

# CHAD 2012 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, despite logistical problems. There were instances in which elements of the security forces acted independently of civilian control.

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

Other human rights abuses included arbitrary arrest and detention, including incommunicado 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 ruling party controlled the political process, and government corruption was a problem. Refugees were abused. Child abuse, including female genital mutilation/cutting (FGM/C) occurred, as did child marriage and the sexual exploitation of children. There were reports of child soldiers. Trafficking in persons, particularly children, was a problem. Discrimination against persons with disabilities, persons with HIV/AIDS, and ethnic groups 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**

Unlike in previous years, there were no reports that the government or its agents committed arbitrary or unlawful killings; however, impunity for killings in previous years remained a problem.

In its *Annual Report 2012*, Amnesty International (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 were conducted into the 2011 deaths of seven prisoners, who were shot and killed by prison guards (see section 1.c.).

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

### **b. Disappearance**

During the year there were no reports of politically motivated disappearances, secret detentions, or disappearances of individuals in detention. However, the whereabouts of persons arrested for political reasons in previous years remained unknown, and persons were held incommunicado during the year.

In May 2011 a presidential decree announced that a previously established interministerial committee formed to address the pending case of disappeared opposition leader Ibni Oumar Saleh would be augmented by two international criminal prosecutors, one from the EU and the other from the Organisation Internationale de la Francophonie. Despite the decree, no action was taken during the year. A total of 1,150 persons disappeared in the course of 2008 fighting, 58 of whom (including Ibni) were believed to have been the victims of criminal acts. The remaining 1,092 reportedly were considered to be casualties of war. A number of witnesses were called to testify about Ibni’s arrest and imprisonment. According to the government, investigative efforts increased on the cases of some of the 57 other victims.

Unlike in 2011 there were no reports of cross-border kidnapping of children in the Mayo-Kebbi region along the border with Cameroon. In previous years armed individuals, both local and from neighboring countries, reportedly kidnapped children, especially ones who were Fulani, due to a perception that their families were wealthier than those of other ethnic groups.

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

The constitution and law prohibit such practices. However, AI reported that police, gendarmes, and members of the National Security Agency (ANS) regularly tortured suspects, sometimes with the involvement of local administrative authorities.

Security force members raped women and girls, including internally displaced persons (IDPs) and refugees (see section 2.d.). For example, in August gendarmes from the Ninth District of N'Djamena allegedly raped three young girls. The gendarmes were arrested and awaited trial at year's end.

Camp leaders continued to report that rape of refugee women was common, especially of those who ventured outside their camps. Victims were reluctant to come forward for a variety of cultural reasons and a lack of confidence in the judicial system.

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

Prison conditions remained harsh and life threatening.

Physical Conditions: The government did not keep 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 separated, and conditions for women were no different than those for men. Pretrial detainees were held with convicted prisoners.

Estimates of deaths due to poor prison conditions varied, but no countrywide estimates were available. A local human rights organization reported the deaths of three prisoners--Oumar Sossal Idriss, Bandje Eric, and Ahmat Zarkaria--in March, allegedly due to lack of adequate medical care. The same organization reported that three other prisoners with serious health conditions were transferred from Koro Toro Prison to Moussoro Prison without receiving medical care.

In February a local human rights organization published a report describing inhuman conditions at Moussoro Prison. The report found, for example, that 78 prisoners were held in a single 194-square-foot cell, there was a lack of food and potable water, and health services were inadequate. In July the government sent an

interministerial mission to assess conditions at Moussoro and claimed to have made several improvements. However, local human rights organizations maintained that conditions at Moussoro had not improved.

Prisons were seriously overcrowded, had poor sanitation, and provided inadequate food, shelter, and medical facilities. Regional detention centers, which were crumbling, overcrowded, and without adequate protection for women and youths, had no budget for food and provided no meals for inmates. Prison guards were not regularly paid and sometimes “released” prisoners who offered compensation in return. Provisions for ventilation, temperature, 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.

On September 10, 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 AI visited were emaciated and weak, some were chained 24 hours a day, and many suffered skin diseases, sexually transmitted infections, 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.

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 continued to report 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 local nongovernmental organizations (NGOs), including human rights groups, 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 Toro Koro Prison, despite the prison's transfer to civilian authority.

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

The constitution and law prohibit arbitrary arrest and detention. However, security forces violated these provisions. Security forces continued to arrest and detain individuals without charge and in some cases prevented them from receiving visits from family members, doctors, or lawyers. Others were detained by police and gendarmes for civil matters, contrary to law.

