[211] Interviews, Chad, November 2017.
[212] Interview, Chad, November 2017.
[213] Interview with a mid-wife, Bébédja, November 2017.

This health centre was already bankrupt in 2015 due to its increasing support to vulnerable people. It was only with the support of the PRA, which gave the health centre drugs on loan, that the health centre was able to restart its activities.

The recurrent drug shortages have also had an impact on the cost of drugs for patients. Because low-cost generic drugs sold in public health facilities are regularly out of stock, health workers are often forced to prescribe speciality drugs that are more expensive and available in private pharmacies. As a result, patients told Amnesty International that they increasingly resort to buy prescriptions from illegal street traders, which are unregulated and can be unsafe.[214] Amnesty International delegates were able to observe how these drugs were sold opposite public hospitals including in N'Djamena.
Health workers interviewed by Amnesty International said that they also had to use their own money to support patients who could not afford prescriptions (*see below box*).[215] This increases financial pressure on health workers, who have also had their benefits reduced like other public employees. According to one doctor, "health workers are fed up. They leave hospitals before closing time to undertake business on the side. They open private clinics, do consultations at home or work for other private clinics" adding that he and several of his colleagues' do so in order to make ends meet.[216]

A NURSE FROM A HEALTH CENTRE IN DOURBALI

Because of increased health costs, health workers told Amnesty International how poorer patients cannot afford basic healthcare and often wait until the last minute, when it may be too late, to access services. For example, a nurse from a health centre in Dourbali told Amnesty International about an 18 year-old girl called Bintou[217], who was rushed by her parents to the health centre, located 45km away from her village, on 10 November 2017

Bintou had been in labour for the past three days with her first child. According to the nurse "her vaginal tissues were severely torn and her perineal area swollen. Her life, and that of her baby, were in danger. Her parents told me that they waited so long to bring her because they did not have money for transportation. It was on the third day that a neighbour gave them XAF 3,000 (US$ 5.64) to evacuate her by horse and cart."

The nurse said she had to evacuate her to the Hôpital Mere-Enfant in N'Djamena, 25 km away, but she needed to first try to calm the pain and the contractions. "We did not have any drugs from the free emergency healthcare programme left. In fact, for the last year and a half I have been in here, we have not received any. Her parents did not have money. I could not bear watching the girl suffer and do nothing. I used my own money, XAF 4,050 (US$ 7.61), to buy drugs including Spasfon and Salbutamol, to calm the contractions and reduce the pain."

The nurse explained how she often has to use her own money to support patients, spending over XAF 32,000 (US$ 60) the previous month, which made her and her colleagues consider leaving. "I am tired and I am looking to leave. Who can bear what I live here? It's because of this that since the creation of this health centre, none of my predecessors lasted more than a year."

There was no ambulance to evacuate Bintou to N'Djamena. After an hour, her parents were able to collect the required sum of XAF 8,000 (US$ 15) for her transportation. She was transferred to the specialized Hôpital Mère-Enfant where she underwent a C-section. Although Bintou's life was saved - which is not always the case – her child did not survive.[218]

3.3 THE RIGHT TO EDUCATION

The Chadian Constitution guarantees that "Every citizen has the right to education" and that "The State and the Decentralized Territorial Communities should create the conditions and the institutions to ensure and guarantee the education of children."[219] As mentioned in the previous chapter on austerity and Chad's economic, social and cultural rights obligations, Chad has also ratified a number of international and regional treaties guaranteeing the right to education including the ICESCR, Convention on the Rights of the Child; the ACHPR; and the African Charter on the Rights and Welfare of the Child.[220]

[214] Interviews, Chad, November 2017.
[215] Interviews, Chad, November 2017.
[216] Interview with a doctor, N'Djamena, November 2017.
[217] Not her real name.
[218] Interview with a nurse, Dourbali, November 2017
[219] Article 35 and 36 of the Chadian Constitution.
[220] Article 17 of the ACHPR states.

According to General Comment 13 of ICESCR and the ESCR Principles and Guidelines of the ACHPR, to which Chad is a state party, the right to education encompasses pre-school, primary, secondary and tertiary education (or higher education) and vocational training. It includes, amongst other things, access to functioning educational institutions and programmes for all without discrimination; free primary education for all; that states progressively introduce free secondary and higher education; that the form and substance of education is acceptable; and that education is flexible.[221] ACHPR recommends that states "ensure that higher education is made generally available and accessible to all, on the basis of capacity, by all appropriate means, and in particular by the progressive introduction of free education."[222]

While acknowledging that spending cuts in the education sector have been less dramatic than in health care, the impact of austerity measures in education have had a retrogressive effect including on the right to tertiary education and have been one of the driver of students' protests. This section focuses mainly on the impact of austerity measures on education in Chad.

MINIMUM CORE OBLIGATIONS UNDER THE RIGHT TO EDUCATION

According to the ACHPR to which Chad is a state-party, the minimum core obligations of the right to education include at least the following:

- To ensure that all children enjoy their right to free and compulsory primary education. No children should be denied this right because of school fees or related costs of education. Special measures may be required to ensure that children belonging to disadvantaged or vulnerable groups receive free primary education. To achieve this objective states are bound to progressively increase the amount of national resources allocated to education.
- To implement policies to eliminate or reduce the costs of attending primary school which include the provision of stipends, providing free or subsidised uniforms (or lifting of uniform requirements), provision of free textbooks, provision of free or subsidised transportation or free school meals to encourage the attendance of poor children at school.

IMPACT OF AUSTERITY MEASURES ON EDUCATION

DECREASING STATE BUDGET ALLOCATED TO EDUCATION

> **"When the oil manna flowed, the budget allocated to education was substantial. The budget had improved. But since the economic crisis, this is no longer the case."**
>
> Member of the teacher union.[223]

Before the advent of the economic crisis, Chad's total expenditure on primary, secondary and tertiary education had steadily improved since 2008.[224] Total expenditure almost doubled between 2008 and 2014 – increasing from XAF 86.8 billion (US$ 163 million) to XAF 170.6 billion (US$ 253 million)– though as a share of GDP it stayed relatively similar, remaining at 2.3%.[225] Overall it remained low compared to the average in Sub-Saharan Africa. For instance, according to the latest data available (2013), in Sub-Saharan Africa, the share of education was 4.49% of GDP while Chad was 2.85% of GDP.[226]

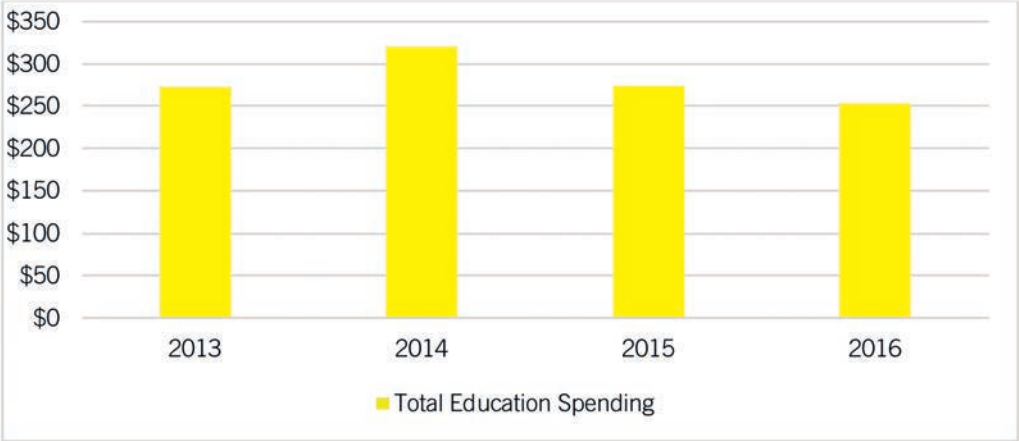
In addition to low financing, the Chadian education sector has faced several challenges including, according to the World Bank, "uneven and suboptimal allocation of human and material resources to schools, insufficient capacity and funding, highly centralized sector management, and lack of data driven policy making".[227] These challenges have negatively impacted access to education and contributed to a low level of school enrolment and attendance with almost half of children aged between 6 to 14 year old who are not enrolled in schools, about one child in five who does not go to primary school and, for those in school, only one in three finishes primary education;[228] gender and regional inequalities (in primary school, the gender

[221] CESCR, General Comment No. 13.
[222] ACHPR, *Principles and guidelines on the implementation of economic, social and cultural rights in the African Charter on Human and People's rights*, para 71 (e), www.achpr.org/files/instruments/economic-social-cultural/achpr_instr_guide_draft_esc_rig hts_eng.pdf.
[223] Interview, N'Djamena, April 2017.
[224] Amnesty International did not obtain statistics from 2005 to 2008.
[225] République du Tchad, Ministère de l'Economie et de la Planification du Développement, *Plan National de Développement*, August 2017.
[226] World Bank data base.
[227] World Bank, *Combined project information documents / Integrated safeguards data sheets (PID/ISDS)*, 2016, documents.worldbank.org/curated/en/939181503667960554/text/Chad-Project-Paper-2-06062017.txt.
[228] UNICEF, 'In Chad, making quality education a reality for a million children', 18 May 2015, www.unicef.org/infobycountry/chad_81925.html.

parity is 0.75 for students);[229] low level of classroom equipment/material as revealed by an assessment conducted by the Programme for the Analysis of Education Systems in 2014 and according to which, Chad is the country where the lowest average level of educational resources in primary classes compared to the other nine PASEC-2014 countries assessed;[230] insufficient textbooks with only 4.4% of students at national level who have their own reading textbook and 3.6% have mathematics textbooks; low academic level of teachers with about three out of four students supervised by teachers whose highest diploma does not go beyond the secondary level; a strong disparity at all levels of education with for instance, only 13 out of 23 regions have technical and vocational education institutions; significant disparities with 25% of teachers assigned to schools without any consideration of the actual needs; and limited access to higher education, technical education and training professional.[231] In addition, access to education is also negatively influence by low income and place of residence.[232]

The imposition of austerity measures in response to the economic crisis has worsened the situation significantly, with total education spending cut by 21% between 2014 and 2016.[233] Primary and secondary education spending was cut by 22% from US$ 230 million in 2013 to US$ 180 million in 2017[234] and higher education budget – data related to spending was not available to Amnesty International – reduced by 70% from US$ 91million in 2013 to US$ 27million in 2017.[235] This has had a negative impact on the enjoyment of the right to education and resulted in additional financial burden on parents who even before the crisis have had to financially contribute to their children's education including primary education which Chad is obliged to provide for free to all children who need it: this is a minimum core obligation.

