

# CHAD 2013 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Chad is a centralized republic in which the executive branch dominates the legislature and judiciary. In April 2011 President Idriss Deby Itno, leader of the Patriotic Salvation Movement (MPS), was elected to a fourth term with 83.6 percent of valid votes. Major opposition figures boycotted the presidential election, which was marked by low voter turnout. In legislative elections held in February 2011, the ruling MPS won 118 of the National Assembly's 188 seats. International observers deemed both elections to be legitimate and credible. Authorities failed at times to maintain effective control over the security forces. Security forces committed human rights abuses.

Following an alleged coup plot on May 1, security forces shot and killed unarmed civilians and arrested and detained members of parliament, military officers, former rebels, and others. At year's end approximately four of those arrested remained in detention, sometimes incommunicado, on charges of conspiracy and attempting to destabilize the government. International nongovernmental organizations (NGOs) criticized the government for its repression of criticism, arbitrary arrests, enforced disappearances, and suspension of due process.

The most significant human rights problems were security force abuse, including torture; harsh prison conditions; and discrimination and violence against women and children.

Other human rights abuses included arbitrary arrest and detention, lengthy pretrial detention, denial of fair public trial, executive influence on the judiciary, and property seizures. The government restricted freedom of speech, press, assembly, and movement. The MPS party dominated the political process, and government corruption remained a problem. Refugees were abused. Child abuse, including female genital mutilation/cutting (FGM/C), occurred, as did forced and early marriage and the sexual exploitation of children. Trafficking in persons, particularly children, was a problem. Interethnic discrimination and discrimination against persons with disabilities and persons with HIV/AIDS occurred. Child labor and forced labor, including by children, were problems.

The government seldom took steps to prosecute or punish officials who committed abuses, whether in the security services or elsewhere in the government, and impunity was a problem.

## **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

### **a. Arbitrary or Unlawful Deprivation of Life**

There were reports the government or its agents committed arbitrary and unlawful killings. Two National Gendarmerie entities, the National Judiciary Investigations Section (SNRJ) and the Special Intervention Squad of the Gendarmerie (PSIG), investigate all gendarmerie, Chadian National Nomadic Guard (GNNT), and army killings to determine whether they occurred in the line of duty or were otherwise justifiable. The Judicial Police investigate police killings.

According to Amnesty International (AI), on May 1, security forces indiscriminately opened fire on a group of unarmed persons in a compound in the neighborhood of Bout Albagara. Security forces arrested and detained many of the injured and refused them immediate access to medical treatment, although several were in critical condition. Between four and eight persons were killed, although the exact number remains unconfirmed. The government claimed the individuals in the compound were armed and meeting to plan a coup.

In its October 24 report *Chad: In the name of security*, AI noted killings, disappearances, illegal detention, and arbitrary arrests of critics of the government occurred frequently. In its *Annual Report 2012*, AI stated, “Chadian officials and members of armed groups responsible for serious human rights violations, including unlawful killings, rape, and other torture, continued to act with impunity.”

No investigations have been conducted into the 2011 deaths of seven prisoners who were shot and killed by prison guards.

Interethnic violence resulted in deaths during the year (see section 6).

### **b. Disappearance**

There were no reports of politically motivated disappearances, secret detentions, or disappearances of individuals in detention. The whereabouts of persons arrested for political reasons in previous years remained unknown. The government held persons incommunicado.

Despite repeated requests for information from family members and human rights organizations, the whereabouts remained unknown of an estimated four persons still detained at year's end in connection with an alleged coup plot on May 1 (see section 1.d.).

A total of 1,150 persons disappeared in the course of fighting during the 2008 rebellion, 58 of whom, including opposition leader Ibni Oumar Saleh, were believed to have been the victims of criminal acts. In July the Court of N'Djamena ruled there was inadequate evidence to proceed with a trial in Ibni's case. Although a commission of inquiry confirmed that Ibni disappeared after being arrested by eight security force members, the government dropped the case and ceased further investigation into the identity of those responsible. The legal cases against the perpetrators of the other 57 disappearances deemed criminal also were dropped. The remaining 1,092 were considered to be casualties of war.

### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

The constitution and law prohibit such practices, but there were reports that government officials employed them. In its *Annual Report 2013*, AI reported "cruel, inhuman, or degrading punishments, including beatings, continued to be widely practiced by security forces and prison guards with almost total impunity." In 2012 AI reported police, gendarmes, and members of the National Security Agency (ANS) regularly tortured suspects, sometimes with the involvement of local administrative authorities.

In August the local NGO Chadian Association for the Promotion of Basic Liberties (APLFT) reported authorities severely tortured 11 prisoners and that in May a prisoner at Amsenene Prison died as a result of torture.

Unlike in the previous year, there were no reports security force members raped women and girls, including internally displaced persons (IDPs) and refugees.

### **Prison and Detention Center Conditions**

Prison conditions remained harsh and life threatening.

Physical Conditions: The government did not compile statistics on the number of prisoners and detainees, and no information from other sources was available. Male juveniles were not always separated from adult male prisoners, and children

sometimes were held with their inmate mothers. Male and female prisoners were not always separated. Pretrial detainees were held with convicted prisoners.

No reliable estimates of deaths due to poor prison conditions were available. A local human rights organization, Human Rights without Borders, reported many prisoners with serious health conditions died due to lack of medical care.

In August the APLFT reported that prisons were seriously overcrowded and that food, potable water, sanitation, and health services were inadequate.

Regional detention centers were crumbling, overcrowded, and without adequate protection for women and youths. They reportedly had no budget for food and provided no meals for inmates. Prison guards were not regularly paid and sometimes released prisoners if bribed. Provisions for ventilation and temperature control, lighting, and access to potable water were inadequate or nonexistent. The law provides that a doctor must visit each prison three times a week, but this provision was not respected. Forced labor in prisons occurred.

