



Legal Country Mapping

For the Rights to Safe Drinking Water and Sanitation and
the link with the Right to a Healthy Environment

Chad

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INTRODUCTION

This analysis follows the mapping methodology used by Human Right 2 Water to assess the integration of the human rights to water and sanitation (HRWS) into law and policy at national level. It has been adapted and extended to give voice to the human right to a clean, safe¹, healthy and sustainable environment (HRHE), with the aim of assessing the combined advantages of recognising both these sets of human rights.

It draws upon the criteria and principles that were originally laid out in General Comment No.15² for the human right to water and sanitation, with further elaboration of the right to sanitation after it was recognised as a separate human right in 2015. Alongside this and noting that the HRHE was also recognised as a human right by the General Assembly in July 2022³, we have compared the main principles of the HRHE as related to water. For this analysis, we draw upon the Framework Principles from the paper published by the Special Rapporteur on Human Rights and the Environment from 2018⁴, Good Practices on the Right to a Safe, Clean, Healthy and Sustainable Environment⁵, and the paper titled 'Human Rights Depend on Safe and Sufficient Water', 2021⁶.

In addition to the principles of a human rights-based approach⁷, there are the normative criteria of the human rights to water and sanitation which are specific to the realisation of these rights. The substantive elements of the HRHE, as referenced in the Good Practices⁸ paper mentioned above, are also considered here, where they are linked to water, specifically element 4 on the access to safe water and adequate sanitation. Given the significant advances in the design and measurement of national indicators for the supply of clean and safe drinking water and sanitation through the Joint Monitoring Programme⁹, General Comment No.15 has been augmented, especially on the topic of sanitation, which was recognised as a separate right in 2015. For the purposes of this analysis, the criteria have been maintained as the five elements of the human rights to water and sanitation, and there are additional questions relating to specific environmental aspects that support these rights.

For reference, Annex 2 collates the two sets of human rights principles, looking at how they relate under each category.

¹ Note that the word 'safe' has been included in several places, including the title of the Special Rapporteur, and the framework principles, but not in the latest UNGA resolution.

² General Comment No. 15 on the Right to Water, was adopted in November 2002, by the Committee on Economic, Social and Cultural Rights and then explicitly recognized / recognised on 28 July 2010, through [Resolution 64/292](#), the United Nations General Assembly.

³ The human right to a clean, healthy and sustainable environment, July 2022 (A/76/L.75).

⁴ Framework Principles from the paper published by the Special Rapporteur to the Healthy Environment from 2018, ARC/37/59.

⁵ Good Practices on the Right to a Safe, Clean, Healthy and Sustainable Environment, March 2020, A/HRC/43/53.

⁶ 'Human Rights Depend on Safe and Sufficient Water', 2021, HRC/26/48.

⁷ The elements of the HRBA are Participation, Accountability, Non-discrimination and Equality, Empowerment and Legality.

⁸ Good Practices on the Right to a Safe, Clean, Healthy and Sustainable Environment, March 2020, A/HRC/43/53.

⁹ JMP, WHO and UNICEF data found at www.washtdata.org.

Overview of national water governance for Chad

General Legislation

	Supreme Law	Constitution¹⁰
1.A.1	State Organization	Unitary
1.A.2	Relationship between International and National Law	Monist
1.A.3	Name of Institution possessing regulation-making authority	Governmentⁱ
1.A.5	Popular consultation as part of governing/legislative process	Yes
1.A.8	Member of a regional integration organization	Yes
5.C.1	Independent National Human Rights Institution (NHRI)	Yes

Water Governance

3.A.1	Right to Water mentioned in Constitution	No
3.A.2	Right to Sanitation mentioned in Constitution	No
3.A.3	Right to a clean and healthy Environment in Constitution	Yes
3.A.4	A water code or a law specific to water resources	Yes
3.A.5	National Strategy, Policy, Action Plan etc. on Water and Sanitation	Yes
1.A.8	International institution for Transboundary Water Resources	Yes
3.C.7	Priorities in the allocation of water for different uses	Yes

Benchmark Scores¹¹

Section	Elements included in law	Score
4.A	Availability and Accessibility	Partially included
4.B	Quality and Safety	More than half
4.C	Water Pollution Control	Partially included
4.D	Affordability	More than half
4.E	Acceptability	Partially included
4.F	Non-Discrimination, Equality, Universal Access	Partially included
4.G	Right to Information, transparency	Few references
4.H	Public Participation	Few references
4.I	Accountability, remedies and complaints procedures	Partially included
4.J	Sustainability	Few references
	TOTAL	Partially included

KEY

	Mostly included
	More than half
	Partially included
	Few references

¹⁰ Chad's Constitution, enacted in 2018, is currently suspended and substituted by a Temporary Chart passed by the Transitional Military Council and at moment maintained by transitional president Deby after he took power on 10 October 2022. The Chart mostly contains rules for the distribution of powers and competences and a short catalogue of rights. For the purpose of this survey, the answers were given considering the Constitution of 2018.

¹¹ Score up to 10 allowed for each element, with a score of 10 suggesting that all relevant laws are fully included, zero suggests there are no laws to fit this criterion, and scores on a scale of 1-10 represent the degree of inclusion of pertinent laws (double click to activate excel sheet for calculation).

CHAPTER 1. WATER GOVERNANCE OVERVIEW

A- Preliminary questions:

1. What type of State is the country? (e.g. Federal, Unitary, etc)

Chad is a unitary state (Article 1 of the Constitution) organized into administrative districts and territorial communities (Article 2 of the Constitution).

2. Is there any division of government powers? If yes, please elaborate on their functions.

"The President of the Republic is the Head of State, Head of the Government and of the Administration" (Article 84 of the Constitution).

3. Which institutions and levels of government have legislative powers?

Legislative power is exercised by the National Assembly (Article 111 of the Constitution). However, "the President of the Republic shall initiate laws concurrently with the members of the National Assembly" (Article 87 of the Constitution).

The President of the Republic also has regulatory power (Article 84 of the Constitution).

4. Who has the power to ratify treaties?

"The President of the Republic negotiates and ratifies treaties" (Article 222 of the Constitution).

However, "Peace treaties, defense treaties, trade treaties, treaties relating to the use of the national territory or the exploitation of natural resources, agreements relating to international organization, those involving the finances of the State or those relating to the status of persons, may only be approved or ratified after authorization by the National Assembly. These treaties and agreements shall not take effect until they have been approved and ratified. No cession, no exchange, no addition of territory is valid without the consent of the people expressed

by means of a referendum" (Article 223 of the Constitution).

5. Is there popular consultation as part of governing/legislative process?

The People may be consulted in the context of the revision of the Constitution (article 226 of the Constitution), or for "any bill concerning the organization of public powers, involving the approval of a union agreement or tending to authorize the ratification of a treaty which, without being contrary to the Constitution, would have an impact on the functioning of the institutions" (article 88 of the Constitution).

Article 3 of the Constitution states that "Sovereignty belongs to the people, who exercise it either directly by referendum or indirectly through their elected representatives".

6. Has the country established one or several basin management agencies? Is it autonomous?

Chad does not have an agency that deals with basin management; however, two directorates are responsible for all groundwater and surface water activities. These are the Directorate of Hydraulics and the Directorate General of Water Resources of the Ministry of Environment and Water respectively.

There is also the National Water Fund, whose prerogatives are limited to seeking financing for drinking water supply.

7. Does the country have transboundary water resources?

Yes, the Niger River, Lake Chad and the Sandstone of Nubia.

In the case of Lake Chad, poor cooperation and use of its resources have led to the shrinking of the lake, exacerbated by acts of violence linked to the armed group Boko Haram, which has caused the displacement of millions of people from Chad and Niger.

8. Where transboundary water resources exist, is there an established international institution for basin management? Does it have any responsibility in relation to drinking water?

Chad is a member of the Niger Basin Authority, since November 21, 1980, and the Lake Chad Basin Commission, since May 22, 1964.

Article 3 of the Convention Creating the Niger Basin Authority, concluded at Farhanah, Guinea, 21 November 1980, entered into force 3 December 1982, states in general terms that "The purpose of the Authority is to promote cooperation between the member countries and to ensure the integrated development of the Niger Basin in all the fields of energy, hydraulics, agriculture, livestock, fishing and fish farming, forestry and logging, transport and communications, and industry. Thus, the priority of water for human consumption has not been included as a priority".

On the other hand, a Niger Basin Water Charter is being drafted within the framework of the institution. Article 14 of the said Charter stipulates that "the use of the water of the Basin aims at satisfying in a fair and equitable way the water needs for human consumption (...) as well as other needs related to agriculture, breeding, fishing".

The founding texts of the Lake Chad Basin Commission do not explicitly refer to their competence in drinking water either. Chapter II of the Statute annexed to the Convention establishing the Lake Chad Basin Commission deals generally with domestic, agricultural and industrial water use.

In addition, a Cameroon-Chad Joint Commission has been set up to consult the two countries on the use of the water resources of the Logone River, which are part of the resources of the Lake Chad Basin.

As for the Nubian Sandstone aquifer, a Joint

Commission has also been created in 1992, composed by Libya, Sudan, Egypt and Chad. The objective is to put in place the tools necessary for ensure a exploitation of the resources of this aquifer.

B- The country is member of a regional integration organisation?

1. Which countries form part of this organisation?

Chad is notably part of:

- (a) The Economic and Monetary Community of Central Africa (CEMAC), since the signature in 1994, which includes six member states: Cameroon, Central African Republic, Republic of Congo, Gabon, Equatorial Guinea, and therefore Chad.
- (b) The Economic Community of Central African States (ECCAS) since October 18, 1983, which includes the following 11 countries: Angola, Burundi, Cameroon, Central African Republic, Congo, Democratic Republic of Congo, Gabon, Equatorial Guinea, Rwanda, Sao Tome and Principe, and Chad.
- (c) The African Union since 1963, which includes, in addition to the ECCAS countries listed below, the following states: Benin, Burkina Faso, Côte d'Ivoire, Guinea Bissau, Mali, Niger, Senegal and Togo, Cape Verde, Gambia, Ghana, Guinea, Liberia, Nigeria and Sierra Leone, South Africa, Algeria, Botswana, Comoros, Djibouti, Egypt, Eritrea, Ethiopia, Kenya, Lesotho, Libya, Madagascar, Malawi, Mauritania, Mauritius, Morocco, Mozambique, Namibia, Seychelles, Somalia, South Africa, Sudan, South Sudan, Swaziland, Uganda, Tanzania, Zambia, Zimbabwe.