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

The military (ANT), gendarmerie, national police, nomadic guard (GNNT), and ANS are responsible for internal security. The Integrated Security Detachment (DIS), which reports to the National Coordination of Support to Humanitarian Activities and to the Integrated Security Detachment, is responsible for reducing insecurity in refugee camps and for protecting refugees, IDPs, and humanitarian workers. The ANT, gendarmerie, and GNNT report to the Ministry of Defense; the National Police report to the Ministry of Public Security and Immigration; and the ANS reports to the president.

Police were corrupt and involved in banditry, arms proliferation, and extortion. Security force impunity was widespread. For example, 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.

The government continued to make some progress in modernization and professionalization of the military. There were isolated reports of former soldiers

who posed as active duty military, committing crimes with government-issued weapons.

### **Arrest Procedures and Treatment While in Detention**

Although the law requires a judicial official to sign arrest warrants, this did not always occur in practice. 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 requires access to bail and 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 in practice. Detainees were held incommunicado. While there was no specific legal provision for habeas corpus and no specific law requiring authorities to provide compensation to persons who had been unlawfully detained, the constitution upholds these requirements through its ratification of the Universal Declaration of Human Rights and the African Charter on Human and Peoples' Rights.

Arbitrary Arrest: The government arrested opposition members, labor leaders, and human rights activists during the year (see sections 1.e., 2.a., 5, and 7.a.).

For example, in late January former minister of planning Mahamat Ali Hassane was dismissed from office and arrested on charges of embezzlement. On February 20, the former minister of good governance, Ahmadaye al Hassan, also was dismissed from office and arrested on corruption charges. Although the constitution requires the Supreme Court to adjudicate cases involving senior government officials, both cases were heard by lower courts, which dismissed the cases due to procedural irregularities. Observers charged that the arrests were politically motivated.

According to a July report on Moussoro Prison by the Ministry of Human Rights, two persons arrested in March during mass fights remained in prison at year's end, even though their innocence was proven while they still were in jail. No further information was available.

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. Lengthy pretrial detention resulted from a weak judiciary, which functioned poorly in urban areas and generally was ignored outside of the capital.

In October the government opened a professional school to train magistrates and prison guards in procedures to expedite judicial processes and curb lengthy pretrial detention; 270 students attended the school's first academic year.

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

Although the constitution and law provide for an independent judiciary, the judiciary was ineffective, underfunded, overburdened, and subject to executive interference. Intimidation and violence against judicial branch members occurred, and 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 or nonfunctional. There were only 150 judges in the country, and most wrote court documents by hand.

While a judicial oversight commission has the power to investigate judicial decisions and address suspected miscarriages of justice, the president appointed commission members, increasing executive control over the judiciary and diminishing the council's authority.

During the year the government suspended several judges in actions that local human rights organizations characterized as further evidence of executive interference in the judiciary. The government also suspended due process in the trials of senior government officials. AI accused the government of using the judiciary to harass political opponents during the year.

For example, on March 4, opposition National Assembly Deputy Ngothe Gatta Gali was arrested in the Moyen Chari region on accusations of poaching warthogs and attempting to cover up the act by bribing a gendarme. A local court acquitted Gali of poaching but convicted him of bribery and sentenced him to one year in prison, despite Gali's constitutional immunity as a National Assembly member. Gali appealed the decision, and on April 24, an appeals court in Moundou acquitted him of all charges due to irregularities in the handling of the case and lack of legal basis in the initial arrest. Judge Emmanuel Dekeumbe, who ruled in favor of Gali's appeal, subsequently was suspended for violating the

confidentiality of court proceedings. Dekeumbe, along with another suspended judge, appealed their suspensions to the Ministry of Justice.

In a separate case, lawyers for former secretary general of the presidency Mahamat Saleh Annadif, who was arrested on April 17 for complicity in embezzlement of public funds, claimed they were denied access to their client and that legal proceedings against him were flawed. On July 17, the Supreme Court ruled that the case be dismissed due to procedural flaws.

The legal system is based on French civil law. However, 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 in practice. 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 can 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 yet established military courts. In the absence of permanent military courts, military trials occurred on an ad hoc basis. Military members generally were tried in civil courts.