Graph 5: Public national education spending, in millions of US$[236]:



In Chad, only 37.62% of primary schools are public while the others are community and private schools, with 53.6% of primary school students attending public schools and the remaining 47.4% attending private schools including community schools and private schools according to the 2014 data accessed by Amnesty International (*see box on the organization of the Chadian education system*).[237] Since at least 2015, the eco-

[229] World Bank, *Combined project information documents / Integrated safeguards data sheets (PID/ISDS)*, 2016.
230 According to the 2014 PASEC student assessment which was carried in 10 countries in Africa (Benin, Burkina Faso, Burundi, Cameroon, Chad, Republic of Congo, Cote d'Ivoire, Niger, Senegal and Togo) to assess student abilities in mathematics and reading French, Chad is 1. Of the 10 countries that participated in PASEC, Chad ranks ninth at educating its children and at educating its poorest girls. It is 10th at providing equal access to quality education; 2. All sub-populations (gender, location, and wealth) perform poorly in PASEC 2014. The only notable disparity is between public and private schools and 3. Strengthening learning outcomes across the education system emerges as a predominant challenge for Chad, documents.worldbank.org/curated/en/198121481551265359/pdf/110796-BRI-P156307-Tchad-reportcard-long-v3-print.pdf and www.pasec.confemen.org/wp-content/uploads/2016/10/PASEC2014_Tchad.pdf.
[231] Ministère de l'éducation nationale et de la promotion civique, Ministère de l'enseignement supérieur, de la recherche et de l'innovation, *Plan intérimaire de l'Education au Tchad (PIET) 2018-2020*, Juillet 2016, p.e23, www.globalpartnership.org/fr/content/plan-interimaire-de-leducation-2018-2020-tchad.
[232] UNICEF, *Chad Country programme document 2012-2016*, para 8.
[233] République du Tchad, Ministère de l'Economie et de la Planification du Développement, *Plan National de Développement*, August 2017.
[234] Data from a response of the Ministère de l'éducation nationale et de la promotion civique to a right of reply letter sent by Amnesty International in April 2018.
[235] Data from a response of the Chadian Ministère de l'enseignement supérieur, de la recherche et de l'innovation to a right of reply letter sent by Amnesty International in April 2018.
[236] République du Tchad, Ministère de l'Economie et de la Planification du Développement, *Plan National de Développement*, August 2017.
[237] République du Tchad, *Annuaire statistiques de l'éducation. Année scolaire 2013/2014*, www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/annuaire_2013-2014.pdf.

nomic crisis and subsequent spending cuts have made it worse and according to authorities and students interviewed by Amnesty International, families and communities contribution have increased.[238] For instance, officials from the Ministry of National Education and Civics Promotion told Amnesty International that since 2015, the Ministry has not purchased textbooks. It is donors who distribute them to schools located in their area of intervention and through education projects. Elsewhere, it is the student's parents who buy textbooks, chalk and sometimes pay teachers especially since 2015 as there has been no recruitment of new teachers. [239] An official from the Ministry of National Education and Civics Promotion told Amnesty International "It is the parents who largely support the education of the children. They have always done it."[240]

ORGANIZATION OF THE CHADIAN EDUCATION SYSTEM

The education system in Chad is subdivided into early childhood education, basic education, secondary education and higher education (*see below*).

- Early childhood education or pre-school education is provided in mainly private structures such as kindergartens for children aged three to six.
- Basic education is organized in two cycles:
  - Primary education is provided in primary public, private or community schools. They are open to children from six to 12 years and lasts six years. At the end of primary school, the examination for the Certificat d'etudes primaires élémentaires (CEPE) determines whether students are promoted to secondary school.
  - Lower secondary education which lasts four years and at the end of which students are required to take the examination for Brevet d'enseignement fundamental (BEF).
- Secondary education or upper secondary education is available in two different streams:
  - General secondary education provided in general secondary schools which ends the examination for Baccalauréat de l'enseignement secondaire (A4, A Arabic, A4 Bilingual, C, C Arabic, D and D Arabic).
  - Technical and vocational secondary education provided in the Centres de Formation Technique et Professionnelle (CFTP), Collèges d'Enseignement Technique et Professionnel (CETP) or Lycées d'Enseignement Technique et Professionnel (LETP).
- Higher education is open to candidates with a Bachelor's degree in Secondary Education or any other degree admitted in equivalence.

Responsibilities for primary and secondary education fall under the Ministry of National Education and Civics Promotion, while higher education is managed by the Ministry of Higher Education, Research and Innovation.

While primary school should be free according to minimum core obligation under the right to education (*see box on minumim core obligations under the right to education*), in Chad, in practice, parents in a growing number of cases especially when it comes to community schools, pay school fees and teacher's salaries. Community schools were established during the civil war (1965 – 1979) by parents associations (*associations des parents d'eleves*, APEs) to fill the gap left by the absence of a functioning State which was unable to respond to demand for education. They represented 54.55% of primary schools in Chad in 2014 and provided primary education to 35.24% of primary students. According to the World Bank, community schools continue to play a crucial role in the realization of the right to education and mainly access to primary education while their functioning of community schools require financial and in kind participations of communities. In most cases, community schools are funded by development partners of Chad, the Chadian government and the beneficiary communities. For instance, in 2017, the World Bank supported with US$50 million an Education Sector Reform Project to improve skills of community teachers.[241] However, beneficiary communities are strongly involved in terms of infrastructure and of taken charge of teachers who account for 60% of the total teaching force in the country.[242]

[238] Interviews, Chad, May 2018.
[239] Interviews with senior officials from the Ministry of National Education and Civics Promotion, May 2018.
[240] Interviews with an official from the Ministry of National Education and Civics Promotion, N'Djamena, May 2018.
[241] World Bank response to Amnesty International right of reply letter sent in May 2018.
[242] World Bank, Combined project information documents / Integrated safeguards data sheets (PID/ISDS), 2016, République du Tchad, Annuaire statistiques de l'éducation. Année scolaire 2013/2014, Ministère de l'éducation nationale et de la promotion civique, Ministère de l'enseignement supérieur, de la recherche et de l'innovation, Plan intérimaire de l'Education au Tchad (PIET) 2018-2020, Juillet 2016, p.e23; Programme d'Analyse des Systèmes Éducatifs de la CONFEMEN, PASEC 2014 performances du système éducatif tchadien. Compétences et facteurs de réussite au primaire, www.pasec.confemen.org/wp-content/uploads/2016/10/PASEC2014_Tchad.pdf; Aristide Mabali and Bobdingam Bonkeri, School attendance and poverty in an oil boom context in Chad, written, October 2014, halshs.archives-ouvertes.fr/halshs-01087450/document.

At the tertiary level the authorities have also cancelled student scholarships, while adding new subscription and re-subscription fees to university. These decisions have had a retrogressive effect on the affordability of higher education, as the section below demonstrates.

INCREASED FINANCIAL BURDEN ON UNIVERSITY STUDENTS

> **"The economic crisis has accentuated and accelerated things. We had initially planned to cancel scholarships gradually […] and put in place scholarships for poor students, but they are not yet in place."**
>
> DG CNOU, N'Djamena.[243]

From 2016 to 2017, the authorities' decision to cancel scholarships worth XAF 28,000 (US$ 52.6) per month and per student for at least 30% of students in public universities in Chad - students in medical and national vocational schools and abroad who represent 70% of university students are not concerned by this measure - as part of the 16 austerity measures, was at the centre of student protests.[244]

Although the issue of lack of sufficient scholarships for all students has been raised since 2006 [245] and despite the fact that authorities "had initially planned to gradually cancel scholarships"[246] and put in place vulnerability scholarships for poor students, all scholarships were cancelled immediately in 2016 and no measure was taken to provide for poorer students, including those who come from rural areas.[247]

While, the authorities said that this measure aimed to align Chad's scholarship system with other countries,[248] it does not justify retrogression in the affordability of higher education and does not comply with human rights compliance criteria for the imposition of austerity measures (*see related box*). In addition, while some neighbouring countries such as Cameroon have cancelled scholarships to all university students, they have put in place scholarships and financial supports for students meeting a number of criteria including for economically vulnerable students.[249] A senior official from the CNOU (Centre national des oeuvres universitaires) told Amnesty International the CNOU budget has not increased and the department is facing more difficulties to meet the growing needs of students.[250] Furthermore, officials from the Ministry of Higher Education, Research and Innovation and the Ministry of Finance and Budget, told Amnesty International that the cancellation of scholarship would be compensated with improved studying and living conditions on all campuses including in national vocational schools through the strengthening of the CNOU.[251] However, students told Amnesty International that working and living conditions on campus have not improved over the past two years and that since 2015 more students have to work more than part-time and some of them miss classes so that they can afford to pay for rent, food, university books, and library subscription fees. Senior officials from the Ministry of Higher Education, Research and Innovation told Amnesty International that CNOU budget slightly increased only because the number of students did.

