



BRIEFING NOTES

Justice

Assessment

The new constitution adopted in March 1996 (amended by the constitutional law of July 2005), following the Sovereign National Conference (CNS) of 15 January to 7 April 1993 in N'Djamena, confirmed Chad's willingness to reinforce a state of law and democracy, where fundamental rights are guaranteed and protected. The preamble stipulates that « Therefore, we the Chadian people : **Let us affirm our commitment to live together respecting ethnic, religious, regional and cultural diversity ; building a state of law and a united nation founded on public freedoms and fundamental human rights, human dignity and political pluralism, on the African values of solidarity and fraternity ; Let us affirm our commitment to the principles of Human Rights as defined by the United Nations Charter of 1945, the 1948 Universal Declaration of Human Rights and the African Charter on Human and Peoples Rights of 1981; [...]** ».

These constitutional principles are the basis for the independence of justice that guarantees a state governed by law. The rule of law, equality before the law, respect for the law and freedoms by public authorities must be guaranteed by a reliable and credible justice system. The fundamental role justice

plays as guarantor of a state of law cannot be effectively carried out until it is truly independent and the causes of its dysfunction eradicated.



Henceforth, modernizing and restoring the credibility of the justice system is becoming an absolute priority. The emergence of a state of law will contribute to creating a climate of confidence and ensuring equality between the citizens on the one hand and the State and the citizens on the other hand. The state of law thus contributes to consolidating national unity and the Republican ideal.

Though these principles reflect the country's desire to build a State of law where each citizen fully enjoys his or her freedoms, several challenges hinder the proper

functioning of the judicial system. As a result of poor coverage of the territory by the judicial system (jurisdictions) litigants flock to traditional authorities for justice and the modern justice system is not known especially in the rural area (EOPJ, 2014). In fact, according to EOPJ data (2014) about 99 percent of respondents report knowing there is a traditional chief in their locality but barely 60 percent say there is a justice of the peace in their sub-prefecture, and even less know about the existence of a Court of First Instance in their Division (20%). Litigants who have court disputes are also poorly protected as only one person out of ten is defended by a lawyer. Another challenge that could partly account for the latter has to do with funding the judiciary. The budget allocation for justice is hardly more than 2 percent of the total Government budget. This is particularly disturbing because the judiciary, which is a key sector of public authority, needs resources to play its sovereign role. The independence of the judiciary undermined by a multitude of interferences needs to be strengthened. Furthermore, the perception of a corrupt and slow justice system explains the lack of trust by the people in the system and consequently the heavy reliance on other dispute settlement mechanisms (tradition, religion, etc.).

Commentaire [T1]: This position was eliminated in 2014, all justices of the peace have been integrated into the magistracy

Measures already taken by the Government

In applying the fundamental law and in order to give our country a place in the concert of nations that respect a State of law, public authorities have constantly, since the 2003 States General

presided over by His Excellency President Idriss Deby ITNO, Head of State, expressed the desire to reform and modernize the Judiciary for it to fulfill its basic mission of social and economic regulation.

The political will was demonstrated by implementing some programmes and projects like the National Good Governance Strategy (SNBG) in August 2002, the 2005-2015 Justice Reform Programme (PROREJ), the Chad Justice Support Programme (PRAJUST I) 2009-2014, etc.

PROREJ was approved by Decree No. 065/PR/PM/MJ/2005 of 18 February 2005 with the overriding objective of strengthening the efficiency of legal actions by the Chadian state. The programme has three (3) specific objectives: (i) reinforce the legal and judicial security of investments; (ii) guarantee access to justice; and (iii) reinforce the efficiency of justice and proposes to « provide a new vision 2015, namely, a more accessible, fair and just judiciary that guarantees the values of human rights and social peace».