2. Are the decisions of the organisation legally binding for the members?

- (a) As far as CEMAC is concerned, the binding force of legal acts taken by the various organs of the Community depends on their nature: "The additional acts are annexed to the CEMAC Treaty and complement it without modifying it. Their respect is binding on the Institutions, Organs and

Specialized Institutions of the Community as well as on the authorities of the Member States; Regulations and framework regulations are of general application. Regulations are binding in their entirety and directly applicable in all Member States. Framework regulations are directly applicable only for some of their elements. Directives are binding, as to the result to be achieved, upon each Member State to which they are addressed, but leave to the national authorities the choice of form and methods. Decisions are binding in their entirety on the recipients they designate. Recommendations and opinions are not binding "(Article 41 of the Treaty establishing CEMAC).

- (b) Within the framework of ECCAS, decisions taken by the Conference of Heads of State and Government are binding on Member States and its institutions; directives are binding on the institutions concerned. Similarly, regulations adopted by the Council of Ministers of the Community shall be binding on the Member States and its institutions concerned. None of these acts are binding on the Court of Justice (Articles 11 and 15 of the ECCAS Treaty). As for the acts of the Court of Justice, Article 17 of the ECCAS Treaty notes that "the judgments of the Court of Justice shall be binding on the Member States and institutions of the Community".

Within the African Union, the decisions of the Assembly of Heads of State and Government (Article 7 of the Constitutive Act of the African Union) and the Executive Council (Ministers of Foreign Affairs or any other minister or authority designated by the governments of member states, Article 10 of the Constitutive Act of the African Union) are binding on of the member states.

3. What is the mandate of the organisation?

CEMAC - The essential mission of the Community is to promote peace and the harmonious development of member states, within the framework of the establishment of two Unions: an economic Union and a monetary Union. In each of these two areas,

the member states intend to move from a situation of cooperation, which already exists among them, to a situation of Union likely to complete the process of economic and monetary integration (Article 2 of the revised CEMAC Treaty).

ECCAS - According to Article 4 of the Treaty establishing ECCAS, the aim is to promote and strengthen harmonious cooperation and balanced and self-sustaining development in all areas of economic and social activity, particularly in the areas of natural resources. The objectives of the community are stated in §2 of article 4 of the said treaty.

African Union - The purpose of the African Union is to promote unity and solidarity among African countries in order to accelerate the process of integration in the continent so as to be able to cope with economic, social and political problems. See Article 3 of the Constitutive Act of the Union containing the objectives of this community.

4. Does the regional organisation have the authority to regulate or make decisions which affect water, sanitation and a healthy environment? Are there any mechanisms for enforcement?

In the area of access to water, ECCAS has set up a Regional Coordination and Management Center for Water Resources, a Regional Action Plan for Integrated Water Resources Management in Central Africa, a Water Information System, and a Ministerial Steering and Orientation Committee that includes the ECCAS Ministers in charge of water.

Regarding the African Union, article 13, one of its organs, the Executive Council may decide on policies in the areas of water resources, energy, water management, and the environment.

C- Water governance and administration:

1. What is the structure of the government water administration (provide relevant organizational charts whenever available)

and what power, role and responsibilities does the Government have at each level?

a. At national/federal level?

Water issues are mainly the responsibility of the Ministry of the Environment, Water and Fisheries. It is assisted by a Directorate of Drinking Water Supply, a Directorate of Sanitation, a Directorate of Water Resources, a Sub-Directorate of Studies, Monitoring, Evaluation and Regulation of Water, a Sub-Directorate of Hydrology and Integrated Management of Water Resources (See Decree n°562/PR/PM/MEEP/2018 on the Organizational Chart of the Ministry of the Environment, Water and Fisheries).

In the largest cities, the water supply service is managed by the Chadian Water Company.

b. At the intermediate level (state, river basin, other)

At the intermediate level, the Territorial and Decentralized Collectivities are responsible for water management (see Decree No. 249/PR/MEE/02, Order No. 028/MEE/ and Order No. 29).

c. At the local level?

In the sanitation sector, urban communes are responsible for municipal works, hygiene and public health (e.g., public latrines) and flood prevention.

2. Which government ministries/agencies are directly or indirectly involved in governance of water and sanitation and a healthy environment?

The departments involved in water management are:

- The Ministry of the Environment, of Water and Fisheries;
- The Ministry of Production, Irrigation and Agricultural Equipment;

- The Ministry of Land Management, Housing Development and Urban Planning;
- The Ministry of Livestock and Animal Productions;
- The Ministry of Public Health.

3. Which national government agency is responsible for the environment? What are its responsibilities with respect to water?

The Ministry of Environment, Water and Fisheries is responsible for the protection and safeguarding of the environment, and for implementing any decree to regulate pollution and factors negatively affecting the environment.

4. Which national government agency is responsible for drinking water? What are its responsibilities?

Article 42 of the Water Code, Law N. 016/PR/1999, as amended and supplemented by the Ordinance n°018/PR/2011, establishes the Water Sector Regulatory Agency, a regulatory body with legal personality and financial autonomy. The Agency ensures that the regulations relating to the water sector are applied impartially, proposes to the State to approve water tariffs, approves multi-year investment programmes, approves the award of the contract for an amount set by the Concession Agreement (contract granting the *Société Tchadienne de l'Eau*, pursuant to Ordinances N. 28 and 29/MEE/DG/2002) monitors the execution of the work and attends the acceptance of the works relating to the assets placed under concession.

In addition, the Inter-ministerial Committee of Experts on Water Quality (CIE) oversees ruling on derogations to the decree on national water quality standards (Decree No. 15/PR/PM/ME/MSP/2010).

5. Which national government agency is responsible for sanitation? What are its responsibilities?

In Chad, the Ministry of urban and Rural Hydrology leads sanitation as main agency for this matter. Furthermore, the Water

Code created the National Water Fund (NWF) which is entitled to finance the development of water supply facilities both in urban and rural areas and sanitation as stated in Article 65. Specifically, this agency

is funded through the resources coming from: water charges; state subsidies; fines and penalties provided for in this Code; donations and legacies; external funding for the development of the water sector.

CHAPTER 2: INTERNATIONAL AND REGIONAL TREATIES

A. Regional Multilateral/Bilateral Treaties

(R) = ratification and (A) = membership

Table 1. Regional multilateral and bilateral treaties

Instruments	Participating States	Entry into force
Minamata Convention on Mercury. Article 9 indirectly protects the right to water.	Kumamoto, Japan	24/09/2015 (R)
United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification. Article 2 indirectly protects the right to water.	Paris, France	27/09/1996 (R)
Convention on Biological Diversity. Article 6 indirectly protects the right to water and sanitation.	Rio de Janeiro, Brazil	07/06/1994 (R)
United Nations Framework Convention on Climate Change. Article 4 indirectly protects the right to water.	New York, United States	07/06/1994 (R)
United Nations Framework Convention on Climate Change. Article 4 indirectly protects the right to water.	New York, United States	07/06/1994 (R)
Convention on the Law of the Non-navigational Uses of International Watercourses (1997). Reservation/Declaration: N/A	New York, United States	26/09/2012 (A)
Convention on Wetlands of International Importance, especially as Waterfowl Habitat.	Ramsar, Iran	13/06/1990 (A)
Convention on the Protection and Use of Transboundary Watercourses and International Lakes (1992). Reservation/Declaration: N/A	Helsinki, Finland	22/02/2018 (A)

B. International Treaties

Table 2. International binding instruments

Instruments	Signature	Ratification
Minamata Convention on Mercury. Article 9 indirectly protects the right to water.	Kumamoto, Japan	24/09/2015 (R)
United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or	Paris, France	27/09/1996 (R)

Instruments	Signature	Ratification
Desertification, particularly in Africa. Article 2 indirectly protects the right to water.		
Convention on Biological Diversity. Article 6 indirectly protects the right to water and sanitation.	Rio de Janeiro, Brazil	07/06/1994 (R)
United Nations Framework Convention on Climate Change. Article 4 indirectly protects the right to water.	New York, United States	07/06/1994 (R)
Convention on the Law of the Non-navigational Uses of International Watercourses (1997). Reserve/Declaration: N/A	New York, United States	26/09/2012 (A)
Convention on the Protection and Use of Transboundary Watercourses and International Lakes (1992). Reserve/Declaration: N/A	Helsinki, Finland	22/02/2018 (A)
Convention on Wetlands of International Importance especially as Waterfowl Habitat.	Ramsar, Iran	13/06/1990 (A)
Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (1998). Reserve/Declaration: N/A	Aarhus, Denmark	Not a signatory
International Covenant on Civil and Political Rights (1966). Articles 6.1, 7, 10.1 and 27 indirectly protect the right to water and sanitation. Reserve/Declaration: N/A	N/A	09/06/1995 (A)
Optional Protocol to the International Covenant on Civil and Political Rights (1966). Reservation/Declaration: N/A	N/A	09/06/1995 (A)
International Covenant on Economic, Social and Cultural Rights (1966) Articles 2.1 and 2.2; 3; 6; 7; 9; 11.1 and 12 indirectly protect the right to water and sanitation. Reserve/Declaration: N/A	N/A	09/06/1995 (A)
Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (2008). Reserve/Declaration: N/A	N/A	Not a signatory
Convention on the Elimination of All Forms of Discrimination against Women (1979). Article 14.2 directly protects the right to water and sanitation. Reserve/Declaration: N/A	N/A	09/06/1995 (A)
Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (1999). Reservation/Declaration: N/A	26/09/2012	Not ratified
Convention on the Rights of the Child (1989). Article 24 directly protects the right to water and sanitation Reservation/Declaration: N/A	30/09/1990	02/10/1990 (R)
Convention on the Rights of Persons with Disabilities (2006). Article 28 directly protects the right to water and sanitation. Reservation/Declaration: N/A	26/09/2012	Not ratified
Optional Protocol to the Convention on the Rights of Persons with Disabilities (2006). Reservation/Declaration: N/A	26/09/2012	Not ratified
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984). Reservation/Declaration: N/A	N/A	09/06/1995 (A)
Convention relating to the Status of Refugees	N/A	19/08/1981