They also doubled the fee in public universities (except those in medical and national vocational schools) to register as a new student to XAF 50,000 (US$ 94) in October 2017 and introduced a re-registration fee of XAF 28,000 (US$ 52.64) for continuing students for the 2017-18 academic year – before re-registration fees were subsidized by the government.[252] Although university drop-off data (including on short-cycle tertiary, bachelor's, master's and doctorate) is not available, students interviewed by Amnesty International said that these measures have had a significant impact on both their own ability and that of students they know, particularly those from poorer households, to access higher education.

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[243] Interview, April 2018.
[244] Décret numéro 686/PR/PM/MESRI/2016 portant suppression de bourses internes accordées aux étudiants. Annual cost of scholarships: more than XAF 7,000,000,000 for students in Chad (domestic) / more than XAF 1,550 billion for Chadian student abroad (outside) and other grants. Beneficiaries: about 17,000 scholars / 50,000 students from the public. Students from the King Faisal University (URF) are also not concerned by this measures because URF initially had a status of private institution of public utility and became a public university only in 2015.
[245] National seminary on *la problématique de la bourse d'étude au Tchad*, N'Djamena du 6 au 10 novembre 2006.
[246] Interview with the Director of the Centre National des Oeuvres Universitaires (CNOU), February 2018.
[247] Interviews with officials from the Ministère de l'enseignement supérieur, de la recherche et de l'innovation, May 2018.
[248] Chadian Prime Minister's Communication on emergency reform measures.
[249] Hilaire De Prince Pokam, *Le financement de l'enseignement supérieur du Cameroun*, www.codesria.org/IMG/pdf/5-pokam_enseignement_sup_au_camer.pdf?8897/ce1514296d7a3e1a5198b9ec8d50b133431ac846.
[250] Interview, February 2018.
[251] The CNOU was created in 2008 through the Law no. 19/PR/2008. The CNOU is an administrative public institution with a legal personality and financial autonomy. It is placed under the tutelage of the Ministry of Higher Education, Scientific Research and Vocational Training. Its main missions are to support student through initiatives in favor of health, housing, transportation, social action, culture, sports and hobbies; and manage the various financial aids granted to the students.
[252] Arrêté numéro 612/PR/PM/MESRI/SEESRI/SG/DGESRI/2017 fixant les taux des droits d'inscription dans les établissements publics d'enseignement supérieur.

All the students interviewed by Amnesty International said the decision increases their financial burden, particularly for those coming from poorer families who will be forced to leave university.[253]

FORCED TO CHOOSE BETWEEN UNIVERSITY CLASSES OR A PART-TIME JOB BECAUSE SCHOLARSHIPS WERE CANCELLED

Because scholarships were cancelled for most public university students and the government has increased and imposed new subscription fees, some students had to look for part-time jobs to fill the gap left by the abolition of scholarships and in some cases, their part-time jobs have hampered their abilities to attend classes. Mamadou,[254] a student at the N'Djamena university said: "I am fatherless and my mother does not work and has no income. Before it was cancelled, the scholarship helped me a lot and even though it often came late. I used it among other things to buy food including from the university canteen, purchase books, and renew my subscription to the library, buy for my internet connection which was useful to undertake research in relation to my studies, etc. But since the scholarship was cancelled, I am unable to cover all these expenses. This situation has forced me 6 months ago to look for a job. I now drive a motorcycle taxi. I rent the bike at a rate of 3,000 per day. Sometimes I make profits sometimes losses.[255] And very often, I have to choose between my classes or the work that allows me to support myself. It is very difficult because I cannot study as I used before."

A student in N'Djamena said:

"The impact of the abolishment of scholarships is really fatal for students in Chad. These scholarships allowed the development of Chadian students, who were able to support themselves with it. Many students come from the provinces [regions] and do not have relatives in N'Djamena. It is with the scholarship that they paid for rent, food, etc. Even for those who are in N'Djamena, the scholarship allowed them to unburden parents and buy equipment they do not get from university. I know at least a dozen students at the Farcha campus and one student in Ardedjoumal who come from the provinces [regions]. They sleep in lecture halls at the faculty. Before they use the scholarship to pay rent. In the morning they take their things to let the others occupy the room."[256]

Another student from the Mao University (*Institut national supérieur du pétrole de Mao*) said that his family does not have the financial means to support him and he used the scholarship for all his personal needs including to pay a rent of XAF 10,000(US$18.8) for a 3.5 m x 4 m room he shared with another student. Since the scholarship was cancelled, they were forced to taken in their room four other students facing the same situation, to reduce their individual share of the rent - meaning six people are living in a space designed for a maximum of two.[257] A student told Amnesty International that the scholarship was vital including to pay his rent. He said he has six months' rent arrears and does not know where to seek for support because he is an orphan.[258]

A student said: "There are students who relied on the scholarship to provide for their needs. They are told that the scholarship no longer exists. And then they are told they have to pay a registration fee. This is paradoxical."[259] When asked how he managed to pay the subscription fee for the 2017-18 academic year, a student told Amnesty International that he was only able to pay it because the government had finally disbursed scholarships arrears as well as one month of grants for equipment from 2015/16 - before the cancellation of the scholarships. He said most students who paid used this to do so.

In addition, Amnesty International research reveals that the authorities did not genuinely consult students before the cancellation of the scholarship nor did they take in consideration students' views expressed including during protests. Senior officials from the Ministry of Higher Education, Research and Innovation said that students were consulted and informed about these decisions including during a national seminar held 12 years ago, in 2006 and a TV debate organized with an official from the Minister of Higher Education and a student representative. They also said that information regarding the cancellation of the scholarship was widely communicated through the media.

[253] Interviews, March 2018.
[254] Not his real name.
[255] Interviews in N'Djamena in May 2018.
[256] Interview, April 2018.
[257] Interview, May 2018.
[258] Interview, May 2018.
[259] Interview, April 2018.

Furthermore, students interviewed by Amnesty International, including leaders of the UNET told Amnesty International that they were not consulted. They were informed when the decision had already been taken. Although they raised concerns, attempted to negotiate and organized protests against the cancellation of scholarships, the measure was implemented anyway and they felt like their opinion did not matter. They added that the same scenario repeated itself for subscription fees. They only managed, after several protests, to obtain a reduction of 44% on the re-subscription fee to university but not on subscription fees.[260]

Student protest against the cancellation of university scholarships, N'Djamena.
©Private

The cancellation of university scholarships and increased and new university subscription fees combined with the delayed payment of scholarship due in 2014/2015 have led to students strikes and protests since 2016 (*see chapter on background*). In addition, university students through UNET in Chad have also initiated protests calling on the population including primary and secondary students to join them to call for the resumption of classes after teachers went on strike to protest against their salary reductions (*see chapter on the use of excessive force and arbitrary arrests of student protestors*).

A SECONDARY STUDENT ARRESTED AND SENTENCED TO ONE MONTH IMPRISONNEMENT FOR PROTESTING FOR THE RESUMPTION OF CLASSES FOLLOWING A TEACHERS STRIKE AGAINST AUSTERITY MEASURES[5]

Because austerity measures have led to at least two months strike between January and March 2018 across public services including in education and led to the closure of primary and secondary schools, students including minors protested and were arrested.

Jean, a 21-year-old student in his final year at school was arrested on 10 February for taking part in a protest calling for the resumption of classes after teachers went on strike to protest against austerity measures including the reduction of their salaries and benefits (*see chapter on the use of excessive force and arbitrary arrests of student protestors*). Jean told Amnesty International delegates: "I responded to UNET's call [to blow whistles and bang pots] on 10 February to protest against austerity measures which led to the teacher's strike and school closure. I responded to the UNET's call because I wanted the resumption of classes. I have already stayed two months at home because schools were closed." Jean told Amnesty International delegates that he understood the reasons why teachers were on strike and he wanted the authorities to address their teachers' concerns.

[260] According to students interviewed by Amnesty International, the government had initially planned to institute a re-subscription fee of XAF 50,000 (US$ 94) but later reduced it to XAF 28,000 (US$ 52.6).

Jean said that they were at least 100 protesters arrested by the police that day including minors. He said "We were around 200 protesters gathered in the street near Radio Oxygène. We were singing the national anthem and blowing whistles when the police suddenly arrived on the venue and started firing tear gas at us. I was also arrested with other comrades including a dozen minors including my two cousins aged 11 and 13 years."

Jean was detained in the headquarters of the judicial police where he was questioned without a lawyer. All the minors were released later that day while others including Jean remained in custody. Jean was sentenced to one month in prison and transferred to the Amsinene prison in N'Djamena. He was released on 13 March instead of 10 March.[261]

ALTERNATIVES AND LESS-RESTRICTIVE MEASURES – ADDRESSING TAX EVASION AND TACKLING CORRUPTION

The Special Rapporteur on extreme poverty and human rights has stated that the compatibility of austerity measures with the International Covenant on Economic, Social and Cultural Rights (ICESCR) "would therefore depend partly on whether the state has sought revenue-raising alternatives before making cuts in areas that are important for ensuring the enjoyment of economic, social and cultural rights".[262]

One revenue raising opportunity for Chad is to address tax evasion.[263] According to the United Nations University World Institute for Development Economics Research (UNU-WIDER, in Helsinki) Chad lost at least 6.97% of its GDP (or US$950 million) to tax evasion in 2013 and according to the IMF, the same year, Chad lost US$1.09 billion[264] which largely exceeded the sum of Chad's total education and health spending in 2013, which was US$555 million before cuts were applied.