### **Trial Procedures**

The law provides for a presumption of innocence. In practice many judges assumed a suspect's guilt, sometimes as a means to extort money from the defendant. For example, in some rape cases that reached the courts, defendants were fined rather than tried. Trials are public and use juries except in politically sensitive cases. Defendants have the right to be present in court. 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 in practice. Human rights groups sometimes provided free counsel to indigent clients. Defendants, their lawyers, and judges have the right to question witnesses and to present witnesses and evidence on their own behalf. Defendants and their



attorneys 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 respect this right. Defendants have the right to appeal court decisions. The law extends these rights to all citizens.

In some cases 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**

Unlike in previous years, there were no known political prisoners.

### **Civil Judicial Procedures and Remedies**

Suits for human rights violations may be brought before the penal tribunal or the penal court; 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 during the year confiscated private property and demolished homes, businesses, and the headquarters of the NGO Youth Association for Social Inclusiveness as part of ongoing 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 that it provided compensation to those with deeds, critics charged that the compensation was inadequate and not available to all. With the support of AI and local human rights organizations, N’Djamena residents established neighborhood associations to counter arbitrary seizures. In March AI and a local human rights organization hosted a conference to raise awareness of the issue.

In February hundreds of families were left homeless after authorities conducted mass forced evictions in N’Djamena to make room for the construction of a hotel.

At least 62 compounds, home to more than 670 persons as well as the community school in the Sabangali area of the capital, were demolished. According to AI, the evictions were conducted without due process, adequate notice, or consultation. The government provided some compensation and alternative housing, but many of those evicted complained that the compensation was well below the value of the homes.

On May 13, in N'Djamena, authorities deployed municipal officials and police to relocate temporarily merchants and their shops from Dembe market, which was being demolished to allow for the construction of an overpass. An altercation between merchants and police resulted in the death of one of the merchants and numerous injuries; the merchants claimed the government had provided two alternate sites for their shops but no compensation. According to human rights organizations, the circumstances surrounding the death of the merchant were unclear. No investigation was conducted by year's end.

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

Although the constitution provides for the right to privacy and inviolability of the home, these rights were not respected in practice. Government authorities entered homes without judicial authorization and seized private property without due process (see section 1.e.). Security forces regularly stopped citizens and extorted money or confiscated belongings.

The Ministry of Public Security and Immigration continued to prohibit both the possession and use of satellite telephones. 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. Journalists were subjected to threats and intimidation.

Freedom of Speech: The 2010 media law abolished prison sentences for defamation and insult but 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 (\$2,000 to \$6,000). Unlike in previous years, private individuals were generally free to criticize the government without reprisal.

Freedom of Press: The country's only daily newspaper, *Le Progres*, was subsidized by the state in return for its political support. 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 purchasing power in rural areas, according to the international NGO Reporters Without Borders. Unlike in the past, when the government controlled the media, newspapers were generally able to criticize government policies and activities without reprisal. Opposition newspapers frequently published cartoon caricatures of government ministers and the president. Nevertheless, reporters and publishers risked harassment from authorities when publishing critical articles.

For example, in September a court convicted Jean-Claude Nekim, the editor of *N'Djamena Bi-Hebdo*, of defamation and inciting racial hatred for publishing a petition critical of President Deby's ethnic group (see section 7). Although the 2010 Media Law abolished prison sentences for defamation, Nekim was given a suspended prison sentence, fined, and ordered not to publish *N'Djamena Bi-Hebdo* for three months. However, the following week Nekim published a caricature of the judge who sentenced him, after which he was charged with contempt of court. At year's end Nekim awaited trial for the contempt charge and also an appeals trial on the first charge.

Radio remained the most important medium of mass communication. The government-owned Radiodiffusion Nationale Tchadienne had several branches. 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 and calls for the government to be changed through the local elections process. During the year several new community radio stations were established.

The government owned and operated the only domestic television station.

Violence and Harassment: Journalists were harassed and attacked during the year.

For example, on July 2, Ahmadou Boubou Bondaba, a journalist previously employed at the community radio station La Voix du Paysan, was attacked and beaten, resulting in a fractured collarbone, according to Reporters Without Borders. No suspects were arrested by year's end.

In September, in the southern town of Doba, *La Voix du Paysan* broadcast a series of reports in which local citizens accused Doba's mayor, Lamlengar Ngasebey, of abuse of power, mismanagement, and hiring practices that favored attractive women. Following the broadcast, Ngasebey or his family intimidated and threatened three journalists from the station. Felix Djimadoumngar, a reporter for *La Voix du Paysan*, was assaulted. Although police confirmed the assault, no action was taken against the perpetrators.