Considering the mixed results obtained from the implementation of PROREJ, the European Commission and Chad signed an agreement to fund the Chad Justice Support Programme (PRAJUST I) on 25 February 2009 under the 10th EDF from 2009 to 2014. This 35 million Euro (CFAF 22.8 billion) project, 25 million (CFAF 16.3 billion) of which was provided by the European Union and 10 million (CFAF 6,5 billion) by the Chadian Government helped to pursue activities that were initially registered or initiated under PROREJ.

Hence, PRAJUST I supported the revision of 17 instruments including the civil code and the criminal code which **once adopted** will help harmonize national law with Chad's international commitments notably on human rights. Regarding the strengthening of human resources (part ii), the programme helped set up the National Judicial Training School (ENFJ) in 2010 which will increase the number of magistrates, registrars and prison administrators and improve their skills (two batches have graduated from ENFJ, a total of more than 800 people). For the class studying human rights and information/education (parts iii and IV), the project has supported 15 civil society associations which have carried out awareness and legal aid activities. These activities targeted vulnerable populations particularly in rural areas and achieved good results. Lastly, on infrastructure and equipment (part V), 20 courts of first instance in the country were either newly constructed or renovated and equipped with computers and furniture.

In spite of the significant achievements recorded by PRAJUST I, the final evaluation conducted in June 2014 indicated that efforts needed to be made to attain the objectives set by PROREJ. The evaluation also highlighted a major problem: « lack of ownership mainly due to poor institutional capacity ».

As a result, 15 000 000 Euros (CFAF 9 839 355 000) was assigned to PRAJUST II, signed on 24 November 2015, the main objective being to « help reinforce the rule of law in Chad and promote respect for and protection of human rights by supporting the consolidation of quality justice that is accessible to all».

Strategic guidelines

The justice sector is covered under Goal 2 of Vision 2030 on « Strengthening good governance and the rule of law ». More specifically, the third sub-goal under Goal 2, « **Democratic governance and local self government is reinforced and autonomous entities are in operation** » is devoted to the judiciary.



Commentaire [T2]: The criminal code was adopted, not sure about the civil code

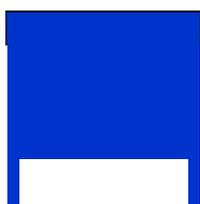
Goal	Sub-goals	Main expected outcomes
Goal 2 Reinforce Good Governance and a State of Law	<u>Sub-goal 2.3</u> Reinforce democratic governance	<u>2.3 Democratic governance and self-government are reinforced and autonomous entities are in operation</u> <u>2.3.1</u> Control, transparency, credibility and regulation of State institutions are reinforced <u>2.3.2</u> Respect for human rights is reinforced <u>2.3.3</u> The judicial system is accessible to the population and the prison policy is improved <u>2.3.4</u> The national population registry is available <u>2.3.5</u> Access to quality public information is guaranteed <u>2.3.6</u> Consensual peaceful settlement mechanisms are operational <u>2.3.7</u> Civil society is involved in the preparation, implementation and monitoring and evaluation of public policies <u>2.3.8</u> Territorial and local governance are reinforced <u>2.3.9</u> Technical, human and material capacities of local authorities are reinforced



Strategic guidelines

The judiciary is covered under Goal 2 of Vision 2030 on « Reinforcing good governance and the rule of law». More specifically, the third sub-goal under Goal 2, «**Reinforcing democratic governance** » is essentially devoted to the judiciary and administrative reforms.

Goal	Sub-goals	Main expected outcomes
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Expected Outcomes	Amount (in CFAF)
Control, transparency, credibility and regulation of state institutions is reinforced	28 270 000 000
Respect for human rights reinforced	11 800 000 000
The justice system is accessible to the population and the prison population is improved	29 226 500 000
The national population registry is available	9 661 000 000
Access to quality public information is guaranteed	7 121 000 000
Consensual mechanisms for peaceful conflict resolution are operational	1 426 210 000
Civil society is involved in the preparation, implementation and monitoring and evaluation of public policies	18 598 860 000
Total	106 103 570 000