Chad also continued to rank near the bottom of Transparency International's Corruption Perceptions Index 2017 – 165th out of 180 countries ranked - and cases of corruption involving state officials continue to be reported.[265] Revenue lost through corruption can impact on a state's ability to progressively realize economic and social rights such as health and education.[266] Chad should address the issue of corruption and should also ratify the United Nations Convention against Corruption, which it committed to do by the end of 2018.[267]

[261] Interviews in N'Djamena in May 2018.
[262] UN Human Rights Council, Report of the Special Rapporteur on extreme poverty and human rights, A/HRC/26/28, 22 May 2014, para 28.
[263] CESCR, General Comment No. 24, 23 June 2017, para 23.
[264] UNU-WIDER, WIDER Working Paper 2017/55, Global distribution of revenue loss from tax avoidance, p.26, accessible from www.wider.unu.edu/sites/default/files/wp2017-55.pdf.
[265] US Department of Justice, Head of Organisation backed by Chinese Energy Conglomerate, and Former Foreign Minister of Senegal, Charged with bribing high-level African officials, 20 November 2017, www.justice.gov/opa/pr/head-organization-backed-chinese-energy-conglomerate-and-former-foreign-minister-senegal-0.
[266] According to the Limburg Principles on the Implementation of the ICESCR "In determining whether adequate measures have been taken for the realization of the rights recognized in the Covenant attention shall be paid to equitable and effective use of and access to the available resources.", UN Doc. E/CN.4.1987/17, Article 27, 8 January 1987.
[267] IMF Country Report of 30 March 2018.

4. THE ROLE OF INTERNATIONAL DONORS AND INTERNATIONAL FINANCIAL ASSISTANCE

Chad has a primary responsibility to comply with the international and regional human rights treaties it has ratified and the Chadian government has an obligation to take steps, including through international assistance and co-operation, to the maximum of its available resources, to achieving progressively the full realization of economic, social and cultural rights, including the rights to health and education.[268] However, the CESCR has also emphasized that it is "particularly incumbent on States parties and other actors in a position to assist, to provide international assistance and cooperation, especially economic and technical which enable developing countries to fulfil their core and other obligations" with respect to economic, social and cultural rights.[269]

The CESCR, in disagreeing with the stance of some IFIs, such as the IMF that their Articles of Agreement do not require them to include human rights considerations in their decision-making, emphasises that in exercising powers delegated to them by their member states that they should refrain from adopting measures that would result in human rights violations. Moreover, as a specialized agency of the United Nations,[270] IMF is obligated to act in accordance with the principles of the Charter of the United Nations, which sets the realization of human rights and fundamental freedoms as one of the purposes of the organization, to be achieved in particular through international economic and social cooperation.[271] The IMF also has the obligation to "ensure that the protection of the most basic economic, social and cultural rights is, to the maximum extent possible, built into programmes and policies aimed at promoting adjustment."[272] This would particularly apply when programmes, such as the austerity measures introduced in Chad, are expected to have significant human rights impacts.

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[268] Article 2 of the ICESCR.
[269] CESCR, General comments 3 and 14.
[270] Articles 57 and 63 of the UN Charter; General Assembly resolution 124 (II) of 15 November 1947, approving the agreements with IBRD and IMF.
[271] Articles 1(3) and 55(c) of the UN Charter.
[272] UNHRC, *Report of the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights*, A/HRC/37/54, December 2017, para 27, www.un.org/en/ga/search/view_doc.asp?symbol=A/HRC/37/54.

DEVELOPMENT ASSISTANCE

States, international organizations, and non-state actors have all pledged to provide development assistance through financial support to the Chadian government, and in some instances, have increased the support they have made available during the years of the financial crisis.

In September 2017, Chad held a Development Partners Round Table Donors' Conference in Paris to seek additional financial resources and technical support to implement the country's development strategy from 2017 to 2021.[273] Although Chad managed to raise commitments totalling US$ 20 billion, including nearly US$ 14 billion of investments from the private sector, this financial support has not yet totally materialized. Donors including the World Bank pledged US$ 1.1 billion, the EU pledged US$ 1,087.49 billion[274] and the African Development Bank (AfDB) pledged US$ 540 million. According to a response from the World Bank to a right of reply sent by Amnesty International in May 2018, the international financial institution said that its contribution to the country's development strategy from 2017 to 2021 "is unfolding in the context of [their] 2016-20 Country Partnership Framework which focuses on promotion economic diversification by improving the performance of key sectors such as agriculture and livestock, improving human resources and increasing protection for the poorest populations".
The World Bank has also told Amnesty International that since the pledge they have made during the September 2017 conference, they "extended financial support to Chad in the amount of US$ 82 million in the form of new investment project in the areas of agriculture productivity and climate resilience, livestock and irrigation" and that and "additional project in the amount of US$ 35 million to assist Chad improve its domestic resources mobilization and management is expected to be approved by the end of June [2018]".

Other donors including governments and private organizations such as the Bill & Melinda Gates Foundation[275] have also stepped in to increase the support they have provided where possible, including in the health and education sectors.[276] For instance, the Global fund to fight AIDS, Tuberculosis and Malaria[277] before 2017, funded up to 35% of the public health programmes in these fields while the Chadian government contributed 65% of the funding. Since 2018, the Global Fund contributes up to 65% and Chadian government 35%. According to the Director of Budget of the Ministry of Finance and Budget, in 2019, the state share will be 50%.[278]

THE ROLE OF THE IMF AS A LENDER

In addition to the development assistance mentioned above, some IFIs have also acted as creditors and have been involved in loan arrangements with the government of Chad during the economic crisis. For example, at the request of the Chadian government, the International Monetary Fund (IMF) extended a line of credit aimed at stabilizing Chad's fiscal and external position including re-establishing debt sustainability. The IMF approved a request of a first Extended Credit Facility (ECF) arrangement in 2014 of US$ 122.4 million. In June 2017, the IMF, following a request from the Chadian government, cancelled the previous arrangement and approved a second one, for a three-year arrangement under the ECF for US$ 312 million with an immediate disbursement of US$ 48.8 million. A second disbursement of US$ 51 million was done in April 2018 following a performance review.

According to the UN Guiding principles on foreign debt and human rights, non-State lenders have an obligation to ensure that debt contracts to which they are party or any policies related thereto fully respect human rights.[279] The Principles clarify that international financial organizations have an obligation to respect international human rights, and that this implies a duty to refrain from formulating, adopting, funding and

[273] The National Development Plan or Economic Development Document is the fourth Chadian poverty reduction strategy. The first ones covered the period from 2003 to 2006, 2008 to 2011 and 2013 to 2015. The National Development Plan builds on Chad's Vision 2030 which are a long-term economic and social programmes on the Millennium Development Goals, the Agenda 2063 of the African Union and on the achievements and implementation challenges of Chad's previous poverty reduction strategy documents.

[274] Due to inflation, we have used the exchange rate as of 7 June 2018, EUR 1 = US$ 1.17566 in this report.

[275] The Bill & Melinda Gates Foundation is the main contributor to the Global Fund which is funded by contributions from the largest developed nation's governments and tax payers.

[276] Interviews in N'Djamena, February to May 2018.

[277] Global Fund activities in Chad, www.theglobalfund.org/en/portfolio/country/?loc=TCD&k=c546498f-21fe-4685-909b-8a127a57afb0.

[278] Interview with the Director of Budget at the Chadian Ministry of Finance and Budget, May 2018.

[279] UNHRC, *Report of the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights*, A/HRC/20/23, April 2011, para 16, www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-23_en.pdf.

implementing policies and programmes which directly or indirectly contravene the enjoyment of human rights.[280] The Principles also state that "*Creditors should not make loans or debt relief conditional on the implementation of policies such as privatization, equitization, trade liberalization, investment deregulation or financial sector liberalization … Any such economic, financial or technical advice, instruction, guidance or similar recommendation should be exclusively aimed towards restoring a debtor State's economic viability and growth, and thus its ability to repay its external debts without sacrificing its ability to perform its international human rights obligations*",[281] and that "*Creditor States and the international financial institutions must not take advantage of an economic, financial or external debt-related crisis as an opportunity to push for structural reforms in debtor States*".[282]

The Chadian Ministry of Finance and Budget and country donors who support Chad with development assistance, told Amnesty International that country donors were not involved in the designing of austerity measures. However, they also told Amnesty International delegates that the three-year arrangement under the Extended Credit Facility (ECF) approved by the IMF required the government of Chad to make general spending cuts including reduction of the wage bill, to guarantee debt repayments and the restructuring of the debt contracted by the state with Glencore.[283] Amnesty international requested additional information on the ECF including its terms and conditions from the IMF, and has not received a response at the time of publication of this report. Furthermore, IMF public reports show that the IMF has requested Chadian government initially under the 2014-17 ECF arrangement and later under the 2017-20 to implement austerity measures which involved among others: spending cuts, restructure the debt with Glencore, broaden the tax base, and strengthen tax and customs administrations.[284]

According to public reports, the IMF also established "floor for poverty reducing social spending" – that is, a minimum expenditure - and Chadian government officials told Amnesty International that social spending was protected from cuts compared to other sectors. More recently, the IMF has also advised Chad to "redirect resources to areas where the previous cuts had detrimental economic and social consequences such as investment and social sectors,"[285] However, Amnesty International's research shows that despite this "floor" and this advice, the drastic cuts in spending on health and education - which are both considered by the IMF as part of the floor for poverty reducing social spending- that were implemented by the government have undermined the minimum core content of the rights to health and education.
More specifically, while, IMF reports[286] mention that the Chadian government met the "floor for poverty reducing social spending" from 2015 to 2017, Amnesty International's research shows that during this period of time, drastic spending cuts were made including in education and health (*see graph 1, 3, 4 and 5*), which had the impacts described in previous chapters

HUMAN RIGHTS OBLIGATIONS AND IMPACTS NOT CONSIDERED

During the first reviewunder of the ECF arrangement, the IMF and Chadian authorities failed to evaluate the impact of austerity measures on economic, social and cultural rights including the right to health and education. Furthermore, in all IMF public reports reviewed by Amnesty International, although they refer to a "floor for poverty-reducing social spending" which comprises public spending on education, maternal and child health, water and sanitation, agriculture, livestock, environment and employment,[287] there is no mention of Chad's economic, social and cultural rights obligations. Furthermore, our research shows that despite this "floor", drastic spending cuts on health and education in this period have undermined economic and social rights protections.