In September 2012 AI released the report *We Are All Dying Here*, which characterized prison conditions as “so deplorable that they amount to cruel, inhuman, and degrading treatment or punishment.” Based on visits to six prisons, interviews, and other research conducted in the year before the report’s release, AI found that food, water, medicine, health care, hygiene, sanitation, and ventilation were inadequate or nonexistent. Most prisoners that AI visited were emaciated and weak, some were chained 24 hours a day, and many suffered skin diseases, sexually transmitted diseases, malaria, or tuberculosis. According to the report, resources allocated to the prisons were limited and undermined by bribery and corruption. AI called on the government to launch “immediate investigations into the litany of human rights violations and abuses committed in prisons.”

Administration: As a result of inadequate recordkeeping and management, many individuals remained in prison after completing their sentences or after courts had ordered their release. Authorities did not use alternatives to sentencing for nonviolent offenders. There was no prison ombudsman, and there were no mechanisms by which prisoners could submit complaints to judicial authorities about prison conditions. Prisoners generally had access to visitors, however, and were permitted religious observance according to their preference.

Independent Monitoring: The government permitted the International Committee of the Red Cross (ICRC) to visit civilian prisons under the control of the Ministry

of Justice, and during the year the ICRC conducted such visits. While the ICRC also was granted access to military prisons, local human rights organizations were not. Local human rights organizations reported the existence of secret prisons run by the ANS; the government denied the reports. Human rights organizations also alleged that both military members and civilians were detained at military bases and held incommunicado.

The government honored a permanent authorization provided to the Chadian Association for the Promotion and Defense of Human Rights, allowing the organization to visit civilian prisons at any time without advance notice. Other NGOs were required to obtain authorization from a court or from the director of prisons. Local NGOs were granted access to most civilian prisons, although several organizations reported they were not provided access to Korotoro Prison, despite the prison's transfer to civilian authority.

#### **d. Arbitrary Arrest or Detention**

The constitution and law prohibit arbitrary arrest and detention, but security forces violated these provisions. In its *Annual Report 2013*, Amnesty International stated, "People continued to be arrested and detained without charge. Detainees were routinely held in police cells as well as in secret detention facilities." In some cases authorities denied detainees visits from family members, doctors, or lawyers. Police and gendarmes detained others for civil matters, contrary to law.

#### **Role of the Police and Security Apparatus**

The military (ANT), gendarmerie, national police, the GNNT, and the ANS are responsible for internal security. In July the Integrated Security Detachment, which is responsible for reducing insecurity in refugee camps and for protecting refugees, IDPs, and humanitarian workers, was disbanded by presidential decree and replaced by a specialized gendarmerie unit, the Detachment for the Protection of Humanitarian Workers and Refugees (DPHR). The ANT and GNNT report to the Ministry of Defense, the gendarmerie and the national police to the Ministry of Public Security and Immigration, and the ANS to the president.

Police were ineffective, corrupt, and involved in extortion. Unlike in the previous year, however, there were no reports police were involved in banditry or the proliferation of arms through illicit sales. Security force impunity was widespread. Members of the Judiciary Police, an office within the National Police with arrest authority, often did not enforce domestic court orders against the military or

members of their own ethnic groups. There were isolated reports of former soldiers posing as active duty military and committing crimes with government-issued weapons.

Two National Gendarmerie entities, the SNRJ and the PSIG, investigate security force abuse committed by the ANT, gendarmerie, and the GNNT. The Judicial Police investigate police killings.

The government continued efforts to reform police forces. The National Control Commission of the National Police Services, which is responsible for monitoring recruitment and promotion, reported on March 11 that 1,446 police were dismissed during the year. Of 33 police controllers (the highest rank in the police), only 17 were retained by the commission at that rank. Five police controllers, including former interior ministers Ahmat Mahamat Bachir and Bachar Ali Souleymane, were dismissed because they promoted themselves to a rank that requires a presidential decree to acquire. Other irregularities included police use of fictitious names to collect salaries of phantom employees and the payment of police wages to family members. The commission also criticized the top-heavy bureaucratic structure of the police, noting that 65 percent of police personnel held the rank of captain or higher.

### **Arrest Procedures and Treatment of Detainees**

Although the law requires a judge to sign arrest warrants before arrests may take place, this did not always occur. There is no law requiring that detainees be charged, tried, or released within a certain period of time, and detainees were not always promptly informed of charges against them. Judicial determinations were not made promptly. The law provides for bail and access to counsel, but there were cases in which neither was provided. While the law provides for legal counsel for indigent defendants and prompt access to family members, this usually did not occur. Authorities frequently held detainees *incommunicado*.

Arbitrary Arrest: Between May 1 and 8, following an alleged coup plot, security forces arbitrarily arrested members of parliament (MPs), army officers, a university professor, and others (see section 3). Army generals Ngomine David, Ngaro Ahidjo, and Weidding Assi Assoue were among those arrested, along with university professor Kallil Allio. Charges generally included conspiracy and endangering constitutional order.

Contrary to article 68 of the criminal code, the MPs were arrested at night and without regard to their legislative immunity. Authorities made some of the arrests without warrants and denied some of those detained access to lawyers, doctors, or family members for several weeks. The ANS detained the generals, in some cases for weeks. At year's end four of those arrested remained in detention.

Pretrial Detention: Lengthy pretrial detention remained a problem. Persons accused of crimes could be held for several years before being charged or tried, particularly if they were arrested for felonies in the provinces and transferred to Moussoro Prison. There were significant instances in which the length of detention equaled or exceeded the sentence for the alleged crime. Lengthy pretrial detention resulted from a weak judiciary, which functioned poorly in urban areas and generally was nonexistent or nonfunctional outside the capital.