Instruments	Signature	Ratification
		(A)
Geneva Convention (III) relative to the Treatment of Prisoners of War (1949). Articles 20, §2; 26, §3; 29; 46, §3 directly protect the right to water and sanitation.	N/A	05/08/1970 (A)
Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War (1949). Articles 85; 89, §3; 127, §2 directly protect the right to water and sanitation. Reserve/Declaration: N/A	N/A	05/08/1970 (A)
Protocol Additional (I) to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (1977). Articles 54 and 55 directly protect the right to water and sanitation. Reserve/Declaration: N/A	N/A	17/01/1997 (A)
Protocol Additional (II) to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (1977). Articles 5 and 14 directly protect the right to water and sanitation. Reservation/Declaration: N/A	N/A	17/01/1997 (A)
Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others. Reserve/Declaration: N/A	N/A	Not a signatory
International Convention on the Suppression and Punishment of the Crime of Apartheid. Reserve/Declaration: N/A	23/10/1974	23/10/1974 (R)
International Convention against the Taking of Hostages. Reservation/Declaration: N/A	N/A	01/11/2006 (A)
International Convention on the Elimination of All Forms of Racial Discrimination. Reserve/Declaration: N/A	N/A	17/08/1977 (A)
Convention on the Prevention and Punishment of the Crime of Genocide. Reserve/Declaration: N/A	N/A	Not a signatory
Convention against Discrimination in Education. Reserve/Declaration: N/A	N/A	Not a signatory
Slavery Convention. Reserve/Declaration: N/A	N/A	Not a signatory
Protocol amending the Slavery Convention, signed in Geneva on 25 September 1926. Reserve/Declaration: N/A	N/A	Not a signatory
International Convention for the Protection of All Persons from Enforced Disappearance. Reserve/Declaration: N/A	06/02/2007	Not ratified

C. Regional

Table 3. Regional instruments

Instruments	Signature	Ratification
African Convention on the Conservation of Nature and Natural Resources (1968). Reserve/Declaration: N/A	15/09/1968	Not ratified
African Convention on the Conservation of Nature and	06/12/2004	20/01/2015

Instruments	Signature	Ratification
Natural Resources (revised) (2003). Reserve/Declaration: N/A		(R)
African Charter on Human and Peoples' Rights (1981) Articles 4, 5, 15, 16, 18.1, 22, 24 indirectly protect the right to water and sanitation. Reservation/Declaration: N/A	29/05/1986	09/10/1986(R)
African Charter on the Rights and Welfare of the Child (1990). Articles 5, 11.1, 14, 23 indirectly protect the right to water and sanitation. Reserve/Declaration: N/A	06/12/2004	30/03/2000 (R)
Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (2003). Article 15 directly protects the right to water and sanitation. Reserve/Declaration: N/A	06/12/2004	Not ratified
Protocol to the African Charter on Human and Peoples' Rights on the African Court on Human and Peoples' Rights. Reserve/Declaration: N/A	06/12/2004	27/01/2016 (R)
Constitutive Act of the African Union. Reserve/Declaration: N/A	12/07/2000	16/01/2001(R)
Protocol on the Statute of the African Court of Justice and Human Rights. Reserve/Declaration: N/A	22/01/2009	Not ratified
African Peer Review Mechanism.		Not a signatory
African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (2009). Articles 7.5.C and 9.2.C directly protect the right to water and sanitation. Reserve/Declaration: N/A	24/06/2010	11/07/2011 (R)
Bamako Convention on the Ban of the Import into Africa of Hazardous Wastes and on the Control of Transboundary Movements and Management of Hazardous Wastes within Africa Articles 4.2 and 4.3.f indirectly protect the right to water.	27/01/1992	03/07/2012 (R)
African Charter on Maritime Safety and Security and Development in Africa (Lomé Charter) (2016).	15/10/2016	Not ratified

CHAPTER 3: DOMESTIC LEGISLATION ON WATER

A. Water law

1. Is the right to water mentioned in the Constitution?

No

2. Is the right to sanitation mentioned in the Constitution?

The Chadian Constitution can be invoked to protect the right to water and sanitation through the right to a healthy environment, which it explicitly mentions (Article 51).

3. Does the Constitution otherwise reference water and sanitation?

Yes. Article 127 of the Constitution refers to water, among the matters the law defines the fundamental principles of. In addition, both water and sanitation can be traced back under Article 51, falling within the concept of the right to a healthy environment.

4. Is there a water code or a law specific to water resources? Please specify.

Yes, the law n°016/PR/99 of August 18, 1999, carries the water code, as amended and supplemented by Ordinance n°018/PR/2011.

5. Is there national strategy / policy, action plan or similar document on water? Does it include the management of wastewater and sanitation?

- The Water and Sanitation Master Plan, adopted in 2003, is a policy and strategy framework document for 2020:

- The Drinking Water Supply and Sanitation Project in Eight Secondary Centres and Surrounding Rural Areas is a continuation of the Rural Drinking Water Supply and Sanitation Programme, which closed in November 2012.

- National Sanitation Policy and Strategy (PSNA) adopted in July 2017.

- The National Water and Sanitation Investment Plan adopted in 2016, a policy framework and a strategy document on public and private investments in water

supply network and access to sanitation facilities for people of both urban and rural areas.

6. Are there any other major regulations, decrees, orders, circulars, or similar official documents (such as pricing, water policing, utility easements, public domain occupation...etc.) related to the rights to water and sanitation?

Yes. We can mention:

- The Law n. 016/PR/1999 of August 18, 1999, on the Water Code, amended and completed by Ordinance n. 018/PR/2011;
- Law n°014/PR/98 defining the principles of environmental protection
- The Law n. 002/PR/2000 of February 16, 2000, on the statutes of the decentralized territorial authorities;
- The decree n°249/PR/MEE/02 defining the terms and conditions of transfer as a provisional transfer by the State to the Decentralized Territorial Communities of its powers in the field of delegation of the Public Service of Drinking Water;
- The decree n°330/PR/MEH/2014 of January 20, 2015, defining the modalities and conditions of transfer of powers from the State to the Decentralized Territorial Collectivities, of its powers in terms of delegation of the Public Service of Drinking Water,
- Order No. 01/PR/MHVP/09 of April 30, 2009, on the concept of a perimeter authority for the management of the public water service in Chad;
- Order No. 03/MEA/SG/2017 defining the model framework of the particular contract for the Delegation of the Public Service of Drinking Water to a User Association or a Private Contractor;
- The Decree n° 615/PR/PM/ME/MSP/2010 concerning National definition of drinking water in Chad,
- The Decree n°616/PR/ME/2010 of August 2, 2010, on the procedure of

- control and monitoring of the quality of water intended for human consumption;
- Order N°12/PR/PM/ME/MSP/2011 on the modalities of the first analysis of water from water catchment areas intended for human consumption;
 - The Order N°13/PR/PM/ME/MSP/2011 defining the conditions of approval of laboratories for the realization of sampling and analysis of drinking water;
 - Order No. 22/MHUR/2011 defining the national strategy for equipment and allocation of drinking water points;
 - Order No. 26/ME/2010 of July 28, 2010, establishing the technical and normative specifications applicable to the construction and equipment of village waterworks in Chad;
 - Order No. 24/MHUR/2011 of November 3, 2011, defining the terms and conditions of use of the village participation in the realization of drinking water works;
 - Order n°028/MEE/DG/02 defining the model framework of the special agreement for the transfer of the power to delegate the Public Service of Drinking Water from the State to a decentralized territorial authority;
 - Order n°29/MEE/DG/2002 of June 25, 2002, defining the model framework for a special contract for the delegation of the Public Service of Drinking Water to a User Association or a Farmer;
 - Order n°30/MEE/DG/02 of June 26, 2002, concerning the Constitution, organization and functioning of the Drinking Water Users Associations (DWUA);
 - Order No. 31/PR/MEA/SG/2016 defining the criteria for the selection of an operator aimed at the operation, maintenance and development of drinking water supply systems;
 - Order No. 060/MEE defining the various implementation phases of an integrated water, hygiene and sanitation project in rural areas;
 - The Decree n. 386/PR/PM/MH/2016 fixing the modalities of organization and functioning of the National Water Laboratory (LNE).

B. Environmental law

1. **Is the right to a healthy environment mentioned in the Constitution?**

Yes. As stated above under item 3(A)3, Article 51 of the Constitution provides that every person has the right to a healthy environment

2. **Does the Constitution otherwise reference a safe, clean and healthy environment?**

Yes. In addition to Article 51, the Constitution refers to the environment under four other Articles, namely: (i) Article 52 including the duty for the State and the Autonomous Collectivities to ensure environmental protection; (ii) Article 57 defining the protection of the environment as a duty for everyone that must be ensured by the State and the Autonomous Collectivities and stating that every environmental damage must be repaired; (iii) Article 127 stating that the law defines the fundamental principle regarding environmental protection; and (iv) Article 168 defining the powers and competences of the Economic, Social and Cultural Council.

3. **Is there an environmental code or law that references water?**

Yes. The Water Code (*Code de l'Eau*), adopted on 2 July 1999, as amended and supplemented by Ordinance 0186/PR/2011.

4. **Is there a national strategy, policy, action plan or similar document on the environment?**

Yes. In 2015, Chad's Government has adopted the "Sustainable Development Program to 2030" committing Chad to a holistic approach to sustainable development integrates by five pillars: people, planet, peace, prosperity and partnerships. The progresses made by Chad have been documented in the "National Voluntary Report (*Examen National Volontaire*) presented at the High-Level Political Forum on sustainable development convened by the Economic and Social Council, in the context of UN (United Nations) 2020-2030 Agenda, in 2019 and in 2021.

5. Are there any other major regulations, decrees, orders, circulation or similar documents related to the right to a healthy environment (such as resource consents, public domain occupation etc)?

Yes. The law No. 014/PR/98, adopted in 1998, defines the general principles of environment protection. Such law mainly identifies the objects of protection, the issues connected to pollution and the tools that can be used by the government to protect the environment. However, no serious implementation of laws followed.

C. Extraction and/or use of water

1. Does the legislation regulate the right to abstract water? (Surface, groundwater etc.)?

Yes, according to Article 76 of the Water Code, "... water withdrawals by well, drilling, canal, diversion or other, are subject, as well as the relevant ancillary works, to declaration...". See also Chapters 4 and 5 of the Water Code.

2. Does the legislation distinguish between the extraction of drinking water and water for other uses?

Yes, according to article 112 of the Water Code, "Any non-consumptive use of water is subject to prior authorization by the Minister in charge of water. If this use is likely to avoid any pollution of any kind, it is subject to a joint authorization by the Minister in charge of Water and the Ministers concerned".