Further, it is likely that reductions in "non-floor" spending had human rights impact as well. However, this was not considered because there was no human rights impact assessment done. For instance, IMF and

[280] UNHRC, *Report of the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights*, 2011, para 9.
[281] UNHRC, *Report of the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights*, April 2011, para 77 and 78.
[282] UNHRC, *Report of the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights,* April 2011, para 80.
[283] Interviews in N'Djamena, May 2018.
[284] IMF Country Reports No. 17/246 and No. 18/108.
[285] IMF report of 19 June 2017.
[286] IMF reports consulted include: IMF Country Report No. 17/246 and IMF Country Report No. 18/108.
[287] Poverty–reducing social spending, according to the latest general structure of Government, comprises of the following ministries, National Education and Civic Promotion, Public Health, Women, Early Childhood Protection and National Solidarity, Production, Irrigation and Agricultural Equipment, Livestock and Animal Production, Environment and Fisheries, Water and Sanitation, and Professional Training and Job Promotion.

donors supporting Chad with development assistance have requested Chad to reduce the wage bill and this led to cuts in bonuses and benefits which negatively impacted public workers' livelihoods. Public workers went on strike as a result, and some have started working in the private sector to supplement their income, which has impacted access to social services such as the right to health and education (*see sections on background and continued repression*).

Similarly, Amnesty International has not been able to find any evidence of any impact assessment, either by the Chadian government itself or its financial partners, being carried out evaluating the country's austerity measures against the country's human rights obligations and some donors said that such assessment are not scheduled. A country donor providing Chad with development assistance, told Amnesty International off the record, that country donors and IFIs can hardly request any impact assessment because while they provide Chad with a budget support, they have requested Chadian authorities to undertake reforms to reduce its spending including by reducing the budget allocated to public servants' salaries. The donor added that although they have not taken any specific measures to ensure that Chadian authorities protect social sectors, they are funding programmes and projects to mitigate the impact of the austerity measures on economic, social and cultural rights including in the health and education sectors.[288]

[288] Interviews, February to May 2018.

5. CONCLUSION AND RECOMMENDATIONS

Chad is a state party to multiple international and regional human rights treaties. Consequently, the country can no longer continue to ignore its human rights obligations and commitments and use the vague pretext of 'security and peace' to justify its violations. The promulgation of a new constitution[289] and the upcoming legislative elections provide Chadian authorities with an opportunity to implement the required reforms to ensure human rights are respected, protected, promoted and fulfilled.

However, to do so, the authorities will have to both put an end to the repression of discontent and protests by respecting, protecting, promoting and fulfilling the rights to freedom of expression, peaceful assembly and association of all its citizens; and respond to the root causes of dissent which have increasined since at least mid-2016. The causes of dissent have been the impact of austerity measures on the economic, social and cultural rights of the population. Protests and strikes documented by Amnesty International since 2016 have been in most cases motivated by the government's response to the economic crisis including cuts in salaries and benefits of public servants, new taxes which have significantly reduced many people's livelihoods, cancellation of university students' scholarships and imposing university registration fees.

Whilst Chad's economic situation has been severe and provides a challenging context in which to respect, protect and fulfil economic, social and cultural rights, Chad continues to have clear obligations under international law, not least the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the African Charter on Human and Peoples' Rights (ACHPR). Rather than seek to reduce spending across sectors and cut services, Chadian authorities should ensure the cuts do not unduly undermine economic, social and cultural rights whilst also protecting the most vulnerable. They should also look at alternatives to increase revenues which will have less of an impact on people's livelihoods and their enjoyment of economic, social and cultural rights.

RECOMMENDATIONS

TO THE CHADIAN GOVERNMENT

Regarding freedom of expression, association and peaceful assembly

- Repeal or amend Ordinance No. 45/62 on public meetings and Decree No. 193/62 regulating protests in public places to ensure they meet international and regional human rights standards on the rights to freedom of expression, association and peaceful assembly;
- Repeal or amend the Law No. 032/PR/2016 regulating the right to strike, in line with relevant International Labour Organisation (ILO) Conventions,[290] and ensure that it is discussed in an inclusive manner with unions before being adopted and promulgated;

[289] In April 2018, the President promulgated a new Constitution which expanded the President's powers and allow him to stay in office until 2033. The new Constitution also eliminated the post of Prime Minister and created a fully presidential system.
[290] Namely the Freedom of Association and Protection of the Right to Organize Convention (1948), the Right to Organize and Collective Bargaining Convention (1949) and the Workers' Representatives Convention (1971), all ratified by Chad.

- Immediately allow access to all currently blocked websites[291], and refrain from impermissibly restricting access to the internet and messaging applications such as Facebook and WhatsApp;
- Refrain from misusing the criminal justice system to target or harass people for exercising their rights to freedom of expression, peaceful assembly and association, including human rights defenders and journalists;
- End and effectively address threats, attacks, harassment and intimidation against human rights activists and journalists, including by thoroughly, promptly and independently investigating human rights violations and abuses against them and bringing suspected perpetrators to justice in fair trials without recourse to the death penalty, and providing access to effective remedies and adequate reparations.

Regarding torture and other ill-treatment, and detention facilities

- Amend the laws founding and regulating the ANS and ensure that they comply with "UN good practices on legal and institutional frameworks for intelligence services and their oversight";[292]
- Ensure that all persons arrested by the ANS are brought before a judge within 48 hours, as mandated by the Criminal Code;
- Ensure there is a clear chain of accountability within the ANS and that the use of the power of arrest is subject to judicial oversight;
- Permit all detainees, after their arrest and regularly during their detention, to see their families, independent medical practitioners and lawyers of their choice;
- Allow independent national and international human rights monitors access to all detention centres, including ANS facilities.

Regarding austerity measures

- Utilize appropriate financial and technical assistance and cooperation to urgently conduct a human rights impact assessment of budget cuts and austerity measures including those documented in this report, and make the results of this assessment public;
- Ensure that all people can access the minimum, essential content of the rights to health and education, and where this is not possible due to technical or financial reasons, make specific requests for financial assistance from other countries and from donors;
- Ensure that any groups bearing a disproportionate financial impact of the austerity measures in the free emergency healthcare programme and due to the cancellation of university scholarship are supported through targeted measures, so that health and education expenditures do not cause undue financial burdens;
- Urgently address the deteriorations with respect to access and affordability of the right to health and education identified in this report, in particular:
    - Prioritize the health budget, to ensure that, at a minimum, basic health services in Chad are accessible, affordable, and of good quality, including emergency health care, pre-natal and post-natal care and emergency transport;
    - Take urgent action to reduce shortages of essential drugs in health facilities;
    - Gradually restore coverage of medical emergencies that were removed from the free emergency healthcare programme as a result of the August 2017 amendment, starting

[291] The list includes amongst others: tchadonline.com, magazine-charilogone.over-blog.com, tchadhanana.info, makaila.fr, east-side.chad.overblog.com/tag/tchadenligne, alwihdainfo.com, nouvelessor.over-blog.com, juliette.abandokwe.over-blog.com, zoomtchad.com and tchadoscopie.overblog.com.

[292] UNGA, Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Martin Scheinin, Good practices on legal and institutional frameworks and measures that ensure respect for human rights by intelligence agencies while countering terrorism, including on their oversight, A/HRC/14/46, 2010.

with those that are important for groups that are particularly impacted; and until this is possible, put in place targeted measures to ensure that people, particularly those who are economically vulnerable, are not deterred from accessing necessary and basic health care because of distance and cost, and that health care costs are not catastrophic and do not amount to undue financial burdens. This can include payment exemptions for people on low incomes, or gradually making a range of health services free of cost;

  - Accelerate the identification of students who are most impacted by the cancellation of scholarships and the introduction of new university fees and put in place low-cost and targeted programmes to assist them;
  - Introduce scholarships for poorer students as initially planned by the Ministry of Higher Education, Research and Innovation and CNOU.

- Urgently explore alternative options for how the budget deficit can be improved by increasing revenues, for example, through effectively addressing tax evasion and corruption; and prioritize such alternatives over cutting expenditure on economic and social rights;
- Ratify the United Nations Convention against Corruption;
- Develop mechanisms by which people can effectively participate in and contribute to discussions about budgets and public expenditure, before decisions to reduce public welfare expenditure are made in times of economic crisis.
- Conduct a human rights impact assessment before implementing any future reforms to the health and education systems.

TO THE INTERNATIONAL COMMUNITY

- Urge Chadian authorities to thoroughly, impartially and transparently investigate the human rights violations outlined in this report, and offer any assistance required to do so;
- Provide financial and technical support to Chad's justice and security sectors and ensure this support has a strong human rights component, includes monitoring of the security forces, and does not contribute to the commission of human rights violations;
- Engage in the Universal Periodic Review of Chad when it comes up for its third examination in November 2018, including by holding the government accountable for the recommendations it accepted during its previous review in October 2013 and making new recommendations to address the most pressing human rights concerns in the country including the protection of human rights defenders.

TO DONORS AND INTERNATIONAL FINANCIAL INSTITUTIONS

- Conduct human rights impact assessments on any economic reform programmes they suggest to Chad both during this time of crisis and in the future, and make modifications to the programme based on the findings of the assessments;
- Ensure that targets for fiscal consolidation do not undermine the ability of the government of Chad to fulfil economic, social and cultural rights obligations;
- Provide financial and technical assistance to Chad to support the fulfilment of economic, social and cultural rights, and in particular ensure that people in Chad are able to access the minimum essential levels of these rights including of the right to health and education.