#### **e. Denial of Fair Public Trial**

Although the constitution and law provide for an independent judiciary, the judiciary was underfunded, overburdened, and subject to executive interference and corruption. Members of the judiciary sometimes received death threats or were demoted or removed from their positions for not acquiescing to pressure from officials. Government officials, particularly members of the military, often were able to avoid prosecution. Courts generally were weak and in some areas nonexistent. There were instances in which the outcome of trials appeared predetermined. Judicial authorities did not always respect court orders.

Although a judicial oversight commission has the power to investigate judicial decisions and address suspected miscarriages of justice, its members were appointed by the president, increasing executive control over the judiciary.

Unlike in the preceding year, the government did not suspend judges. According to AI, however, the government violated due process in the trials of senior government officials and used the judiciary to harass political opponents.

For example, in the trial of a political blogger, the court issued a suspended prison sentence for defamation, despite a 2010 media law that abolished prison sentences for defamation or insult.

The legal system is based on French civil law, but the constitution recognizes traditional law in locales where it is long established if it does not interfere with public order or constitutional provisions for equality for all citizens. Applicable

law sometimes was confusing, as courts tended to blend the formal French-derived legal code with traditional practices. Customary law often superseded Napoleonic law. Residents of rural areas and refugee/IDP camps often lacked access to formal judicial institutions, and legal reference texts were not available outside the capital or in Arabic. In many minor civil cases, the population relied on traditional courts presided over by village chiefs, canton chiefs, or sultans. Penalties in traditional courts varied and sometimes depended on the clan affiliations of the victim and perpetrator. Decisions of traditional courts may be appealed to a formal court.

A 2011 law provides that crimes committed by military members be tried by a military court, although by year's end the government had not established military courts. In the absence of permanent military courts, military trials occurred on an ad hoc basis. Military members generally were tried in civilian courts.

### **Trial Procedures**

The law provides for a presumption of innocence, but judges sometimes assumed a suspect's guilt as a means to extort money. For example, in some rape cases that reached the courts, defendants were fined rather than tried. Defendants have the right to be informed promptly and in detail of the charges and are provided free interpretation if needed. Trials are public and use juries except in politically sensitive cases. While defendants have the right to consult an attorney in a timely manner, detainees were not always given access to counsel. The law states that indigent persons should be promptly provided with legal counsel in all cases, although this seldom occurred. Human rights groups sometimes provided free counsel to indigent clients. Defendants have the right to adequate time and facilities to prepare a defense, but this right was not always respected. Defendants and their attorneys have the right to question witnesses and to present witnesses and evidence. Defendants and their attorneys may have access to government-held evidence, except in politically sensitive cases. Defendants have the right not to be compelled to testify or confess guilt, but the government did not always respect this right. Defendants have the right to appeal court decisions. The law extends these rights to all citizens.

Local leaders may decide to apply the Muslim concept of "dia," which involves a payment to the family of a crime victim. The practice was common in Muslim areas. Non-Muslim groups, which supported implementation of a civil code, continued to challenge the use of the dia concept, asserting that it was unconstitutional.



## **Political Prisoners and Detainees**

There were several political prisoners in the past year, all of whom were associated with an alleged coup attempt (see sections 1.d. and 3).

## **Civil Judicial Procedures and Remedies**

Lawsuits for human rights violations may be brought before the penal tribunal or the penal court, but compensation is addressed in the civil court. Administrative and judicial remedies, such as mediation, are available. Defendants may not appeal decisions on human rights cases to an international regional court. The judiciary was not always independent or impartial in civil matters.

## **Property Restitution**

Using its power of eminent domain, the government appropriated private property and demolished homes and businesses as part of continuing urban renewal efforts in N'Djamena. The government deprived numerous persons of shelter and their means of livelihood. Citizens and NGOs alike alleged that the government failed to give proper advance notification or otherwise follow the legal requirements for proper compensation. While the government claimed it provided compensation to those with deeds, critics charged that the compensation was inadequate and not available to all.

In June hundreds of families were left homeless after authorities conducted mass forced evictions in Ngueli. At least 1,480 compounds, as well as the community school in Ngueli, were demolished. According to human rights groups and civil society organizations, the evictions were conducted without due process, adequate consultation, or notice. The government did not provide compensation or alternate housing.

## **f. Arbitrary Interference with Privacy, Family, Home, or Correspondence**

Although the constitution provides for the right to privacy and inviolability of the home, the government did not respect these rights. Government authorities entered homes without judicial authorization and seized private property without due process. Security forces regularly stopped citizens and extorted money or confiscated belongings.

The Ministry of Public Security and Immigration prohibited both the possession and use of satellite telephones for security reasons. Military and police personnel searched for and confiscated satellite telephones.

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Speech and Press**

The constitution provides for freedom of opinion, expression, and press, but the government did not always respect these rights. Authorities harassed, threatened, arrested, and detained journalists.

Freedom of Speech: The law prohibits “inciting racial, ethnic, or religious hatred,” which is punishable by one to two years in prison and a fine of one to three million CFA francs (\$2,062 to \$6,185). The 2010 media law abolished prison sentences for defamation and insult, but persons who criticized the government were convicted of defamation and given suspended prison sentences.

Press Freedoms: The government subsidized the country’s only daily newspaper, *Le Progres*, and owned the biweekly *L’Info*, which began publishing in 2012. The few opposition newspapers, such as *N’Djamena Bi-Hebdo* and *Abba Garde*, had limited influence outside the capital due to low literacy rates and lack of distribution in rural areas, according to the international NGO Reporters Without Borders.

Although newspapers were generally permitted to criticize government policies and activities without reprisal, authorities sometimes threatened media outlets and harassed journalists for publishing critical articles.