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

Libel Laws/National Security: On October 10, the High Council on Communications issued a formal warning to *La Voix du Paysan*, claiming that the station's live broadcast on September 30 incited the public to "insurrection against the government." The station broadcasted a sermon by a bishop who criticized the government for allegedly failing to use oil wealth to benefit the region.

## **Internet Freedom**

There were no government restrictions on access to the Internet or credible reports that the government monitored e-mail or Internet chat rooms. According to International Telecommunication Union statistics, 1.9 percent of citizens used the Internet in 2011.

## **Academic Freedom and Cultural Events**

There were no government 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 in practice. The law requires organizers to notify the government five days in advance of demonstrations.

On August 8, several hundred students convened to protest the cancellation of results of the annual baccalaureate exam. The government used tear gas and water to disperse the assembled students. There were no reports of arrests or injuries.

No action was taken against members of the security forces who beat and detained demonstrators in October and November 2011 protesting low salaries and price hikes in food and fuel. Demonstrators included magistrates, teachers, and health workers.

### **Freedom of Association**

The constitution and law provide for freedom of association, and the government generally respected this right in practice. 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 that 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.

Emigration and Repatriation: According to the International Organization for Migration (IOM), since 2011 approximately 130,000 Chadian migrants living in Libya fled the violence there and returned to the country. Many arrived without documentation, assets, skills, or education. 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. The IOM and the government provided assistance.

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

Approximately 125,000 IDPs, most of whom were displaced in the east in 2005 as a result of interethnic fighting over scarce water and land resources during a severe drought, resided in 38 camps in the country. The UNHCR assisted the return of approximately 56,000 IDPs during the last two years. Many IDPs were reluctant to return to their original homes due to security concerns, limited infrastructure and access to basic services, and because their property had been resettled by other groups. While the overall security environment improved in regions hosting IDPs and refugees, localized incidents of banditry continued. Government officials remained committed to helping IDPs return home or resettle elsewhere in the country but lacked a strategy and sufficient resources to achieve this goal. The government continued to allow IDPs access to humanitarian organizations and permitted them to accept assistance provided by these groups. The UN and other humanitarian organizations provided services to IDPs and refugees, with an increased focus on improving self-sufficiency and livelihoods among these populations.

Sexual violence against displaced women and girls in the east was a problem. There were reports that men in uniform, who may have included security force members, local indigenous groups, bandits, and other IDPs, raped female IDPs. 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. However, the government conducted extensive sensitization campaigns against sexual violence and urged women to come forward without fear of reprisal. DIS personnel, for example, were trained in sexual and gender-based violence, and all DIS units had female officers.

Although there were more than 70 international humanitarian organizations in the eastern part of the country, there were gaps in their protection mechanisms as well. The mobile courts set up by the UN made only occasional visits to each area and rarely addressed sexual violence cases. The formal judicial system was unable to

provide consistent and predictable recourse or legal protections. Traditional legal systems were subject to ethnic or regional variations.

Tension between IDPs and local communities existed. IDPs generally were located near potable water, and health services were provided to them by international humanitarian agencies, sometimes resulting in resentment among host communities that did not receive such services.

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

### **Protection of Refugees**

Access to Asylum: The country's laws do not provide for the granting of asylum or refugee status. However, the government has established a system for providing protection to refugees.

Approximately 280,000 Sudanese refugees from Darfur remained in the country; most were located in 12 camps along the eastern border with Sudan.

Approximately 55,000 refugees from the Central African Republic (CAR) lived primarily in eight camps in the south, and approximately 5,000 refugees of various nationalities lived in urban areas.

Refugee Abuse: There were cases of rape, attempted rape, and sexual and gender-based assault in refugee camps. In the majority of cases, the perpetrators were either fellow refugees or unknown individuals just outside the camps. The number of reported cases--1,020 in 2010 and 946 in 2011--likely underestimated the problem since rape and gender-based violence were seldom reported due to cultural sensitivities. Perpetrators of sexual violence rarely were prosecuted. While the DIS was generally effective in improving protection for refugee and IDP camps and for UN and other humanitarian operations in the eastern part of the country, many of the attacks on refugee women and girls fell outside its area of jurisdiction.

Due to the absence of rebel activity and implementation of education campaigns in camps during 2011 and 2012, there was a significant decrease in opportunities for 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 often had better access to education and health services than those in surrounding local populations due to extensive humanitarian interventions on their behalf. Some humanitarian organizations included host communities in their programming to help 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 Sudanese refugees received goods and services that were not available to the local population. Similar conflicts occurred in areas hosting refugees from the CAR.