According to Article 113 of the Water Code as well, "non-consumptive uses of water may be subject to payment of a fee." The following are considered non-consumptive uses under article 111 of the same code: energy generation; hydroelectric power generation; refrigeration or any other use in a closed circuit, when carried out in a closed circuit; navigation; aquaculture and recreational activities.

3. Is the right to use water connected to land

ownership?

Yes, according to Article 6 of the Water Code, "Every landowner has the right to use and dispose of the storm water that falls on his land".

The same applies to all other uses, as well as to water withdrawals by wells, boreholes, canals and diversions, subject to the provisions relating to the quantitative and qualitative protection of water resources set out below. See also Article 74 of the Water Code. However, according to Article 75 of the Water Code, "In case of artificial accumulation on private land, the operator is required to declare the capacity, the final destination and the regime of use of the water..."

4. Are permits/licenses required for water use (e.g. domestic, agricultural, industrial)?

Except for the use of rainwater falling on private land (Article 74 of the Water Code), other water uses are in principle subject to a self-declaration (Articles 76 and 79 of the Water Code) or an authorization (Article 85 of the Water Code)

5. Can permits/licenses be suspended? Under what circumstances?

Yes. The authorization is temporary; it is revocable by the Minister in charge of water in consultation with the other Ministers in the following cases:

1- Use of polluted aquifers or surface water reserves, the use of which by the population may be a danger to public health;

2- If a reason of public interest has required its withdrawal, except in the case of public works having as their object the use of surface waters or of concessions for the use of waters as defined in article 91 below.

By non-fulfilment, after formal notice, except in cases of force majeure, of one of the conditions provided for under the authorisation (Article 88 of the Water Code).

6. Can water abstraction licenses be transferred? Is transferability subject to

restrictions?

The water abstraction licenses can be transferred according to the interpretation that can be made of article 85 of the Water Code: "The authorization to use water granted especially or specifically for an agricultural or livestock operation, an industrial operation or a tourist operation is a property right that remains together with the relevant activity, regardless of the beneficiary".

7. Are there priorities in the allocation of water for different uses?

Yes, according to Article 149 of the Water Code, "The allocation of water resources must at all times take into account the social and economic needs of the population. The supply of drinking water to the population remains, in all cases, the priority element in the allocation of water resources".

Article 150 adds that "when human water needs have been met and insofar as the security of this supply is not put into question, priority is given to the needs of agro-sylvo-pastoral, reforestation projects, and finally to the needs of industrial complexes, agro-industrial and road developments.

The needs of river navigation, electric power generation, mining, oil and tourism industries are met according to the relevant economic interests in the area and national priorities".

Article 151 specifies that "when certain cases of force majeure, such as war, drought, floods, natural disasters occur, the order of priority may be temporarily modified.

A decree issued on the joint proposal of the Minister in charge of water and the Ministers of the departments concerned sets out the rules for changing priorities, prohibitions, rights and duties of individuals and legal entities, except for cases of drinking water supply for the population".

8. Are there any regulations for monitoring the volume of water extracted from groundwater?

Yes. The Water Code sets out authorization

for the collection of ground water and entails the control on the volume of water extracted.

Specifically, Article 79 states that any operator of an existing groundwater abstraction facility (or surface water) is required, within six months, to make a declaration of his facilities in the forms required by the administration in charge for water, for permit applications within the limits set by the Administration concerned.

Article 104 states that the collection of ground water is authorized only if, *inter alia*, (i) the relevant purpose is the satisfaction of individual domestic needs, (ii) the flow rate does not exceed 3 m³ and (iii) the collection method is declared pursuant to Article 78 of the same Water Code.

In addition, Article 106 states that the authorization for the collection of ground water must set out the nature, the rules and the limits of such exploitation and, in this regard, the controls carried out by an agent of the administration to monitor the compliance with the extraction limits.

9. Are there any restrictions for releasing contaminants/pesticides/fertilisers/farm animal effluent/industrial waste or other pollutants to rivers, lakes, seas, or groundwater?

Yes. Title VI of the Water Code sets out general rules for water quality protection prohibiting spills, flows, discharges, direct deposits of materials of any kind and, more generally, any act which is likely to cause or increase the degradation of water.

In addition, the Annex to the Decree No. 15/PR/PM/ME/MSP/2010 establishes the national drinking water standards, setting out maximum levels of biological and chemical substances that may be present in water for it to be considered of acceptable quality.

CHAPTER 4. THE HUMAN RIGHTS TO WATER AND SANITATION & SDG 6 TARGETS¹² including elements of the Human Right to a Healthy Environment

A. Availability and accessibility (SDG 6.1, 6.2, 6.4)

1. **What laws or regulations ensure that a minimum essential level of water is available to all?**

The legislation does not stipulate a minimum quantity to be made available to the population. However, reference can be made to Article 10 of Order No. 028/MEE/DG/02, "to ensure that the public drinking water service is provided by the delegate(s) in a manner that best meets the qualitative and quantitative needs of users".

2. **What are the standards/policies on the amount of water to be made available?**

The legislation does not specify standards for the amount of water to be made available to consumers. According to article 40 of the Water Code, "The Public Drinking Water Service is provided without interruption except in cases of force majeure".

See also section 10 of the Order n°028/MEE/DG/02.

3. **In cases where water is not available on premises, what mechanisms are in place to ensure collection times do not exceed 30 minutes including wait times and queuing? Does the law ensure continuous supply of water for all?**

The Water Code's provision state that the supply of water must be without interruption for all (Article 40)

4. **In instances where water availability is not continuous, what measures are implemented?**

Information currently available are not sufficient to answer this question.

5. **How is water supply availability ensured for marginalized and vulnerable groups, e.g., economically challenged or less developed rural areas?**

Since the water supply network is mostly obsolete and it does not reach every community of the country, several projects have been developed in order to provide these rural villages with water flow and sanitation. The most important project on this matter is the "Chad Water Supply and Sanitation Project in Eight Secondary Centres and Surrounding Rural Areas", implemented as the continuation of the PNEAR Programma which closed in 2012 which has provided 340.000 people with safe water and 110.000 people with sanitation. The project targeted the four poorest regions in the country namely:

- Tandjilé;
- Mayo-Kebbi East;
- Mayo-Kebbi West; and
- Mandoul.

The project assured the supply through the construction of 714 boreholes, 700 human operated pumps, 8 pumping stations and 12 water towers.

6. **Does the law/policy prioritize water for domestic uses over other uses?**

Yes. As highlighted in the Water Code and in the main legislation on the matter prioritize the domestic use of (especially surface) water over other kinds of usage., as the collection for this purpose is deregulated and for free both of surface and groundwater (with the formalities and the limits stated in Article 105).

7. **What are the grounds for disconnecting, interrupting or altering water supply and sanitation services (e.g., authorities may alter water supply in case of droughts or**

¹² See Table of the Targets and Indicators of SDG 6 page 9

emergencies, in which cases are disconnections possible...)?

Article 40 of the Water Code only states that "the Public Drinking Water Service is provided without interruption except in cases of force majeure".

Another case of interruption or restriction of the public drinking water service provided for in Chadian legislation is the failure of the operator to comply with quality standards (Article 8 of Decree n° 615/PR/PM/ME/MSP/2010).

8. What are the procedural standards/criteria for permitting interruption, disconnection or alteration of water supply and sanitation services?

In the event that the interruption or restriction is due to non-compliance with quality standards, the competent authorities shall decide on the measures to be taken, considering the importance of access to drinking water (Article 8 of Decree no. 615/PR/PM/ME/MSP/2010). In other words, the procedures and criteria to be followed will be determined on a case-by-case basis.

9. Are alternative ways of water supply and sanitation services provided for in case of alteration of supply and/or service?

Our research did not allow us to find any answer to this question.

10. Does law/policy provide guidance on: The number of water outlets?

Order No. 022/MHUR/2011 defining the national strategy for equipment and allocation of drinking water points notes in its article 2 that "The population is the main criterion for the allocation of the type of drinking water facility".

11. The safety, distance and time from a dwelling or structure to reach water outlet or sanitation facilities (e.g., laws that specify water outlets must be available within a certain distance from a school or household)?

Socio-economic criteria such as the presence of a school, a health center, a market, the

willingness and ability of the population to pay for a water service, etc. are useful to characterize the village or center and prioritize investments but cannot influence the choice of the equipment to be installed. The order thus provides:

- in communities with a population of 500 or less, a human-powered pump (HPP);
- in communities with a population between 501 and 800, 2PMH ;
- in localities with a population between 801 and 1200, 3PMH ;
- in localities with a population between 1201 and 2000 inhabitants, a drinking water supply serving at least 5 standpipes;
- in localities with a population of between 2001 and 10,000, serving more than 5 standpipes (1 for every 400 inhabitants), and on request from users of private connections (approximately 1 for every 10 people);
- in localities with a population of more than 10,000, an urban drinking water supply with private connections (about 1 per 10 people) and, if necessary, standpipes.

See Articles 4 to 8 of Order No. 022/MHUR/2011 defining the national equipment and allocation strategy.

12. Technical safety of water outlets or sanitation facilities (e.g., law requiring that certain standards are applied in the construction of those facilities or of buildings? Are there any standards that protect healthy natural water bodies to guarantee sustainable sources of water for drinking or other household uses?

Chad's Water and Sanitation Master Plan, which cites "The Orientation Plan: Chad Towards the Year 2000," provided for one water point for every 500 inhabitants in rural areas, and the availability of clean water within a 15-minute walk in cities, and "The Revised Orientation Plan: Préparer le Tchad au défi du 21e siècle" (Preparing Chad for the Challenge of the 21st Century) provided for the availability of safe water within a 15-minute walk to 50% of the population by 2001 and 70% by 2015.

13. Do groundwater sources and aquifers have

an allocation of water volume protected from extraction to ensure long term sustainability?

Yes. Article 107 of the Water Codes states that any collection of ground water must be authorized by the Ministry in charge of water only for absolute necessity as granting water supply to rural communities not connected to the national distribution network.

Article 105 partially derogates to this provision, authorizing the collection of groundwater if the flow does not exceed the 3m³ per hour and it has been declared pursuant the forms prescribed in Article 78.

14. Is there any provision in the law/policy for the availability and accessibility of clean and healthy environmental spaces in non-domestic places such as schools, hospitals, workplaces, prisons, refugee camps, etc.?

Yes. Chapter 11 of the Labour Code (Order No. 28/PR/11) contains Articles that set rules for environmental health in non-domestic places and more specifically in workplaces.