Radio remained the most important medium of mass communication. The government-owned Radiodiffusion Nationale Tchadienne had several stations. There were numerous private radio stations that broadcast throughout the country, many of them owned by religious organizations. Radio call-in programs broadcast the views of callers that included open criticism of the government. During the year a new Arabic-language community radio station was established.

The country had two television stations: TeleTchad, which the government owned and operated, and Al-Nassour, a private station launched in 2011.

Violence and Harassment: On May 6, Eric Topona, secretary-general of the Union of Chadian Journalists (UJT) and a journalist with state radio and television, was arrested when he responded to a summons from an investigating judge. The summons did not provide detailed charges, beyond threatening constitutional order, according to AI. He was held in the Am Sinene Prison in N'Djamena, where conditions were reportedly dire. According to family members and his lawyer, the government accused Topona of posting information on the blog of Makaila Ngueba, a Chadian blogger living abroad. On August 19, Topona was given a three-year suspended prison sentence and released.

AI noted that individuals with suspended prison sentences lived under constant state scrutiny and monitoring, could be summoned at any time, and risked re-arrest if they spoke out. AI added that the sentences demonstrated how the government persecuted independent news providers, which constituted a “serious threat to freedom of expression and information.”

Censorship or Content Restrictions: On rare occasions the High Council for Communication warned journalists in writing to practice more “responsible” journalism or face fines. Some journalists and publishers practiced self-censorship.

In January the government launched a workshop initiated by a journalist association, the Observatory of Conduct and Ethics of Media in Chad. The minister of information and communication opened the workshop with a presentation on the need for journalists to adhere to a code of ethics and responsible conduct.

Libel Laws/National Security: On May 7, men in plain clothes arrested Moussaye Avenir de la Tchire, the editor-in-chief of *Abba Garde* newspaper and UJT’s treasurer. The government charged him with inciting hatred and public unrest in an article that criticized the government for not doing enough to reduce crime. In August a court convicted de la Tchire of defamation and inciting racial hatred for publishing a portion of a blog page critical of President Deby’s ethnic group. On August 29, he was released after being given a two-year suspended prison sentence and a fine of one million CFA (\$2,062). The sentence violated a 2010 media law that abolished prison sentences for defamation.

## **Internet Freedom**

There were no government restrictions on access to the internet or credible reports the government monitored e-mail and internet chat rooms. Nevertheless, the government arrested bloggers who criticized the government.

On March 22, Jean Laokole, a political blogger, was convicted of “defamation and unsuccessfully plotting to disrupt public order.” On August 19, Laokole received a three-year suspended prison sentence despite a 2010 media law that abolished prison sentences for defamation or insult. Laokole claimed he was forced to confess to defamation.

According to the International Telecommunication Union, 1.9 percent of citizens used the internet in 2011.

### **Academic Freedom and Cultural Events**

There were no official restrictions on academic freedom or cultural events.

### **b. Freedom of Peaceful Assembly and Association**

#### **Freedom of Assembly**

Although the constitution provides for freedom of assembly, the government did not always respect this right. The law requires organizers to notify the government five days in advance of demonstrations.

#### **Freedom of Association**

The constitution and law provide for freedom of association, and the government generally respected this right. While an ordinance requires the Ministry of Territorial Administration to provide prior authorization before an association, including a labor union, may be formed, there were no reports the ordinance was enforced. The ordinance also allows for the immediate administrative dissolution of an association and permits authorities to monitor association funds.

### **c. Freedom of Religion**

See the Department of State’s *International Religious Freedom Report* at [www.state.gov/j/drl/irf/rpt/](http://www.state.gov/j/drl/irf/rpt/).

#### **d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons**

Although the constitution and law provide for freedom of movement, foreign travel, emigration, and repatriation, the government imposed limits on these rights.

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, and other persons of concern.

In-country Movement: Lack of security in the eastern part of the country, primarily due to armed bandits, occasionally hindered the ability of humanitarian organizations to provide services to refugees. NGO workers traveling between camps were sometimes victims of carjackings and armed robberies, although there were fewer such reports than in previous years. Due to security concerns, the government required citizens and humanitarian workers to obtain a circulation permit to travel around the country.

Emigration and Repatriation: According to the International Organization for Migration (IOM), since 2011 approximately 150,000 Chadian migrants living in Libya fled the violence there and returned to Chad. Many arrived without documentation. The large number of returnees, many of whom were witnesses to or victims of violence, placed a significant strain on local communities, where housing and basic medical services were severely limited. During the year approximately 30,000 Chadians returned to the country from Sudan due to violence in Darfur. A few thousand also returned to the Lake Chad area due to violence in northern Nigeria. The IOM and the government provided assistance.

#### **Internally Displaced Persons (IDPs)**

Approximately 125,000 IDPs, many displaced in eastern Chad in 2005 as a result of interethnic fighting, resided in camps in the eastern part of the country. In 2011, however, the government declared it no longer considered any Chadian an “IDP” and that IDP camps were simply villages. Many IDPs were reluctant to return to their original homes due to security concerns, limited infrastructure and access to basic services, and because their homes might be occupied by others. The government allowed IDPs access to humanitarian organizations and permitted them to accept assistance provided by these groups. The United Nations and other

humanitarian organizations provided services to IDPs integrating into local villages to facilitate their self-sufficiency.

More than 70 international humanitarian organizations operated in the eastern part of the country. Sexual violence against displaced women and girls in the east was a problem. The government conducted extensive sensitization campaigns against sexual violence and urged women to come forward without fear of reprisal. Personnel from the DPHR received training in sexual and gender-based violence. All DPHR units had female officers.

The judicial system was unable to provide consistent and predictable recourse or legal protections, and traditional legal systems were subject to ethnic variations. To fill the void, the UNHCR occasionally set up “mobile courts” that brought Chadian judges to the eastern part of the country, although they rarely heard cases involving sexual violence against IDPs.