ANNEXES

AMNESTY INTERNATIONAL

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Réf: TG AFR 20/2018.014

Monsieur le Ministre de l'Enseignement Supérieur,
de la Recherche Scientifique et de la Formation Professionnelle
N'Djamena, République du Tchad

Le 4 Mai 2018

OBJET : TRANSMISSION DES RESULTATS DE LA RECHERCHE MENEE PAR AMNESTY INTERNATIONAL ET DEMANDE D'AUDIENCE.

Monsieur le Ministre,

J'ai l'honneur de vous adresser cette lettre pour vous faire part des résultats de la recherche que nous avons menée au Tchad de novembre 2017 à avril 2018. Par ailleurs, une délégation d'Amnesty International sera à N'Djamena entre le 8 et le 11 mai 2018 et souhaiterait vous rencontrer pour partager ces résultats et recueillir vos avis afin de les intégrer dans nos éventuelles publications.

Nous espérons que vous serez disponible pour rencontrer la délégation dans l'intervalle susmentionné. Je vous saurai gré de bien vouloir confirmer avec [redacted] par e-mail [redacted] ou par téléphone [redacted] cas où vous ne seriez pas disponible, je vous serais reconnaissante de communiquer à [redacted] l'adresse email et le numéro de téléphone d'une personne que vous nous recommanderiez de rencontrer.

Depuis 2017, Amnesty International documente l'impact sur le droit à l'éducation des mesures d'austérité mises en œuvre au Tchad à la suite de la crise économique qui a débuté fin 2014, notamment sur l'enseignement supérieur. Dans le cadre de ce travail, Amnesty International a mené deux missions de recherche au Tchad et conduit plusieurs entretiens y compris avec des étudiants, leaders de l'union nationale des étudiants du Tchad, des experts de l'éducation et des fonctionnaires du Ministère de l'Enseignement Supérieur, de la Recherche Scientifique et de la Formation Professionnelle.

La République du Tchad a ratifié plusieurs traités importants en matière de droits humains, dont la Charte africaine des droits de l'homme et des peuples et le Pacte international relatif aux droits économiques, sociaux et culturels (PIDESC), qui reconnaissent et garantissent une série de droits fondamentaux, en particulier ceux relatifs au droit à l'éducation y compris l'éducation tertiaire ou éducation supérieure. Cependant, dans le cadre de nos recherches, nos équipes ont pu constater que les mesures d'austérité appliquées à l'éducation tertiaire ont eu un effet régressif sur la réalisation du droit à l'éducation.

Notre recherche montre que les dépenses totales du Tchad en matière d'éducation ont régulièrement augmenté depuis 2008. Cependant, depuis le début de la crise économique, ces dépenses ont été réduites de plus de 20% entre 2014 et 2017 avec des conséquences sur le droit à l'éducation. Par ailleurs, l'imposition de mesures d'austérité, telles que l'annulation des bourses

d'études pour tous les étudiants au Tchad (exceptés les étudiants en médecine), l'augmentation des frais d'inscription pour les nouveaux étudiants et l'instauration des frais d'inscription pour les anciens étudiants ont eu un effet néfaste sur le coût de l'enseignement supérieur et donc son accessibilité.

Les témoignages que nous avons recueillis et les constats faits suscitent une forte préoccupation et nous souhaiterions recueillir votre point de vue ainsi que de toute information complémentaire concernant ces conclusions préliminaires afin de pouvoir les intégrer dans toute future publication. Nous aimerions pouvoir recevoir des informations ou des éclaircissements plus spécifiquement sur les questions suivantes :

1. Nous avons constaté qu'il y a eu une réduction de dépenses relatives à l'éducation au Tchad de 2014 à 2017.

    a) Pourriez-vous partager avec nous les statistiques désagrégées des allocations budgétaires au secteur de l'enseignement supérieur de 2006 à 2017 ?
    b) Pourriez-vous partager avec nous les statistiques désagrégées des dépenses réelles liées à l'enseignement supérieur de 2006 à 2013 ?

2. Pourriez-vous partager avec nous les statistiques désagrégées du nombre d'étudiants par université publique de 2012 à 2018 ?

3. Le Ministre de l'Enseignement Supérieur, de la Recherche Scientifique et de la Formation Professionnelle a-t-il été impliqué dans la décision de réduire les allocations budgétaires au secteur de l'enseignement supérieur et la réduction des dépenses de l'enseignement supérieur? Si oui, de quelle manière ?

4. Nos recherches indiquent que l'annulation des bourses d'études pour tous les étudiants au Tchad (excepté ceux qui sont en médecine) et l'augmentation et l'instauration des frais d'inscription pour les nouveaux étudiants a eu un impact néfaste sur le droit à l'éducation au Tchad.

    a) Quels sont les nouveaux frais d'inscription pour les anciens et nouveaux étudiants ?
    b) Est-ce que les bénéficiaires des bourses d'études ont été consultés avant la mise en œuvre de cette décision ? Si oui, de quelle manière ?
    c) Est-ce que les professeurs et enseignants ont été consultés avant la mise en œuvre de cette décision notamment sur ses impacts potentiels sur les étudiants ? Si oui, comment ?
    d) Est-il prévu d'abroger cette décision après la fin de la crise économique ?
    e) Quelles autres options ont été envisagées par le gouvernement pour réduire le déficit et la dette publique, avant l'annulation des bourses d'études pour tous les étudiants au Tchad (excepté ceux qui sont en médecine) et l'augmentation et l'instauration des frais d'inscription pour les nouveaux étudiants ?
    f) Est-il prévu de mettre en place des bourses de vulnérabilités pour les étudiants vulnérables afin de pallier cette décision et éviter de les mettre dans une situation de précarité ?

5. Mis à part les frais d'inscription, quels sont les autres frais supportés par les étudiants ? Ces frais ont-ils été instaurés avant ou après la crise économique ? Si après, font-ils partie des mesures d'austérité ?

6. D'après les données dont nous disposons, l'aide extérieure totale au Tchad est en régression depuis 2013. Est-ce aussi le cas pour l'aide extérieure à l'Enseignement Supérieur, la Recherche Scientifique et la Formation Professionnelle ? Pourriez-vous partager avec nous le montant de l'aide extérieure à l'Enseignement Supérieur, la Recherche Scientifique et la Formation Professionnelle 2006 à 2018 ? Quels sont les principaux bailleurs de l'Enseignement Supérieur, de la Recherche Scientifique et de la Formation Professionnelle au Tchad ?

Amnesty International est un mouvement mondial regroupant plus de sept millions de personnes qui défendent les droits humains dans plus de 150 pays et territoires. La vision d'Amnesty International est celle d'un monde où chacun peut se prévaloir de tous les droits énoncés dans la Déclaration universelle des droits de l'homme et dans d'autres textes internationaux relatifs aux droits humains. Essentiellement financée par ses membres et par les dons de particuliers, Amnesty International est indépendante de tout gouvernement, de toute tendance politique, de toute puissance économique et de toute croyance religieuse.

Nous vous serions reconnaissants de bien vouloir nous faire parvenir votre réponse écrite de préférence avant le 4 juin 2018 par email à [redacted]
Ceci, afin que nous puissions la faire figurer dans une éventuelle publication.

Veuillez agréer, Monsieur le Ministre, l'expression de notre très haute considération.

Samira Daoud
Directrice Régionale Adjoint (Campagnes)
Bureau Régional Afrique de l'Ouest et du Centre

ECHANGES ENTRE LE MINISTERE DE L'ENSEIGNEMENT SUPERIEUR, DE LA RECHERCHE ET DE L'INNOVATION ET LA DELEGATION D'AMNESTY INTERNATIONAL AU SUJET DE L'EVOLUTION DE L'ENSEIGNEMENT SUPERIEUR AU TCHAD

1) **Nous avons constaté qu'il y a eu une réduction des dépenses relatives à l'éducation au Tchad de 2014-2017.**

a) **Pourriez-vous partager avec nous les statistiques désagrégées des allocations budgétaires au secteur de l'enseignement supérieur de 2006 à 2017?**

Nature des dépenses	Montant/Année en millions de FCFA					
	2012	2013	2014	2015	2016	2017
I. Dotation des pouvoir publiques	**4 775 988**	**5 549 491**	**6 377 178**	**4 703 67**	**4 491 380**	**3 713 881**
I.1 Dépenses du personnel	4 216 764	4 467 307	4 888 478	4 703 674	4 491 380	3 631 209
I.2 Dépenses de biens et mat.	341 000	462 362	644 440	----------	--------	26 500
I.3 Dépenses de services	218 224	619 821	844 260	----------	41 330	56 172
II. Intervention de l'Etat	**17 359 872**	**32 459 471**	**28 310 536**	**16 484 265**	**10 616 451**	**8 356 713**
II.1 Contribution, subvention	17 359 872	32 459 471	28 310 536	16 484 265	10 616 451	8 356 713
II. Equipement et Investissement	**19 612 728**	**10 818 390**	**7 729 004**	--------	---------	**2 273 469**
Financement extérieur	--------	--------	----------	2 550 000	--------	149 294
Total	**41 748 589**	**48 827 352**	**44 966 719**	**23 737 939**	**10 616 451**	**14 493 357**

b) **Pourriez-vous partager avec nous les statistiques désagrégées des dépenses réelles liées à l'enseignement supérieur de 2006 à 2013?** (*cf tableau précédent*);

2) **Pourriez-vous partager avec nous les statistiques désagrégées du nombre d'étudiants par université publique de 2012 à 2018?** (*cf annuaires statistiques*)

3) **Le Ministère de l'Enseignement Supérieur, de la Recherche et de l'Innovation a-t-il été impliqué dans la décision de réduire les allocations budgétaire au supérieur? Si oui, de quelle manière?**

La mesure d'austérité est une décision gouvernementale qui touche tous les départements ministériels. Le Ministère de l'Enseignement Supérieur était associé aux différentes négociations. Il est membre à part entière du Cadre National de Dialogue Social et du Comité tripartite. Il y est aussi impliqué à travers les syndicats des enseignants-chercheurs. (voir les arrêtés et accords).