15. Is there any provision in the law/policy for availability and accessibility of water and sanitation facilities in non-domestic places such as schools, hospitals, workplaces, prisons, refugee camps, etc.?

According to Article 171 of the Public Hygiene Code, for example, "Each pre-school, school and university establishment must have a source of drinking water and appropriate sanitary facilities".

Article 174 of the Public Hygiene Code also notes that "Every health and/or research establishment must have a source of drinking water, appropriate sanitary facilities and adequate waste management facilities". Article 198 of the Public Hygiene Code finally adds that: "Each public and private building must be equipped with:

- An adequate water supply and sanitation system,
- An appropriate waste disposal system liquids and solids,

A sanitary installation allowing hygiene staff and visitors."

B. Quality and safety (SDG 6.1, 6.2, 6.3)

1. Are there parameters of quality and safety for drinking water established under law?

Yes, according to Decree No. 615/PR, "a water can be considered as potable and can be distributed to a community for human consumption, must not be likely to harm the health of those who consume it and must not present physico-chemical, bacteriological and biological indicators of pollution, nor concentrations of toxic or undesirable substances higher than the standards of value that are defined in the annex to this Decree" (Article 3).

The annex to the decree contains organoleptic, microbiological, physico-chemical, toxic parameters, undesirable parameters, polluting parameters, toxic organic parameters.

And according to article 4 of the same decree, "if it is not possible to achieve the expected quality of water according to the standards attached, a joint order of the Ministers of Water and Public Health may put in derogation certain parameters:

- depending on or due to weather Circumstances or geographical circumstances;
- when surface or borehole waters are naturally or artificially enriched with certain substances;
- for certain parameters (natural chemical elements) found in the water of the drillings;
- when the technical means of treatment do not allow to obtain the established water quality.

These exemptions, granted for as short a time as possible, may concern quality parameters related to toxic or potentially toxic substances."

2. Is monitoring of drinking water quality or wastewater required by law/policy? If so, which actor is required to monitor it and how often (according to the law/policy)?

Chadian law provides for drinking water

quality control (see Articles 8, 12 and 13 of Decree 615/PR).

"The control and monitoring of the quality of water intended for human consumption are the responsibility of the Ministry of Public Health, also called the "sanitary authority", and are ensured by means of analyses carried out by an approved water quality control laboratory" (article 4 of decree n° 616/PR).

The periodicity of the analyses depends on the type of analysis (A, B, C), the origin of the water (supplied by a human powered pump or a drinking water network), the number of inhabitants concerned by the drinking water supply network (less than or more than 5000 inhabitants), or whether the water is bottled or comes from food companies (see Annex to Decree n° 616/PR). For example, in the case of drinking water supply conducted by a users' association or a farmer according to article 25 of the decree n°29/MEE/DG/2002, the water quality control must be carried out on each twelve months period.

Moreover, Order No. 13/PR/PM/ME/MSP/2011 defines the conditions of approval of laboratories for the realization of sampling and analysis of drinking water.

Thus, the National Water Laboratory is responsible, among other things, for controlling and monitoring the quality of water according to the required standards for all different uses, Including drinking water (Decree n. 386/PR/PM/MH/2016)

3. Are there any regulations to control or monitor the quality of groundwater aquifers so that they do not become contaminated?

Yes. Article 128 of the Water Codes states that agents or officials of the service in charge of water quality control must monitor the periodic evolution of the degree of pollution of watercourses and groundwater

and propose new standards if these become necessary. To pursue this goal, agents have free access to all installations.

4. Do laws/regulations include guidance on the safe construction of water and sanitation Infrastructure (e.g. to ensure no contact with excreta, ventilation, respect construction guidelines)?

Yes. The Water Code provides for example for measures for the protection of water resources, such as protection perimeters. According to its article 20, "The purpose of the protection perimeters is to ensure the quantitative and qualitative safeguarding of the hydraulic resources of all the groundwater or surface water, intended for human, animal and agricultural consumption, from the risks of pollution that may come from various installations or developments established in the vicinity".

Moreover, Article 6 of Decree No. 615/PR/PM/ME/MSP/2010 stipulates that "the materials and equipment used in drinking water supply/distribution systems must not be likely to alter the quality of the water and must meet accepted standards". Article 10 also provides for the condemnation of water points for non-compliance of one or more quality parameters other than those related to toxic substances.

5. Do laws/regulations include requirements or guidance on safe emptying of latrines as well as safe treatment and disposal of treated sludge?

According to article 208 of the Public Hygiene Code, "The discharge of domestic sewage cannot be done without appropriate treatment in accordance with the regulations in force".

Section 155 of the Public Health Code also notes that "Any connection of a sewer or excreta disposal system to a storm drain is prohibited".

6. Do laws/regulations establish requirements

on household water treatment and storage (e.g. quality requirement with respect to water containers, rainwater harvesting limitations, etc.)?

Yes, Article 7 of Decree No. 615/PR/PM/ME/MSP/2010 states that the substances used in the treatment of water intended for consumption must comply with the standards specified in the annexes to the decree.

C. Water pollution control (SDG 6.3, 6.6)

1. Are there legislative provisions concerning waste disposal activities? Which authorities are responsible for monitoring to determine if waste has caused pollution of bodies of water?

Yes, according to article 56 of the Law n°014/PR/98 defining the general principles of environmental protection, for example, "Waste must be reduced as much as possible at the source and adequately treated, in order to eliminate or reduce its harmful or infectious effects on human health, natural resources, fauna and flora or the quality of the environment in general".

Article 57 of the same law specifies that, "For the purposes of the implementation of Article 56 of this law, the implementing regulations shall establish the conditions under which, in particular, collection, sorting, storage, transport, import and export, recovery, reuse, recycling or any other form of treatment, as well as the final disposal of waste, the wastage of recoverable waste and pollution in general, shall be carried out".

According to article 143 of the Public Hygiene Code, "The sworn agents of the hygiene and sanitation service in charge of water quality control must monitor the periodic evolution of the degree of pollution of the watercourses, groundwater and propose new standards if they prove necessary".

2. Is there legislation which regulates the

contamination of groundwater? How is it addressed in practice?

Yes, according to article 141 of the Code of Public Hygiene for example, "Any discharge of any origin, flow, discharge, direct or indirect deposits in a groundwater or in surface waters (rivers, lakes, reservoirs) likely to modify the physico-chemical-radioactive-thermal-biological and bacteriological characteristics are prohibited unless they are subjected to a prior and appropriate treatment".

3. Do laws/regulations provide constraints on the levels of nitrates and phosphates that are released into groundwater through agricultural land use?

Yes. The Annex to the Decree No. 15/PR/PM/ME/MSP/2010 contains the maximum levels of certain chemical and biological substances that can be present in water specifically regulating nitrates and phosphates.

4. Is permission required to discharge effluents? What are the criteria used for considering applications and granting permits?

Yes, according to article 65 of Law n°014/PR/98 defining the general principles of environmental protection, "Any discharge into the natural environment of liquid or gaseous effluents from various activities that are likely to harm human health or the quality of the environment in general is prohibited or subject to prior authorization by the competent authority".

5. Can waste discharge permits be lost/suspended/modified during their lifespan? Under what circumstances? Is compensation payable?

Our research did not find an answer to this question.

6. Are instances of pollution of water sources subject to penalties / fines? Which institution is in in charge of the administration of the penalties?

The Public Health Code sets the fine in in case of pollution of water sources, from 3000 to 30,000 FCFA (article 247).

D. Affordability (SDG 6.1)

1. How does law/policy address affordability of water supply and sanitation services?

According to Ordinance No. 018/PR/2011 amending and supplementing the Water Code in Article 6 (supplementing Article 45 of the Water Code), "The amount of the water tariff may not exceed a ceiling, the calculation methods of which are defined in the public service delegation agreement..."

2. What mechanisms must be established by law/policy to ensure affordability of water and sanitation services?

The prices are set in the contracts, and they cannot be changed unilaterally by the company as highlighted in the legal framework established by Orders 28 and 29/MEE/DG/02.

3. How are tariffs established and what is the process for updating these tariffs?

According to Article 45 of the Water Code, "The tariff for the public drinking water service covers all operating costs, including the delegate's profit margin, the fee or rent for the assets delegated and any other charge imposed by the State". See also Article 13 of the decree n°028/MEE/DG/02. The decree n. 013/PR/PM/MRA/SG/2017 sets the water tariffs for urban and peri-urban centers conceded to the Société Tchadienne de l'Eau (STE). For the cities of Ndjamen, Bongor, Fianga, Kelo, Moundou, Doba, Koumra, Sarh, Amtiman, Mao and Moussoro 4 price brackets have been defined and one for standpipes.

For the cities of Abeche, Biltine, Faya, Fada and Pala, 5 tariffs have been defined and one for the standpipes.

During our research, we did not find any information related to the pricing of supplies

in rural areas.

For the supply service operated by an operator in urban and peri-urban centers, the tariff update must be approved by the Ministry of Water and Sanitation.

4. Does the tariff vary depending on the regions/circumstances?

Yes, according to Article 45 of the Water Code, the public water sector tariff "is modulated by region to take into account the specific costs of each region of the national territory".

5. Which actors are responsible for and involved in setting and/or approving tariffs for water supply and sanitation services?

The tariffs for the public water sector "are determined by applying the provisions of the delegation agreement. The delegate submits its tariffs to the Regulatory Body which, after approval, submits them to the State for homologation. These tariffs are brought to the attention of consumers by the delegate". (Article 45 of the Water Code).

"The rate is subject to annual revision as necessary by application of an indexation formula based on the variation of certain cost of living indices, which is written into the delegation contract.

This revision is brought to the attention of consumers by the delegate after approval by the Regulatory Body" (Article 46 of the Water Code).

Article 14 of Order No. 028/MEE/DG/02 also notes that "The tariffs applicable to the water service, amount and terms, are set by the delegation contract(s) applicable to the territory of the Collectivity".

6. Is disconnection from water supply and sanitation services for non-payment allowed? What procedures must be followed in such cases prior to disconnecting the supply and service? Are there any further consequences (other than shutoffs) for bill non-payment?

Even though the Water Contract(s) (Ordinance No. 28 and 29/MEE/DG/02) states that all the customers have to pay the price for the service compulsorily, the very same Contract prescribes that the service cannot be interrupted. In addition, Article 40 of the Water Code prescribes that the drinking supply service must have no interruption except for force majeure.

E. Acceptability (SDG 6.1, SDG 6.2)

1. **Is there provision in the law or contracts with service providers that relate to the need to consider cultural and social dimensions of acceptability (e.g. colour or odour of water, or the positioning of a facility)?**

Our research did not allow us to find any answer to this question.