Tension among returnees, locally integrating IDPs, refugees, and local communities existed. Returnees and IDPs generally had access to potable water and health services provided by international humanitarian agencies. This sometimes resulted in resentment in host communities that did not receive such services. Most of these services, however, were provided to all residents of an area, regardless of status.

An indeterminate number of persons lost their homes and means of livelihood as a result of the government’s continuing urban renewal program in N’Djamena. Many became IDPs (see sections 1.e. and 1.f.).

### **Protection of Refugees**

Access to Asylum: The law does not provide for the granting of asylum or refugee status. The government, however, has established a system for the protection of refugees.

In April the government adopted the National Birth Registry Code, which provides for birth certificates for children born to refugees and requires the registration of all births and deaths of foreign persons in the country (see section 6).

Approximately 350,000 Sudanese refugees from Darfur remained in the country, including new refugees fleeing increased fighting during the year; most were located in 13 camps along the eastern border with Sudan. An estimated 75,000

refugees from the Central African Republic (CAR) lived primarily in five camps in the south, and approximately 600 refugees of various nationalities lived in urban areas.

Refugee Abuse: There were reports of rape, attempted rape, and sexual and gender-based assault in refugee camps, although reliable statistics were unavailable. In the majority of cases, the perpetrators were either fellow refugees or unknown individuals just outside the camps. As in the rest of the country, perpetrators of sexual violence rarely were prosecuted, and government efforts to protect vulnerable women and girls were inadequate. The DPHR, which replaced the Integrated Security Detachment after it was disbanded by presidential decree in July, was generally effective in improving protection for refugee camps and for UN and other humanitarian operations in eastern Chad, although many reported attacks on refugee women and girls fell outside its geographic jurisdiction.

Due to the absence of rebel activity and implementation of education campaigns in camps, there was a significant decrease in opportunities for the militarization of refugee camps by Sudanese and Chadian rebels, particularly in camps located close to the border. There were no verified cases of recruitment of refugees, including children, into rebel armed groups during the year.

Access to Basic Services: Antirefugee sentiment among citizens in some surrounding areas was high. Refugee children at times had better access to education and health services than those in surrounding local populations. Some humanitarian organizations included host communities in their programming to mitigate this tension. Resentment between citizens and refugees also occurred due to competition for local resources such as wood, water, and grazing land, and because refugees received goods and services that were not available to the local population.

Durable Solutions: The government cooperated with the UNHCR in supporting economic integration of refugees from the CAR in southern Chad but did not grant permanent residence or citizenship. The government allowed refugees from the CAR to be referred for resettlement in foreign countries; in January the government agreed that Sudanese citizens also could be referred for resettlement.

### **Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government**

The constitution and law provide citizens with the right to change their government, but the government at times limited this right. The executive branch dominated the other branches of government.

### **Elections and Political Participation**

Recent Elections: International observers, including the EU, the African Union, and the Organisation Internationale de la Francophonie, and government and opposition-affiliated civil society actors deemed the 2011 legislative elections legitimate and credible. There was no election-related violence or evidence of a systematic effort to deny voters their right to choose freely. Security and government officials generally maintained a neutral posture during the election campaigns.

The presidential vote in 2011 occurred without violence or incident. Local groups criticized the lack of participation by the three opposition candidates and low voter turnout.

Political Parties: There were approximately 130 registered political parties, of which more than 100 were associated with the MPS party. In the past the main opposition coalition was well treated. Between May 1 and 8, however, the government arbitrarily arrested four MPs from the ruling and opposition parties, including the following: Mahamat Saleh Makki, president of the Unity and Reconstruction Party, who was arrested on May 1 and released on bail in September; Malloum Kadre of the MPS party, who also was arrested on May 1 and released on bail in July; Gali Ngothe Gatta of the Union of Democratic Forces party, who was summoned by police on May 8, later arrested, and released in June; and Routouang Yoma Golong of the MPS party, who was arrested on May 8 and released on May 22.

On May 8, Ngarlejy Yorongar, president of the Federal Action for the Republic party, was summoned but released the same day. Saleh Kebzabo, opposition leader in parliament, was out of the country when summoned by police but was not arrested when he returned on May 28.

Charges against the MPs included conspiracy and endangering constitutional order. Contrary to law authorities arrested all four without regard to their parliamentary immunity and arrested some without warrants at night in their homes. These MPs were denied access to lawyers, doctors, or family members. On May 17, all six parliamentary groups of the National Assembly, including one from the MPS,



signed a joint letter denouncing the arrests and asking for the immediate release of the detainees. At year's end all MPs had been released, although the charges remained pending.

The law prohibits the government from discrimination on the basis of ethnicity, but ethnicity influenced government appointments and political alliances. Political parties and groups generally had readily identifiable regional or ethnic bases. Northerners, particularly members of the Zaghawa ethnic group, including the Bideyat subclan to which the president belongs, were overrepresented in key institutions, including the military officer corps, elite military units, and the presidential staff.

Opposition leaders accused the government of denying funds and equal broadcast time on state-run media.

Participation of Women and Minorities: There were 10 women in the 188-seat National Assembly. As of October nine of the 40 cabinet ministers were women. Both the cabinet and the National Assembly had diverse ethnic representation.

#### **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for corruption by officials, but authorities did not implement the law effectively, and corruption was pervasive at all levels of government. Based on the World Bank's most recent Worldwide Governance Indicators, corruption was a severe problem.

Corruption: Local human rights organizations reported police extorted and verbally abused motorists. There were reports security forces arbitrarily arrested travelers, often using the pretext of minor traffic violations. The government took no action against perpetrators during the year.

Judicial corruption also was a problem.

The Ministry of Good Governance investigates and prosecutes cases of malfeasance, and conducts training and sensitization campaigns. The ministry investigated allegations of corruption, but no charges were filed by year's end.