4) **Nos recherches indiquent que l'annulation des bourses d'études pour tous les étudiants au Tchad (excepté ceux qui sont en médecine) et l'augmentation et l'instauration des frais d'inscription pour les nouveaux étudiants a eu un impact néfaste sur le droit à l'éducation au Tchad.**

Nous pensons que c'est plutôt le problème d'accès à l'enseignement supérieur (capacité des structures d'accueil) qui impactent négativement sur le droit à l'éducation. A titre d'exemple, la quasi totalité des étudiants admis à l'université se sont inscrits pour le compte de l'année Universitaire 2017-2018.

Il est aussi prématuré à notre avis d'évaluer les conséquences de cette réforme.

Pour rappel, la suppression de la bourse ne concerne pas:

- ***les étudiants de la faculté de médecine;***
- *les étudiants de l'Ecole Nationale d'Administration;*
- ***les étudiants de l'Ecole Nationale Supérieure des Travaux Publics;***
- *les étudiants de l'Ecole de la Magistrature et de Justice;*
- ***les Fonctionnaires Elèves des Ecoles Normales Supérieures dont le salaire est transformé en bourse;***
- *les étudiants de l'Ecole Nationale des Agents Sociaux et Sanitaires*
- ***Les bourses exterieures;***
- ***Les aides forfaitaires aux étudiants tchadiens à l'exterieur;***
- *les étudiants de l'Institut National de la Jeunesse et des Sports etc..*

a) Quels sont les nouveaux frais d'inscription pour les anciens et nouveaux étudiants?
(voir Arrêté N°612 en copie)

b) Est-ce que les bénéficiaires des bourses d'études ont été consultés avant la mise en oeuvre de cette décision? Si oui, de quelle manière?

- *La problèmatique de la bourse a fait l'objet d'un seminaire national sur le thème: Problèmatique de la bourse d'étude au Tchad tenu du 06 au 10 Novembre 2006 à N'Djaména (Voir document de synthèse en copie). L'une des récommandations de ce séminaire est la mise en place d'un Centre National des Oeuvres Universitaires, structure autonome sous tutelle de l'Enseignement supérieur chargée de la gestion des oeuvres universitaires (Restauration, transports, hebergement, santé, etc.). Ce centre fut créé par la Loi N°019 de 2008. Avec la création de ce Centre, l'octroi systématique de la bourse ne devrait plus être de mise, mais les bourses extérieures, les bourses de vulnerabilité, les bourses d'excellences et de genres seront conservées;*
- *Avant la suppression de la bourse, le Ministère a fait un travail de sensibilisation en concertation avec les partenaires sociaux (UNET, SYNECS, SET-SUP). Des débats publics et aussi à travers des médias ont eu lieu sur la question.*

c) **Est-ce que les professeurs et enseignants ont été consultés avant la mise en oeuvre de cette décision, notamment sur ses impacts potentiels sur les étudiants? Si oui, Comment?** *(cf question précédente).*

d) Est-il prévu d'abroger cette décision après la fin de la crise économique?

La suppression de la bourse n'est pas liée directement à la crise. La question de sa soutenabilité remonte au seminaire de 2006. Par contre, le gouverenement a pris un engagement pour améliorer les oeuvres universitiares au profit de tous les étudiants alors que la bourse elle-même ne concernait qu'à peine 30% des étudiants uniquement du public.

e) **Quelles autres options ont été envisagées par le gouvernement pour réduire le déficit et la dette publique, avant l'annulation des bourses d'études pour tous les étudiants et l'augmentation et l'instauration des frais d'inscription pour les nouveaux étudiants?** (*voir le Ministère des Finances et du Budget pour d'amples informations*).

f) **Est-il prévu de mettre en place des bourses de vulnérabilité pour les étudiants vulnérables afin de pallier cette décision et éviter de les mettre dans une situation de précarité?**

Effectivement, la bourse systématique est supprimée, mais les textes sont en cours pour fixer les conditions d'octroi de la bourse de vulnérabilité et d'excellence. Pour la question du genre, quelques textes existent, notamment le décret 240 (en copie) prend en compte cet aspect du genre.

5) **Mis à part les frais d'inscription, quels sont les autres frais supportés par les étudiants? Ces frais ont-ils été instaurés avant ou après la crise économique? Si après, font-ils partie des mesures d'austérité?**

Aucun autre frais supplémentaire n'est supporté par les étudiants. Un étudiant coûte en moyenne un million trois cent mille (1 300 000) F CFA par an (avec oeuvres universitaires), les frais d'inscription ne représentent qu'a peine 4% du coût total.

6) D'après les données dont nous disposons, l'aide extérieure totale au Tchad est en régression depuis 2013. Est-ce aussi le cas pour l'aide extérieure à l'enseignement supérieur, la recherche scientifique et l'innovation? Pourriez-vous partager avec nous le montant de l'aide extérieure à l'enseignement supérieur de 2006-2018? Quels sont les principaux bailleurs de l'Enseignement supérieur, de la Recherche et de l'Innovation au Tchad?

Depuis toujours, les partenaires techniques et financiers s'intéressent plus au sous-secteur de l'enseignement de base qu'à l'enseignement supérieur. A titre d'exemple, sur les dix dernières années, l'enseignement supérieur n'a eu que comme financement extérieur:

- *Projet Projet d'appui à l'enseignement supérieur, financé par la BID à hauteur de 5 milliards de FCFA pour l'extension de l'université de Moundou et de l'Université de Mongo (Projet terminé);*
- *Projet d'extension de l'Institut Universitaire des Sciences et techniques d'Abéché, financé par la BADEA et OFID à hauteur de 8 milliards de FCFA (projet en phase de démarrage).*
- *Quelques projets de recherche avec la coopération française, notamment le projet sur les éco-systèmes lacustres du Tchad (projet terminé).*

Pourtant quelques projets bancables ont été élaborés et soumis aux partenaires pour financement.

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Réf: TG AFR 20/2018.017

Ministère de la justice
Monsieur le Ministre de la justice
N'Djamena, République du Tchad

Le 4 Mai 2018

OBJET : TRANSMISSION DES RESULTATS DE LA RECHERCHE MENEE PAR AMNESTY INTERNATIONAL ET DEMANDE D'AUDIENCE

Monsieur le Ministre,

J'ai l'honneur de vous adresser cette lettre pour solliciter une audience entre le 8 et le 11 mai 2018 afin de vous faire part des résultats préliminaires de la recherche que nous avons menée au Tchad de novembre 2017 à avril 2018 et nos recommandations avant leur publication.

Depuis des décennies, Amnesty International suit la situation des droits humains dans la République du Tchad, et notamment en matière de droits à la liberté d'expression, d'association et de réunion pacifique et des droits économiques, sociaux et culturels. En septembre 2017, suite à des missions de recherche sur le terrain, l'organisation a publié un rapport intitule '*Entre répression et récession. Le cout élevé de la dissidence au Tchad*' qui analyse la détérioration de la situation des défenseurs des droits humains et des journalistes au Tchad, ainsi que les violations des droits humains dont ils ont été victimes entre 2015 et 2017, sur une période marquée par l'élection présidentielle, des attaques de Boko Haram et la crise économique actuelle. Dans ce rapport, ainsi que pendant les nombreuses réunions et lettres adressées aux autorités depuis 2016, Amnesty International a formulé plusieurs recommandations, notamment des amendements à des lois obsolètes, la fin de pratiques arbitraires de détention et de torture, des réformes de l'ANS et des enquêtes sur les violations des droits de l'homme documentées.

Nous avons constaté quelques progrès depuis septembre 2017 avec notamment la libération en avril 2018 et l'abandon de toutes les charges contre l'activiste en ligne Mahadine Tadjadine Babouri qui avait été arrêté en septembre 2016 après avoir critiqué la gestion des fonds publics dans une publication sur Facebook. Nous nous en réjouissons et encourageons le Tchad à poursuivre dans cette direction. Cependant, au cours des mois derniers, nous avons continué à documenter des violations des droits à la liberté d'expression, d'association et de réunion pacifique au Tchad et souhaiterions pouvoir recevoir des informations ou des éclaircissements sur les questions suivantes :

1) Combien de manifestations ont été interdites par décrets ministériels et déclarations des autorités en 2015, 2016 et 2017 ?

2) Combien de manifestants ont été arrêtés pendant les manifestations qui ont eu lieu à N'Djamena aux dates suivantes : le 4 janvier 2018, 22 janvier 2018, le 25 janvier 2018, le 29 janvier 2018, le 30 janvier 2018, le 6 février 2018, le 8 février 2018, le 10 février 2018, le 12 février 2018.

3) Quelles sont les charges qui ont été retenues contre les personnes arrêtées pendant ces manifestations ? Combien d'entre elles ont été condamnés à des peines d'emprisonnement ? Combien ont été relaxés et pour quel motif ?

4) Quelles sont les mesures et actions que vous prévoyez de mettre en place pour reformer les textes législatifs et réglementaires restrictifs relatifs aux rassemblements publics (ordonnance n° 46/62 et décret n° 193/620), aux associations (ordonnance n° 27/62) et au droit de grève (loi n° 032/PR/2016) et garantir qu'ils respectent les normes internationales et régionales de défense des droits humains relatives aux droits à la liberté d'expression, d'association et de réunion pacifique ?