2. **Is there provision in the law or contracts with service providers that relate to the need to ensure dignity and privacy (e.g., in workplaces, but also in the design of shared sanitation facilities for certain communities)?**

Our research did not allow us to answer to this question.

3. **Is there provision in the law or contracts with service providers that relate to the need to ensure that people affected by the service do not suffer from a reduction in the health of their environment?**

Our research did not allow us to answer to this question.

F. Non-discrimination, equality, and universal access (SDG 6.1, 6.2)

1. **Is there any legislation about the prohibition of direct and indirect discrimination (on all grounds) and promotion of equality in accessing water and sanitation services?**

Yes. The Constitution calls for equality before the law and forbids discrimination on ethnic, religious or gender-based grounds (Articles 13, 14 and 15). In light of this, the Ordinance

No. 28/MEE/DG/02, providing the legal framework for delegation to a private entity of water supply services, forbids the supplier from any kind of discrimination in the supply of water (Article 10). However, Chad's society is still characterized by a persistent high level of discrimination, based mostly on sex and ethnics.

2. **Is there provision in the law or contracts with service providers that relate to the need to ensure that people affected by the service do not suffer from a reduction in the health of their environment?**

No, based on information currently available.

3. **Are there any legal measures to protect the rights of those who are most vulnerable to, or at particular risk from, environmental harm, considering their needs, risks and capacities? Information currently available are not sufficient to answer to this question.**

4. **Is there any legal recognition for women in the empowerment, leadership, decision-making and full, equal and meaningful participation of women and girls, and the role that women play as managers, leaders and defenders of natural resources and agents of change in safeguarding the environment and water resources?**

No, on the basis of information currently available.

G. Right to information, Transparency (SDG 6.b)

1. **Is there any specific legislation about the right to seek, receive and impart information held by public authorities? Does the law expressly set out the right to seek, receive and impart information on water related issues?**

No. Indeed, Chad has been considered very poorly transparent by all major indexes. For example, the Global movement Transparency International gave Chad in

2022 a score of 19/100, where 0 is the maximum of corruption.

2. **Does the right to information require the payment of a fee? Is there a provision on the affordability of such fee?**

No provisions are available on this matter has been found.

3. **Are there any exceptions with regard to who or what type of water and environment related information held by public authorities can be accessed?**

No, based on information currently available.

4. **Which institutions are required by law/policy to make information on water public? Does it reference only the right to access information or also the obligation to make public such information on water related issues (e.g., are institutions obligated to provide information only upon demand, or are they obligated to publish or make available information at certain periodic intervals, on the occurrence of certain circumstances, etc.)?**

The institution required to make information on water related issues is *Société tchadienne d'eau et d'électricité*. The Water Code and the legal framework provides for a general duty of information. No more specific provisions are set out thereunder.

5. **Are there requirements in relation to the language, locations, format, timing and means used for providing water and environment related information to the public? What mechanisms are in place to ensure information is made available to all including to minorities?**

No such requirement has resulted, based on information available.

6. **Are there any mechanisms to ensure that education on the importance of a healthy environment is included in school curricula, and that the link is made with sustainable drinking water supplies?**

Yes. The Ministry of Public Health is

responsible for information and education relating to public health, including the promotion and strengthening of the strategy on community participation in the management of health. The concrete implementation of these duties is to be enhanced by decree.

7. **Are there any legal provisions requiring certain authorities to educate the population on water related issues?**

Our research did not allow us to answer to this question.

8. **Are there any requirements in relation to access to information in contracts with water and sanitation operators?**

Yes. The legal framework for the water supply delegation Contract sets a general obligation for the delegated to provide information on the water supply network and all the information related (Article 6.1)

H. Public participation (SDG 6.5.1, 6.b)

1. **Is there a law/policy which addresses public participation?**

The law states that the Ministry of Public Health is responsible for information, communication, and education relating to public health, including the promotion and strengthening of the strategy on community participation in the management of health services. The concrete implementation of these duties is to be enhanced by decree.

2. **What are the criteria listed in the law/policy in relation to participation in water-related issues (e.g., allocated time to provide comments, invitation to public hearings, etc.)?**

No provisions are available on this matter has been found.

3. **Do the contracts between governmental authorities and operators of water and sanitation services impose upon the operators an obligation to ensure or provide for public participation at any levels at which the applicable services are**

delivered?

No, based on information currently available.

4. **Is the establishment of an IWRM mechanism including regional or local associations or other groupings of water users provided for and regulated by laws or regulations? How do they interact with or connect into other agencies or regulators?**

Information currently available are not sufficient to answer this question.

I. Sustainability (SDG 6.4, 6.5, 6.6)

1. **How does legislation/policy ensure that water and sanitation services are delivered in an improved and sustainable manner, considering the availability of water resources, competing demands and generally the needs of present and future generations?**

No provisions are available on this matter has been found.

2. **How does legislation/policy ensure that water and sanitation services are delivered in a sustainable manner to rural and deprived urban areas?**

No provisions are available on this matter has been found.

3. **How does the legislation/policy ensure that delivery of water and sanitation services are economically sustainable, with sufficient**

J. Accountability/ Remedies and complaint procedures

1. **Are there remedies provided by law/regulations to file complaints or other ways of accessing justice in reference to water, sanitation and a healthy environment? Who may file them? Are the decisions appealable?**

No specific remedies are provided for. The enforcement of environmental and health rights must be carried on in either magistrates' courts or in Labour and social security courts (two different first instance

expenditure for operation and maintenance and the protection of the environment?

The legal framework to the water supply delegation contract (Order 28 and 29/MEE/DG/2002) establishes that the price collected for the service must cover the maintenance, repair and upkeep costs of the supply network and renewal costs for equipment depreciable in less than twenty years.

4. **How does the legislation/policy reduce the number of people suffering from water scarcity by optimising water use efficiency across all sectors, and ensuring sustainable withdrawals?**

In the Water and Sanitation Master Plan (WSMP), Chad committed to improve and renovate the water supply network, more than 90% of which is obsolete and prone to leaks and breakdowns.

5. **Is there any legislation/policy to protect and restore water-related ecosystems, including mountains, forests, wetlands, rivers, aquifers and lakes?**

Yes. With regard of ecosystem, the main water protection charter and policy is the "Water Charter for the Lake Chad Basin" signed by central African states in 2012. In addition, the water code contains several provisions regarding the protection of rivers and lakes (for instance see. Articles 120 and 121).

courts establishes by the judiciary system law), if the violation occurred in workplaces.

2. **Are there possibilities for financial assistance for legal counsel in cases concerning water, sanitation and a healthy environment?**

Yes. The Government passed the Act no. 021/PR/2019 which regulates legal aid and assistance, to make justice more accessible to citizens.

3. Who monitors water & sanitation service providers?

Agents and operators of the Ministry of Environment, Water and Fisheries.

4. Is there a possibility to appeal against the decisions of service providers? With whom would such an appeal be lodged, and under which conditions is such an appeal possible?

Any dispute arising from a decision of the supplier is submitted to the competent court. The appeal follows the general rules prescribed by laws regarding the judiciary system.

5. Are there any protective mechanisms to ensure that there is a safe and enabling environment in which individuals, groups and organs of society that work on human rights or environmental issues can operate free from threats, harassment, intimidation

and violence?

At a national level, no specific mechanism has been established, based on information available. Individuals engaged in human rights and environmental issues can be protected in accordance with international treaties to which Chad is a party.

6. Is there any legislation to respect and protect the rights to freedom of expression, association and peaceful assembly in relation to environmental matters?

No, based on information available. Generally, although the right of free speech and assembly are acknowledged in the Constitution, article 28, the government, and the Transitional Military Council did not uphold these rights with any legislation. Thus, on one hand there is lack of an express provision, on the other hand people cannot count on a general favour to these rights.

CHAPTER 5. JUDICIARY SYSTEM

A. Preliminary questions

1. **What is the relationship between international law and national law (i.e. is the state a monist or dualist system--how is international law interpreted in relation with domestic law)?**

Chad is a monist state, and according to Article 222 of its Constitution, "Treaties or agreements that have been duly ratified have, upon their publication, an authority superior to that of national laws, subject to the application of each agreement or treaty by the other party".

2. **What is the hierarchical structure of the legal system?**

The supreme standard in Chad is the 2018 Constitution.

Below are the organic laws, the ordinary laws, the decrees taken in Council of Ministers, the simple decrees and the orders.

3. **Has the State ratified the relevant international conventions establishing regional or international complaint mechanisms?**

Chad is subject to the African Court of Human Rights and the Protocol to the ICCPR.

B. Remedies and complaint procedures/accountability

1. **Are there remedies provided by law to file complaints or other ways of accessing justice in reference to water and sanitation and a healthy environment? Who may file them? Are the decisions appealable?**

Yes, complaints can be made about water and sanitation by users. However, it should be noted that the right to water and sanitation is not specifically protected under Chadian law.

Decisions are subject to appeal in accordance with the principle of double jurisdiction.

2. **Are such complaint procedures required to**

be provided in conformity with human rights principles (such as non-discrimination, equity)?

Chad has ratified the main human rights instruments, which impose the principles of independence of the judiciary and equality before the law (article 14 of the ICCPR, article 3 and 26 of the African Charter on Human and Peoples' Rights).

The principle of independence of the judiciary is also affirmed in the Constitution in Article 146.

3. **Does the law provide for financial assistance for legal counsel in cases concerning water and sanitation or access to a healthy environment?**

Yes. The Government passed the Act no. 021/PR/2019 which regulates legal aid and assistance, to make justice more accessible to citizens.

4. **Who monitors the administrative level bodies and/or service providers?**

The Water Sector Regulatory Agency (see Article 42 of the Water Code).

5. **Is there a possibility to appeal against the decisions of service providers? With whom would such an appeal be lodged, and under which conditions is such an appeal possible?**

Any dispute arising from a decision of the supplier is submitted to the competent court. The appeal follows the general rules prescribed by laws regarding the judiciary system.

6. **What remedies are available at an administrative level?**

No provisions on this matter are available.

7. **Who monitors these administrative level bodies?**

Agents and operators of the Ministry of Environment, Water and Fisheries.

8. **Are such administrative bodies legally**

independent entities according to the law?

They directly depend by the government.

9. Is there any evidence (e.g., case law) that courts in the country have (or may have) jurisdiction to enforce any economic, social or cultural rights?