Whistleblower Protection: There are no laws providing for the protection of public and private employees who make internal disclosures or lawful public disclosures of evidence of illegality.

Financial Disclosure: Public officials are subject to financial disclosure laws, but the laws do not specify any sanction for noncompliance.

Public Access to Information: The law does not provide for public access to government information, although the government provided such access to government-employed journalists. Independent journalists stated they were not given sufficient access to government information. The government's budget was publicly available in printed form upon request from the Ministry of Finance and included revenue and expenditure data.

### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights**

A number of domestic and international human rights groups operated in the country, investigating and publishing their findings on human rights cases. Government officials were sometimes cooperative and responsive to their views.

UN and Other International Bodies: The government restricted NGO operations. For example, in June the government denied visas to employees of the international NGO Reporters Without Borders, effectively blocking the NGO from investigating the conditions of jailed bloggers and journalists.

Government Human Rights Bodies: The Ministry of Human Rights coordinates efforts by local and international NGOs to protect human rights. In July the ministry conducted field visits to Mongo, Mao, and Guereda districts and worked with local authorities and religious leaders to raise awareness of trafficking issues.

### **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

Although the constitution and law prohibit discrimination based on origin, race, gender, religion, political opinion, or social status, the government did not effectively enforce these provisions. The law does not address discrimination based on sexual orientation or gender identity.

#### **Women**

Rape and Domestic Violence: Rape is prohibited and punishable by hard labor. Nevertheless, rape, including rape of female refugees and IDPs, was a problem (see section 2.d.). No reliable data on the extent of rape were available. The law

does not specifically address spousal rape. Police often arrested and detained alleged perpetrators, but rape cases usually were not tried, and most suspects were released, sometimes with a fine. Cultural norms sometimes forced women and girls to marry their attackers to preserve their honor.

Although the law prohibits violence against women, domestic violence, including spousal abuse, was common. Wives traditionally were subject to the authority of their husbands, and they had limited legal recourse in cases of abuse. Family or traditional authorities could provide assistance in such cases and often did so, but police rarely intervened. Women reported cases of violence and abuse to local human rights organizations.

Local NGOs in Faya Largeau reported that a man fled and remained at large after beating his wife and cutting off her ears, nose, and hair with a knife.

Sexual Harassment: The law does not prohibit sexual harassment, which was a problem.

Reproductive Rights: The law provides for the right of couples and individuals to decide freely and responsibly the number and spacing of their children, as well as to have access to information regarding birth control. Many persons, however, lacked access to medical care, particularly in rural areas. The UN Population Fund (UNFPA) estimated that only 3 percent of women used any form of contraception. The incidence of maternal mortality was 1,100 per 100,000 live births, and a woman's lifetime risk of maternal death was one in 14. Factors contributing to maternal mortality included teenage pregnancies, multiple births, and lack of access to medical care. According to UN estimates, only 16.2 percent of births were attended by skilled health personnel. The country had a severe shortage of health care providers (fewer than 400 physicians) and a significant shortage of nurses, midwives, hospital staff, and specialists such as pediatricians. Prenatal care was limited due to inadequate health infrastructure, particularly in rural areas. Low immunization rates and poor postnatal and child care education were other constraints.

In May 2012 the UNFPA and the government signed a 2012-16 action plan to fight maternal mortality. In December 2012 and January 2013, the Ministry of Public Health and the National Assembly sent joint missions around the country to raise awareness of the problem and to reduce maternal, neonatal, and infant mortality.

Discrimination: Discrimination against women and exploitation of women were widespread. Although formal property and inheritance laws do not discriminate against women, local leaders adjudicated most inheritance cases in favor of men, according to traditional practice. Women did not have equal opportunities for education and training, making it difficult for them to compete for formal sector jobs. Due to cultural norms, women suffered discrimination in access to employment, housing, credit, and pay equity for substantially similar work, and in owning or managing businesses. The law does not address polygyny, but husbands may opt at any time to declare a marriage polygynous. If a husband takes a second wife, the first wife has the right to request that her marriage be dissolved, but must repay her bride price and other marriage-related expenses.

The Ministry of Social Action and Family is responsible for addressing gender-related issues.

## **Children**

Birth Registration: Citizenship is derived by birth within the country's territory and from one's parents. The government did not register all births immediately, and children without birth certificates could only be enrolled in school provisionally and were required subsequently to obtain a birth certificate.

In April the government passed the National Registry Code, which requires all children, including refugees, to have a birth certificate issued in their place of birth. Prior to passage of the law, children born to refugees from Sudan were not considered citizens and generally were not provided birth certificates. Children born to refugees from the CAR also were not considered citizens, although they were provided birth certificates.

Education: By law education is universal and tuition free, and primary education is compulsory between ages six to 11. Parents often were required to pay tuition to public schools beyond the primary level. Parents also were required to pay for textbooks, except in some rural areas. Parent-teacher associations often hired and paid approximately half of the teaching faculty without government reimbursement. Schools did not exist in many locations. According to the most recent World Bank Development Indicators Database, only six girls attended primary school for every 10 boys. Most children did not attend secondary school.

Several human rights organizations reported on the problem of the mouhadjirin, migrant children who attended certain Islamic schools and whose teachers forced

them to beg for food and money. Parents often sent children with discipline problems to these schools, in the hope the harsh conditions there would ameliorate behavioral problems. There was no reliable estimate of the number of mouhadjirin.

Child Abuse: Child abuse remained a problem, but no data were available on its extent. The Ministry of Social Action and Family is responsible for the protection of children.

Forced and Early Marriage: The legal age for marriage is 18, although traditional custom allows children to marry at 14. Families generally arranged marriages for younger girls, with 11 being the minimum age for engagement.