5) Quelles sont les actions et mesures que votre gouvernement entend entreprendre afin que chacun, et notamment les journalistes, les syndicalistes, les organisations de la société civile, les défenseurs des droits humains et les activistes, puissent bénéficier de leur droit à la liberté d'expression, d'association et de réunion pacifique maintenant et à l'avenir, y compris à l'approche des élections législatives ?

Nous espérons que vous serez disponible pour rencontrer la délégation dans l'intervalle susmentionné. Je vous saurai gré de bien vouloir confirmer avec [redacted] par e-mail [redacted] ou par téléphone [redacted] Au cas où vous ne seriez pas disponible, je vous serais reconnaissante de communiquer à [redacted] le nom, l'adresse email et le numéro de téléphone d'une personne que vous nous recommanderiez de rencontrer. Nous vous serions également reconnaissants de bien vouloir nous faire parvenir votre réponse écrite de préférence avant le 4 juin 2018 par email à [redacted]

Veuillez agréer, Monsieur le Ministre, l'expression de notre très haute considération.

Samira Daoud
Directrice Régionale Adjointe (Campagnes)
Bureau Régional Afrique de l'Ouest et du Centre

REPUBLIQUE DU TCHAD

PRESIDENCE DE LA REPUBLIQUE

MINISTERE DE FINANCES ET DU BUDGET

SECRETARIAT D'ETAT

DIRECTION GENERAL DU MINISTERE

DIRECTION GENERALE DU BUDGET

DIRECTION DE L'ELABORATION ET DU SUIVI BUDGETAIRE

CELLULE DE CIRCUIT INTEGRE DES DEPENSES

UNITE – TRAVAIL – PROGRES

N°_____ /MFB/DGM/DGB/DESB/CCID/2018 N'Djamena, le

REPONSES AUX QUESTIONS

Question1. Quelles sont les principales mesures d'austérités mise en œuvre par le Gouvernement tchadien de 2015 à ce jour pour palier au déficit et dégager des revenus pour le paiement de la dette publique ?

Réponses-Les mesures d'austérité

- ✓ Les principales mesures : suppression de la bourse des Etudiants et la diminution des indemnités des agents civils de l'Etat à 50% ;
- ✓ Les Abattements : diminution à 50% les deux composantes du salaire qui sont **l'Augmentation Générale Spécifique et la Bonification Indiciaires**.

Question2. Des évaluations de l'impact social ou sur le droits humains ont elle été réalisées avant ou après la réduction des allocations budgétaires et des dépenses de santé publique et d'éducation entre 2014 et 2017. Si oui pourriez-vous partager les résultats avec nous ?

Réponses Une évaluation financière a été effectuée avant et après ces mesures débouchant à une économie de 2 milliards par mois soit 24 milliards par an. Les deux secteurs sociaux qui sont l'Education Nationale et la Santé Publique, appelés aussi secteur prioritaire ont un traitement particulier du point de vue allocation des ressources.

Questions3. Depuis la mise en œuvre des mesures d'austérités, est ce que le Gouvernement et le ministère des Finances et du Budget ont mené des évaluations périodiques sur leur impact sur les droits économiques, sociaux et culturels des populations en général et le droit à la santé

et à l'éducation en particulier avant leur mise en œuvre ? si oui, pourriez-vous partager avec nous les rapports des évaluations menées ?

Réponses Des évaluations périodiques par rapport l'impact de ces mesures concernant les droits économiques, sociaux et culturels des populations en général et le droit à la santé et à l'éducation ont eu lieu.

Questions4. Nous avons constaté une réduction drastique des allocations budgétaires à tous les secteurs et une réduction de toutes les dépenses de l'Etat de 2013 à 2017.

a. Pourriez-vous partager avec nous les statistiques désagrégés des allocations budgétaires aux différents secteurs 2006 à 2017 y compris la santé publique, l'Education primaire et secondaire, l'Enseignement supérieur, Infrastructure, salaires de la fonction publique, Agriculture et Elevage, Environnement, militaire et sécurité ?
b. Pourriez-vous partager avec nous les statistiques désagrégés par secteur des dépenses réelles de 2006 à 2013 ?

Questions5. Le Ministère de la santé et le Ministère de l'Enseignement Supérieur ont-ils été impliqués dans les décisions de réduction des allocations budgétaires au secteur de santé publique et de l'enseignement supérieur et de réduction des dépenses de santé publique ? si oui, comment ?

Réponses. Comme les autres Ministères, le Ministère de la santé et de l'Enseignement Supérieur, la décision de réduction des allocations budgétaires a été prise à l'issue d'un Conseil des Ministres du mercredi 31 août 2016. Tous les Ministères sont impliqués à la prise de décision.

Questions 6. Quelles mesures ont été prises pour s'assurer que les parties prenantes agents de la santé associations de patients et personnes qui utilisent le système de santé ont été consultés et ont eu l'occasion de participer à l'élaboration et la mise en œuvre des politiques de réduction du budget de santé publique et des dépenses des dépenses de santé entre 2009 et 2013

Réponses. Entre 2009 et 2013, il n'y a pas eu des mesures d'austérité. La réduction du budget des deux secteurs sociaux est discutée en conférence puis en Conseil des Ministres. L'élaboration du budget n'est pas faite en vase clos, elle est participative.

Questions7. Quelles autres options le Gouvernement a-t-il envisagé pour réduire le déficit et la dette publics avant que les coupes budgétaires ne soient opérées dans les secteurs sociaux, notamment la santé et l'éducation ?

Réponses. L'option retenue par le Gouvernement pour réduire le déficit et la dette publique avant les coupes budgétaire est assainissement du fichier de la Solde.

Questions 8. D'après l'Institut Mondial de recherche sur l'Economie du Développement de l'Université des Nations Unies (UNI-WIDER, à HELSINKI), le Tchad a perdu au moins 6,97% du PIB (0,9477 milliard de dollars ou 530,602 XAF) en 2013 du fait de l'évasion et de la fraude.

a. Est-ce que la Tchad a pris des mesures pour résoudre ce problème ? si oui, quelles sont les mesures qui ont été prises ?
b. Est-ce que le Tchad envisage ratifier la convention des Nations Unies contre la corruption ? si oui, y- a-t-il un délai prévu pour cette ratification ?

Réponses. Pour lutter contre la fraude et l'évasion fiscale les mesures suivantes ont été prises :

- ✓ La Loi de finances dans son article 14 a modifié les dispositions de l'article 154 du code Général des Impôts pour recadrer les modalités d'octroi des exonérations et des exemptions fiscales et douanières. Ainsi, en plus de l'ancienne disposition, un rajout vient compléter cet article comme suit : « toute convention, tout accord, tout marché ou contrat ayant une incidence fiscale et qui n'est pas contresigné par le Ministre en charge des finances, ne sera pas opposable à l'administration fiscale. Aucune attestation d'exonération ou d'exemption fiscale ou douanière ne saurait être valablement délivré en violation des dispositions ci-dessus » ; l'article 20 de la même loi apporte la nouveauté dans la lutte contre le transfert illicite des bénéfices et la pratique des prix de transfert par des entreprises du groupe en ajoutant à l'article 858 du CGI que désormais ce genre d'opération est frappée d'un impôt exigible majoré de 25% lorsque les somme opposables sont versées à une personne physique ou morale située ou établie dans un pays ou territoire non coopératif ou à fiscalité privilégiée.
- ✓ En outre une commission intergouvernementale a été mise sur pied pour revisiter les conventions d'établissement de certaines grandes entreprises qui posent problème. Quarante-six conventions d'établissement ont été auditées et les conclusions sont entre les mains des hautes autorités.
- ✓ Enfin, l'arrêté N°002/PR/PM/MFB/2018 portant organigramme du Ministère des Finances et du Budget a créé une unité appelé Force d'Appui aux Régies (FAR) qui est un appui dans la mobilisation (lutte contre la fraude) et la sécurisation des ressources de l'Etat. Cette unité permet aujourd'hui de contrôler l'entrée massive et frauduleuse des marchandises sur le territoire national.

Le Président de République a pris une Ordonnance le 30 avril 2018 pour lutter contre la corruption. La création des Institutions de contrôles de la gestion des finances publiques témoigne de la volonté de lutter contre les fraudes et la corruption. Malheureusement il n y a pas un délai pour le moment pour la ratification de la convention des Nations Unies contre la

corruption tout porte à croire que la ratification pourrait être ratifié par l'Assemblée Nationale.

Question 9. D'après les données dont nous disposons, l'aide extérieur totale au Tchad est en régression depuis 2013. Confirmez-vous cette information ? Pourriez-vous nous indiquer le montant de l'aide extérieur au Tchad et pour chaque secteur de 2006 à 2018 ? Quels sont les principaux bailleurs au Tchad.

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STRANGLED BUDGETS, SILENT DISSENT

THE HUMAN COST OF AUSTERITY MEASURES IN CHAD

Over the last 3 years, social unrest born out of harsh austerity measures imposed by the Chadian government and its international creditors has been met with unrelenting repression. This report, based on extensive in-country interviews conducted between November 2017 and May 2018 as well as detailed policy and budget analysis, shows how often arbitrarily determined budget cuts in key social sectors such as education and health have had a devastating impact on the population, in particular on the most vulnerable.

While international standards about austerity measures mandate that safeguards be put in place to protect human rights of the population affected, this report shows that the Chadian authorities and the International Financial Institutions advising the Chadian government have systematically turned a blind eye to the devastating effect of these austerity measures. Worse still, as the report documents, the Chadian authorities have clamped down even more forcefully on protest and dissent, in an apparent attempt to prevent the population from denouncing the impact of austerity measures that deprived them of basic social, health and education services.

The report puts forward detailed recommendations that would strengthen Chad's ability to minimize the human rights impact of austerity measures and end the rampant violations of the population's right to peaceful assembly and freedom of expression.

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