Yes, limited to labour disputes. Indeed, Article 40 of the Judicial Code provides that the jurisdictional rules of the labour and social security courts are determined by article 411 of the Labour Code. Labour and social security courts hear individual disputes between workers and their employers regarding employment or apprenticeship contracts, collective agreements on working conditions, health and safety, election of staff representatives and the social protection system.

10. Do courts in the country have jurisdiction to hear cases regarding the obligations to respect, protect and fulfil the human rights to water, sanitation and a healthy environment? Is there any existing case law?

As neither the Constitution nor the laws explicitly recognize the right to sanitation, people could not directly invoke its violation in court. However, they could rely on the right to health or to a healthy environment protected by the article 51 of the Constitution, or certain human rights conventions ratified by Chad.

11. Do courts in the country have jurisdiction to hear cases regarding the obligations to respect, protect and fulfil the human rights to a healthy environment? Is there any existing case law?

Yes. Article 51 states that every person has the right to live in a safe environment, and in addition, Law No. 14/PR/98 sets out the basic principles and rights regarding environmental rights. Article 2 of the Civil Procedural law states that every person can file suits in courts for the protection of rights protected by the Constitution. Furthermore, Article 52 of law no. 14/PR/98 provides that courts can ban installations that have not

received the proper authorization. No case law is currently available on these matters.

12. Provide a brief overview of the judicial procedure involving a human rights violation case.

Legal proceedings involving a case of human rights violation begin with the filing of a case with a court of first instance. The decision of either of these courts may be appealed to the Court of Appeal. The decision of the Court of Appeal may in turn be appealed to the Supreme Court, article 148, title VI of the Constitution and article 1 of the law n°011/PR/2013 about the judicial organisation.

13. Is there a Constitutional /Supreme Court? Are cases heard as the last appeal or may cases be referred directly?

Yes, there is a Supreme Court in Chad, the highest court in judicial, administrative, constitutional and auditing matters (Article 157 of the Constitution).

"It deals with disputes arising from presidential, legislative and local elections. It ensures the regularity of referendum operations and proclaims the results.

It rules on the exception of unconstitutionality raised by any citizen before a court of law in a matter that concerns him" (Article 157 of the Constitution).

Have domestic courts applied international human rights law in past cases, or have they referred to decisions from international human rights bodies (with reference to water, sanitation and the environment)?

Information currently available are not sufficient to answer this question.

14. Are court proceedings conducted in only one principal language, or are they also conducted in local languages, including minority and indigenous languages? Does the law require that information is made

available in local languages?

The judicial proceedings are held in the official languages of the country which are French and Arabic. For other languages, translators and interpreters can be provided.

Have domestic courts applied (or referenced) recommendations of national human rights institutions?

Information currently available are not sufficient to answer this question.

C. National human rights institutions

1. Is there an independent national human rights institution?

Yes, the National Human Rights Commission (CNDH), regulated by Law 94-031/PR establishing it. See also Title IX of the Constitution.

2. Does the mandate of the national human rights institution cover the entire human rights framework, including economic, social and cultural rights?

According to Articles 3 and 4 of Law 94-031/PR, the CNDH is responsible for

- Formulating opinions to the Government concerning human rights and freedoms, including the status of women, the rights of the child and the disabled;

- Assisting the Government and other national and international institutions in all matters concerning human rights in Chad;

- Participating in the revision of existing legislation and in the elaboration of new norms, in conformity with the Charter of Human Rights and Freedoms adopted by the Sovereign National Conference and regional and international instruments, with a view to building the rule of law and strengthening democracy.

- Carrying out surveys, studies and publications, and to issue opinions to the Government on all matters concerning human rights and fundamental freedoms, including the ratification and implementation of international instruments and practices in force.

3. Is the national human rights institution authorized to receive and adjudicate complaints of violations of human rights to water, sanitation and a healthy environment?

No, based on the information currently available.

4. Does the national human rights institution have a legal basis or authority to initiate an action to address systemic human rights violations?

Yes. Source : Law 94-031/PR

5. What type of remedies does the national human rights institution have the authority to impose?

The CNDH can only formulate opinions to the Government, assist it and other institutions on human rights issues, carry out investigations, studies and publications, and suggest amendments to texts related to human rights. Thus, it has an advisory rather than a coercive competence. Source : Law 94-031/PR

6. Is the institution allowed to initiate investigations/hearings?

No. It can investigate the human rights situation in Chad, but the law is not explicit about investigating specific cases of human rights violations. Source: Law 94-031/PR

7. Does the national human rights institution have the authority to monitor how remedies for violations of rights to water, sanitation and a healthy environment are implemented by governmental authorities, service providers or other agencies/entities?

The law is not explicit about this competence. However, given that the CNDH can formulate and issue opinions on human rights issues, we consider that it can also monitor the adherence or not of its recommendations by the institutions concerned.

D. Regulation

1. Is there a water regulator established by law?

The Water Sector Regulatory Agency (REA).
See Section 42 of the Water Code.

2. Is the water regulator an independent entity?

Article 42 of the Water Code notes only that the Water Sector Regulatory Agency has legal personality and financial autonomy. Namely, it is placed under the responsibility of the Minister in charge of water.

3. What are the oversight mechanisms and responsibilities related to drinking water supply and sanitation services of the regulator?

No decree establishing the organization and functioning of the Water Sector Regulatory Agency is in place.

ANNEX 1: TARGETS AND INDICATORS OF SDG 6

TARGET	INDICATOR (CUSTODIAN AGENCIES)
6.1 By 2030, achieve universal and equitable access to safe and affordable drinking water for all	6.1.1 Proportion of population using safely managed drinking water services (World Health Organization (WHO)/United Nations Children's Fund (UNICEF))
6.2 By 2030, achieve access to adequate and equitable sanitation and hygiene for all and end open defecation, paying special attention to the needs of women and girls and those in vulnerable situations	6.2.1a Proportion of population using safely managed sanitation services (WHO/UNICEF) 6.2.1b Proportion of population using a handwashing facility with soap and water available (WHO/UNICEF)
6.3 By 2030, improve water quality by reducing pollution, eliminating dumping and minimizing release of hazardous chemicals and materials, halving the proportion of untreated wastewater and substantially increasing recycling and safe reuse globally	6.3.1 Proportion of wastewater safely treated (WHO/United Nations Human Settlements Programme (UN-Habitat)/United Nations Statistics Division (UNSD)) 6.3.2 Proportion of bodies of water with good ambient water quality (United Nations Environment Programme/UNSD)
6.4 By 2030, substantially increase water-use efficiency across all sectors and ensure sustainable withdrawals and supply of freshwater to address water scarcity and substantially reduce the number of people suffering from water scarcity	6.4.1 Change in water-use efficiency over time (Food and Agriculture Organization of the United Nations (FAO)) 6.4.2 Level of water stress: freshwater withdrawal as a proportion of available freshwater resources (FAO)
6.5 By 2030, implement integrated water resources management at all levels, including through transboundary cooperation as appropriate	6.5.1 Degree of integrated water resources management implementation (0–100) (United Nations Environment Programme) 6.5.2 Proportion of transboundary basin area with an operational arrangement for water cooperation (United Nations Educational, Scientific and Cultural Organization (UNESCO)/United Nations Economic Commission for Europe (UNECE))
6.6 By 2020, protect and restore water-related ecosystems, including mountains, forests, wetlands, rivers, aquifers and lakes	6.6.1 Change in the extent of water-related ecosystems over time (United Nations Environment Programme/Ramsar Convention)
6.a By 2030, expand international cooperation and capacity-building support to developing countries in water- and sanitation-related activities and programmes, including water harvesting, desalination, water efficiency, wastewater treatment, recycling and reuse technologies	6.a.1 Amount of water- and sanitation-related official development assistance that is part of a government-coordinated spending plan (WHO/United Nations Environment Programme/Organization for Economic Co-operation and Development (OECD))
6.b Support and strengthen the participation of local communities in improving water and sanitation management	6.b.1 Proportion of local administrative units with established and operational policies and procedures for participation of local communities in water and sanitation management (WHO/United Nations Environment Programme/OECD)

Source: Sustainable Development Goal 6 - Synthesis Report on Water and Sanitation (2018), Table 1

ANNEX 2: The human rights to water and sanitation and the right to a healthy environment compared

Table 1: Comparison of the human rights principles

Principles of the Human Right to a Healthy Environment (from Framework Principles)	Principles of the Human Rights to Water and Sanitation (from General Comment No.15)
Human Rights	
<p>Principle 1.</p> <p>States should ensure a safe, clean, healthy and sustainable environment in order to respect, protect and fulfil human rights.</p>	<p>GC 1. Water is a limited natural resource and a public good fundamental for life and health. The human right to water is indispensable for leading a life in human dignity. It is a prerequisite for the realization of other human rights.</p> <p>GC 20. The right to water, like any human right, imposes three types of obligations on States parties: obligations to respect, obligations to protect and obligations to fulfil.</p>
Sustainable environment	
<p>Principle 2.</p> <p>States should respect, protect and fulfil human rights in order to ensure <u>a safe, clean, healthy and sustainable environment</u></p>	<p><i>Respect:</i> GC 21: The obligation to <i>respect</i> requires that States parties refrain from interfering directly or indirectly with the enjoyment of the right to water. The obligation includes, inter alia, refraining from engaging in any practice or activity that denies or limits equal access to adequate water; arbitrarily interfering with customary or traditional arrangements for water allocation; <u>unlawfully diminishing or polluting water</u>, for example through waste from State-owned facilities or through use and testing of weapons; and limiting access to, or destroying, water services and infrastructure as a punitive measure, for example, during armed conflicts in violation of international humanitarian law.</p> <p><i>Protect:</i> GC 23. The obligation to <i>protect</i> requires States parties to prevent third parties from interfering in any way with the enjoyment of the right to water. Third parties include individuals, groups, corporations and other entities as well as agents acting under their authority. The obligation includes, inter alia, adopting the necessary and effective legislative and other measures to restrain, <u>for example, third parties from denying equal access to adequate water; and polluting and inequitably extracting from water resources, including natural sources, wells and other water distribution systems.</u></p>