The law prohibits the forced marriage of anyone younger than 18 and provides for imprisonment of six months to two years and a fine of 50,000 to 500,000 CFA (\$103 to \$1,030). Forced marriage of girls remained a serious problem, including among refugees. According to the UNFPA database, approximately 72 percent of women between the ages of 20 and 24 were married before age 18. Local NGOs reported that girls who objected to being forcibly married often were physically assaulted by their family members and husbands.

Harmful Traditional Practices: The law prohibits FGM/C, but the practice remained widespread, particularly in rural areas. According to the most recent UNFPA data, 44 percent of women and girls had undergone excision, with rates as high as 90 to 100 percent in some regions. The practice was especially prevalent in the east and south. All three types of FGM/C – clitoridectomy, excision, and infibulations – were practiced. The least common but most dangerous and severe type, infibulation, was confined largely to the region on the eastern border with Sudan. FGM/C usually was performed prior to puberty as a rite of passage.

FGM/C may be prosecuted as a form of assault under the penal code, and charges may be brought against the parents of victims, medical practitioners, or others involved. Nevertheless, prosecution was hindered by the lack of specific penalties, and no cases were prosecuted during the year.

The Ministry of Social Action and Family was responsible for coordinating activities to combat FGM/C. The government, with assistance from the UNFPA, conducted public awareness campaigns to discourage the practice and highlight its dangers as part of its efforts to combat gender-based violence. The campaign encouraged persons to speak out against FGM/C and other forms of abuse of

women and girls. In July the government conducted a workshop entitled “The National Program of Zero Tolerance to Female Genital Mutilation/Cutting in Chad.”

Sexual Exploitation of Children: There is no law against the commercial sexual exploitation of children. Although the law prohibits sexual relations with a girl younger than 14, even if married, the ban was rarely enforced. The law prohibits the prostitution of children and prescribes punishments of five to 10 years’ imprisonment and fines of up to 970,000 CFA (\$2,000) for violators. The country was not a destination for child sex tourism. There is no law that prohibits child pornography.

Child Soldiers: Unlike the previous year, there were no reports of child soldiers in the army or rebel units. All child soldiers removed from rebel units in 2012 were reunited with their families by year’s end.

Between August and October, the government, in collaboration with the UN Children’s Fund (UNICEF), conducted joint verification visits and screened all eight ANT military zones. On October 10, President Deby signed a presidential directive to implement the comprehensive Child Soldiers’ Action Plan signed with the United Nations in 2011. The plan includes commitments on the demobilization and reintegration of child soldiers; prevention, awareness raising, and capacity building; legal procedures and penalties for offenders; and a national action plan and prohibition of the recruitment of children in the armed forces. No child soldiers were identified during the year.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

### **Anti-Semitism**

There was no known Jewish community, and there were no reports of anti-Semitic acts.

### **Trafficking in Persons**

See the Department of State’s *Trafficking in Persons Report* at [www.state.gov/j/tip/](http://www.state.gov/j/tip/).

### **Persons with Disabilities**

The law prohibits discrimination against persons with disabilities. While the government made efforts to enforce this prohibition in N’Djamena, it was unable to do so throughout the country. There are no laws that provide for access to public buildings for persons with disabilities. The government operated a few education, employment, and therapy programs for persons with disabilities.

Children with physical disabilities may attend primary, secondary, and higher education institutions. The government supported schools for children with visual or mental disabilities.

The government, in conjunction with NGOs such as the Support Group for the Disabled in Chad, annually sponsors a day of activities to raise awareness of the rights of persons with disabilities. The Ministry of Social Action and Family is responsible for protecting the rights of persons with disabilities.

### **National/Racial/Ethnic Minorities**

There are approximately 200 ethnic groups, many of which were concentrated regionally, speaking more than 120 languages and dialects. Most ethnic groups were affiliated with one of two regional and cultural traditions: Arabs and Muslims in the north, center, and east; and Christian or animist groups in the south. Internal migration in response to urbanization and desertification resulted in the integration of these groups in some areas.

Interethnic violence occurred and often was connected to competition over scarce arable land, although there were fewer such incidents than in the previous year.

Virtually all ethnic groups practiced societal discrimination, which was evident in patterns of employment.

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

The law prohibits but does not define “unnatural acts,” and there was no evidence that the law was used against lesbian, gay, bisexual, and transgender (LGBT) persons. No specific laws apply to LGBT persons. There was one report of violence or discrimination against LGBT persons.

On September 20, two gay men celebrating their wedding in a dance bar in Abeche were arrested for indecent exposure. On October 8, the sentence was reduced to a

two-year suspended sentence and a fine. The dance bar was ordered closed for two years.

There were no known LGBT organizations in the country, in large part because most individuals were discreet about their sexual orientation due to social and cultural strictures against homosexuality.

### **Other Societal Violence or Discrimination**

The law provides individuals with HIV/AIDS the same rights as other persons and obligates the government to provide information, education, and access to tests and treatment for HIV/AIDS. Nevertheless, persons with HIV/AIDS reported they were subjected to societal discrimination, and government officials were not always prepared to provide them information on their rights and treatment options. Women sometimes were accused of passing HIV to their husbands and were threatened by family members with judicial action or banishment. The first lady spoke openly on the issue of HIV/AIDS and criticized discrimination against persons with HIV/AIDS.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law allows all employees except members of the armed forces to form or join unions of their choice without unusual requirements, with authorization from the Ministry of Territorial Administration. The Ministry of Territorial Administration may order dissolution of a union. The law allows unions to organize and bargain collectively. The law recognizes the right to strike but restricts the right of civil servants and employees of state enterprises to do so. The law requires a 72-hour notification before a strike. Civil servants and employees of state enterprises, including civil servants and teachers, must complete a mediation process before initiating a strike. Employees of several public entities deemed essential must continue to provide a certain level of services during a strike. The law permits imprisonment with forced labor as punishment for participation in an illegal strike. While there are no restrictions on collective bargaining, the law authorizes the government to intervene under certain circumstances. The labor code prohibits antiunion discrimination and explicitly covers all workers, including foreign and illegal workers. Union members reported these protections were not always respected.



In the formal sector, more than 90 percent of employees belonged to unions. Nevertheless, the majority of workers were self-employed, nonunionized, subsistence cultivators, or herders. The government, which owned enterprises that dominated many sectors of the formal economy, remained the largest employer.

The government effectively protected the right to freedom of association and collective bargaining, although collective bargaining and its appeal procedures sometimes were subject to delays. Delays often were caused by administrative difficulties in convening key officials for negotiations. There were no reports of restrictions on collective bargaining or punishment of workers for participating in illegal strikes.

Unions were officially independent of both the government and political parties, although some unions were unofficially linked through membership affiliation with either the ruling or opposition parties.

#### **b. Prohibition of Forced or Compulsory Labor**

The constitution states that persons may not be held as slaves or in servitude, and the law prohibits forced or compulsory labor, including by children. The minimum age for military recruitment is age 18; the minimum age for conscription is 20. The law prohibits the use of child soldiers.

Forced labor, particularly forced child labor, occurred in the informal sector. Children and adults in rural areas were involved in forced agricultural work and in urban areas forced domestic servitude.

The majority of child laborers were subjected to domestic servitude, forced begging, and forced labor in cattle herding, fishing, and street vending. Children from Chad were found in forced cattle herding in Cameroon, the CAR, and Nigeria. Girls sold or forced into child marriages were forced by their husbands into domestic servitude and agricultural labor.

Forced labor in prisons occurred, according to human rights NGOs, including AI.

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/](http://www.state.gov/j/tip/).

#### **c. Prohibition of Child Labor and Minimum Age for Employment**

The labor code stipulates that the minimum age for employment is 14, except that children may work as apprentices beginning at age 13. The law also provides exceptions for light work in agriculture and domestic service at age 12.

The low legal minimum age for employment, lack of schooling opportunities in some areas, and tribal initiation rites rendering children informal adults by age 14 contributed to a general perception that child labor did not constitute exploitation unless the victims were age 13 or younger.

The Ministry of Labor deployed inspectors throughout the country. Labor inspectors may refer cases to the Ministry of Justice for prosecution. The ministry provided training to these inspectors on children's issues. Effective enforcement was impaired by several factors, including limited financial and human resources, workers' inadequate knowledge of their legal rights, and corruption.

The Office of Labor Inspection is responsible for enforcement of child labor laws and policies, but there were no prosecutions during the year. Police reportedly sometimes took extrajudicial actions against traffickers and child labor offenders, including beating them and imposing unofficial fines. Traditional leaders also sometimes meted out traditional punishments such as ostracism.

An estimated 20 percent of children between ages six and 18 worked in exploitive labor in the urban informal sector, according to a 2005 study published by the local NGO Human Rights without Borders. Children were regularly employed as herders, domestics, crop pickers, and, in Pala and Lere districts, in panning for gold. They also were employed as street vendors, manual laborers, and helpers in small shops.

Children worked as domestic servants, mainly in the capital. According to a 2005 UNICEF-government survey of underage domestic workers in N'Djamena, 62 percent of child domestics were boys, 24 percent were between ages eight and 14, 68 percent were between ages 15 and 17, and 86 percent were illiterate. Local human rights organizations reported an increase in the number of child domestic workers during the year.

The government did not have a comprehensive plan to eliminate the worst forms of child labor; however, it continued to work with UNICEF and NGOs to increase public awareness of child labor. In addition efforts continued to educate parents and civil society on the dangers of child labor, particularly for child herders.

The country's numerous child herders working outside of traditional herding clans often lived in substandard conditions without access to school or proper nutrition. Contracts for child herders typically were entered into informally between parents and herders and generally included compensation (a small monthly salary and generally a goat at the end of six months or a cow at the end of a year). Local NGOs reported, however, that compensation often was not paid.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/programs/ocft/tda.htm](http://www.dol.gov/ilab/programs/ocft/tda.htm).

#### **d. Acceptable Conditions of Work**

During the year the government raised the monthly minimum wage from 28,000 CFA (\$58) to 60,000 CFA (\$124), but the minimum wage was not effectively enforced. The law limits most employment to 39 hours per week, with overtime paid for additional hours. Agricultural work is limited to 2,400 hours per year, an average of 46 hours per week. All workers are entitled to unbroken rest periods of between 24 and 48 hours per week. The labor code mandates occupational health and safety standards and gives inspectors the authority to enforce them. The labor code explicitly covers all workers, including foreign and illegal workers.

Violations of safety and health standards may lead to penalties ranging from approximately 75,000 CFA to 300,000 CFA (\$155 to \$620). Penalties for second offenses may include fines of more than 500,000 CFA (\$1,030) and between one and 10 days' imprisonment. The Office of the General Inspectorate of the Ministry of Labor has responsibility for the enforcement of the minimum wage, work hour, and occupational health and safety standards.

Nearly all private sector and state-owned firms paid at least the minimum wage, but it was largely ignored in the vast informal sector. Salary arrears remained a problem for some private sector employees, although less so than in previous years.

Workers did not always avail themselves of their rights concerning work hour limits, largely because they preferred the additional pay.

Occupational health and safety standards generally were ignored by local private companies and in the civil service. Multinational companies generally met acceptable occupational health safety standards. Local private companies and public offices often had substandard conditions, including lack of ventilation, little

or no fire protection, and little or no provision for health and safety protection. Workers have the right to remove themselves from dangerous working conditions but generally did not do so.

Public sector employees sometimes filed complaints of wage-related violations, such as arrears in payment of salaries and bonuses or complaints over the low wages. Protections provided by law for foreign and illegal workers were not always respected.