	<p><i>Fulfill:</i> GC26. The obligation to fulfil requires States parties to adopt the necessary measures directed towards the full realization of the right to water. ... and facilitating improved and <u>sustainable access to water, particularly in rural and deprived urban areas.</u></p> <p>GC.11. The manner of the realization of the right to water must also be <u>sustainable, ensuring that the right can be realized for present and future generations.</u></p>
Non-Discrimination	
<p>Principle 3.</p> <p>States should <u>prohibit discrimination</u> and ensure equal and effective protection against discrimination in relation to the enjoyment of a safe, clean, healthy and sustainable environment.</p>	<p>GC. 15. With respect to the right to water, States parties have a special obligation to provide those who do not have sufficient means with the necessary water and water facilities and <u>to prevent any discrimination</u> on internationally prohibited grounds in the provision of water and water services.</p>
Safety and freedom of expression	
<p>Principle 4.</p> <p>States should provide <u>a safe and enabling environment</u> in which individuals, groups and organs of society that work on human rights or environmental issues can operate free from threats, harassment, intimidation and violence</p>	<p>GC, 44,b Violations of the obligation to protect follow from the failure of a State to <u>take all necessary measures to safeguard persons</u> within their jurisdiction from infringements of the right to water by third parties.</p>
<p>Principle 5.</p> <p>States should respect and protect the rights to freedom of expression, association and peaceful assembly in relation to environmental matters.</p>	
Public Awareness and education	
<p>Principle 6.</p> <p>States should provide for <u>education and public awareness on environmental matters.</u></p>	<p>GC, 25. The obligation to fulfil can be disaggregated into the obligations to facilitate, promote and provide. The obligation to promote obliges the State party to take steps to ensure that there is <u>appropriate education concerning the hygienic use of water, protection of water sources and methods to minimize water wastage.</u></p> <p>Article 24, para. 2, of the Convention on the Rights of the Child requires States parties to “To ensure that <u>all segments of society ... have access to education and are supported in the use of basic knowledge of ... the advantages of ... hygiene and environmental sanitation.</u>”</p>

Access to Information	
<p>Principle 7.</p> <p>States should provide <u>public access to environmental information</u> by collecting and disseminating information and by providing affordable, effective and timely access to information to any person upon request.</p>	<p>GC 48. The formulation and implementation of national water strategies and plans of action should respect, inter alia, the principles of non-discrimination and people's participation. The right of individuals and groups to participate in decision-making processes that may affect their exercise of the right to water must be an integral part of any policy, programme or strategy concerning water. <u>Individuals and groups should be given full and equal access to information concerning water, water services and the environment, held by public authorities or third parties.</u></p>
Accountability	
<p>Principle 8.</p> <p>To avoid undertaking or authorizing actions with environmental impacts that interfere with the full enjoyment of human rights, States should require the prior assessment of the possible environmental impacts of proposed projects and policies, including their potential effects on the enjoyment of human rights.</p>	<p>56. Before any action that interferes with an individual's right to water is carried out by the State party, or by any other third party, the relevant authorities must ensure that such actions are performed in a manner warranted by law, compatible with the Covenant, and that comprises: (a) opportunity for genuine consultation with those affected; (b) timely and full disclosure of information on the proposed measures; (c) reasonable notice of proposed actions; (d) legal recourse and remedies for those affected; and (e) legal assistance for obtaining legal remedies</p> <p>GC 24. Where water services (such as piped water networks, water tankers, access to rivers and wells) are operated or controlled by third parties, States parties must prevent them from compromising equal, affordable, and physical access to sufficient, safe and acceptable water. To prevent such abuses an effective regulatory system must be established, in conformity with the Covenant and this General Comment.</p>
Public Participation	
<p>Principle 9.</p> <p>States should provide for and facilitate <u>public participation in decision-making related to the environment</u> and take the views of the public into account in the decision-making process.</p>	<p>GC 48. The formulation and implementation of national water strategies and plans of action should respect, inter alia, the principles of non-discrimination and people's participation. <u>The right of individuals and groups to participate in decision-making processes that may affect their exercise of the right to water must be an integral part of any policy, programme or strategy concerning water.</u> Individuals and groups should</p>

	be given full and equal access to information concerning water, water services and the environment, held by public authorities or third parties.
Remedies	
<p>Principle 10.</p> <p>States should provide for <u>access to effective remedies for violations</u> of human rights and domestic laws relating to the environment</p>	<p>55. Any persons or groups who have been denied their right to water should have <u>access to effective judicial or other appropriate remedies</u> at both national and international levels</p>
Standards and Indicators	
<p>Principle 11.</p> <p>States should establish and maintain <u>substantive environmental standards</u> that are non-discriminatory, non-retrogressive and otherwise respect, protect and fulfil human rights.</p>	<p>53. To assist the monitoring process, <u>right to water indicators should be identified in the national water strategies or plans of action</u>. The indicators should be designed to monitor, at the national and international levels, the State party's obligations under articles 11, paragraph 1, and 12. Indicators should address the different components of adequate water (such as sufficiency, safety and acceptability, affordability and physical accessibility), be disaggregated by the prohibited grounds of discrimination, and cover all persons residing in the State party's territorial jurisdiction or under their control.</p>
Violations	
<p>Principle 12.</p> <p>States should ensure the effective enforcement of their environmental standards against public and private actors.</p>	<p>GC 55. All victims of violations of the right to water should be <u>entitled to adequate reparation</u>, including restitution, compensation, satisfaction or guarantees of non-repetition. National ombudsmen, human rights commissions, and similar institutions should be permitted to address violations of the right.</p>
International Cooperation	
<p>Principle 13.</p> <p>States should cooperate with each other to establish, maintain and enforce effective international legal frameworks in order to prevent, reduce and remedy transboundary and global environmental harm that interferes with the full enjoyment of human rights.</p>	<p>GC 30. Article 2, paragraph 1, and articles 11, paragraph 1, and 23 of the Covenant require that States parties recognize the essential role of international cooperation and assistance and take joint and separate action to achieve the full realization of the right to water.</p> <p>GC 38. For the avoidance of any doubt, the Committee wishes to emphasize 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 enables developing countries to fulfil their core obligations</p>

	indicated in paragraph 37 above.
Non-Discrimination	
<p>Principle 14.</p> <p>States should take additional measures to <u>protect the rights of those who are most vulnerable to, or at particular risk from, environmental harm</u>, taking into account their needs, risks and capacities.</p>	<p>16. Whereas the right to water applies to everyone, States parties should give <u>special attention to those individuals and groups who have traditionally faced difficulties in exercising this right</u>, including women, children, minority groups, indigenous peoples, refugees, asylum seekers, internally displaced persons, migrant workers, prisoners and detainees.</p>
<p>Principle 15.</p> <p>States should ensure that they <u>comply with their obligations to indigenous peoples</u> and members of traditional communities, including by:</p> <ol style="list-style-type: none"> a. Recognizing and protecting their rights to the lands, territories and resources that they have traditionally owned, occupied or used. b. Consulting with them and obtaining their free, prior and informed consent before relocating them or taking or approving any other measures that may affect their lands, territories or resources. c. Respecting and protecting their traditional knowledge and practices in relation to the conservation and sustainable use of their lands, territories, and resources. d. (d) Ensuring that they fairly and equitably share the benefits from activities relating to their lands, territories, or resources. 	<p>GC 7. The Committee notes the importance of ensuring sustainable access to water resources for agriculture to realize the right to adequate food (see General Comment No.12 (1999)). Attention should be given to <u>ensuring that disadvantaged and marginalized farmers, including women farmers, have equitable access to water and water management systems, including sustainable rain harvesting and irrigation technology</u>. Taking note of the duty in article 1, paragraph 2, of the Covenant, which provides that a people may not “be deprived of its means of subsistence”, States parties should ensure that there is <u>adequate access to water for subsistence farming and for securing the livelihoods of indigenous peoples</u>.</p> <p>GC 16 (d) 16... In particular, States parties should take steps to ensure that:</p> <p>...(c) Rural and deprived urban areas have access to properly maintained water facilities. Access to traditional water sources in rural areas should be protected from unlawful encroachment and pollution. Deprived urban areas, including informal human settlements, and homeless persons, should have access to properly maintained water facilities. No household should be denied the right to water on the grounds of their housing or land status; (d) <u>Indigenous peoples’ access to water resources on their ancestral lands is protected from encroachment and unlawful pollution</u>. States should <u>provide resources for indigenous peoples to design, deliver and control their access to water</u>; (e) Nomadic and traveler communities have access to adequate water at traditional and designated halting sites; (f) Refugees, asylum-seekers, internally displaced persons and returnees have access to adequate water whether they stay in camps or in urban and rural areas. Refugees and asylum-seekers should be granted the right to</p>

	water on the same conditions as granted to nationals;
Sustainability	
<p>Principle 16.</p> <p>States should respect, protect and fulfil human rights in the actions they take to <u>address environmental challenges and pursue sustainable development.</u></p>	<p>11. The elements of the right to water must be adequate for human dignity, life and health, in accordance with articles 11, paragraph 1, and 12. The adequacy of water should not be interpreted narrowly, by mere reference to volumetric quantities and technologies. Water should be treated as a social and cultural good, and not primarily as an economic good. The manner of the realization of <u>the right to water must also be sustainable, ensuring that the right can be realized for present and future generations.</u></p> <p>26. The obligation to fulfil requires States parties to adopt the necessary measures directed towards the full realization of the right to water. The obligation includes, inter alia, according sufficient recognition of this right within the national political and legal systems, preferably by way of legislative implementation; adopting a national water strategy and plan of action to realize this right; ensuring that water is affordable for everyone; <u>and facilitating improved and sustainable access to water,</u> particularly in rural and deprived urban areas.</p>

Table of Definition

Constitution	It indicates Chad's Constitution adopted in 2018 and now currently suspended by the Transitional Military Council in 2020, after the death of President Deby.
Water Code	It indicates Law the law n°016/PR/99 of August 18, 1999, as amended and supplemented by the Ordinance n°018/PR/2011.
National Water and Sanitation Investment Plan	It indicates public policy framework and a strategy document on public and private investments in water supply network and access to sanitation facilities for people of both urban and rural areas.
CNDH	It refers to the National Human Rights Commission (CNDH), regulated by Law 94-031/PR establishing it.
Delegation Agreement	It means the agreement between Chad's government and the private water supplier, <i>Société Tchadienne de l'Eau</i> , in accordance to the legal framework to this delegation stated in Ordinance 28 and 29/MEE/DG/2002.
Private water supplier	It refers to <i>Société Tchadienne de l'Eau</i> .
REA	It refers to the Water Sector Regulatory Agency.

ⁱ The Constitution is currently suspended due to a military coup occurred in April 2021 which led to implementation of a Transitional Charter which is currently in force to govern the transition phase.