Durable Solutions: The government cooperated with the UNHCR in supporting local integration of refugees from the CAR in southern Chad. However, the government did not support the UNHCR's efforts to promote foreign resettlement for refugees from Darfur. The government allowed refugees from the CAR to be referred for resettlement in foreign countries.

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

Although the constitution and law provide citizens with the right to change their government, the government continued to limit this right in practice. The executive branch dominated the other branches of government.

#### **Elections and Political Participation**

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

The presidential vote in April 2011 occurred without violence or incident and was considered an accurate reflection of the will of the people, although local groups criticized the lack of participation by the three opposition candidates and low voter turnout.



Political Parties: There were approximately 132 registered political parties, of which more than 100 were associated with the ruling party. The main opposition coalition was well treated, in part to provide proof that the country had a multiparty system. By contrast, smaller opposition parties were subjected to government interference.

The law prohibits the government from discrimination on the basis of ethnicity, but ethnicity continued to influence 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 of state power, 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. Five 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. However, 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.

Local human rights organizations noted an increase during the year in police and gendarme abuse and extortion of motorists. There were reports that security forces verbally abused, physically assaulted, and arbitrarily arrested travelers, often using the pretext of minor traffic violations. No action was taken against perpetrators during the year.

Judicial lack of independence and corruption also was a problem.

During the year the government took several steps to curb corruption, including investigating and dismissing dozens of civil servants.

On January 28, Mahamat Zen Bada, the head of Presidential Projects, was arrested on corruption charges; Zen Bada had previously been arrested and removed from office in 2009 when serving as mayor of N'Djamena, but he was released when charges against him were dropped in 2010. Zen Bada remained in detention awaiting trial at year's end.

On March 23, President Deby issued a decree dismissing approximately 400 customs agents and transferring an estimated 300 others for alleged acts of corruption and fraud. On May 21, the minister of justice launched Operation Cobra, an initiative to curb corruption and inefficiency in government services, particularly in revenue collection agencies. In June Prime Minister Emmanuel Nadingar visited several cities to support Operation Cobra.

The Ministry of Justice and Good Governance is responsible for fighting government corruption.

Public officials were subject to financial disclosure laws. However, the law was not enforced, and officials did not readily disclose details of their financial status.

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

### **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; however, government officials were sometimes unresponsive or hostile to their findings. Human rights groups were outspoken in publicizing abuses through reports, press releases, and the print media but only occasionally intervened successfully with authorities.

The government harassed human rights workers.

For example, during the year authorities harassed and subjected to court actions Deuzombe Passalet, director of the local NGO Droits de l'Homme sans Frontieres.

In December 2011 Passalet was arrested on charges of making false or libelous accusations and transferred to Moussoro Prison. The charges were later dropped, and he was released.

## **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 the problem was available. The law does not specifically address spousal rape. Although police often arrested and detained alleged perpetrators, rape cases usually were not tried, and most suspects were released. 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, but police rarely intervened. During the year some women began reporting cases of violence and abuse to local human rights organizations.

Sexual Harassment: The law does not prohibit sexual harassment, and such harassment 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 methods. However, many persons lacked access to medical care, particularly those in rural areas. Couples lacked access to contraception and, according to the UN Population Fund, only an estimated 3 percent of women used any form of contraception. According to the UN Population Fund, the incidence of maternal mortality was 1,200 per 100,000 live births, and a woman's lifetime risk of maternal death was one in 14. According to UN estimates, only 14 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.

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. Women suffered discrimination in access to employment, credit, and pay equity for substantially similar work, and in owning or managing businesses due to cultural norms. 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 she 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. However, children born to refugees from Sudan were not considered citizens and generally not provided birth certificates. Children born to refugees from the CAR also generally were not considered citizens but were provided birth certificates. The government did not register all births immediately, and children without birth certificates could only be enrolled in school provisionally and were required to subsequently obtain a birth certificate. Schools could call on witnesses to verify the age of the child.

Education: By law education is universal and tuition-free, and primary education is compulsory between the ages of six and 11. However, 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 hired and paid approximately half of the teaching faculty, without government reimbursement. Schools did not exist in many locations. According to the World Bank Development Indicators Database, only six girls attended

primary school for every 10 boys. Most children did not attend secondary school, where the enrollment rate of girls was also lower than that of boys.

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 that 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 was available on its extent. The Ministry of Social Action and Family, which is responsible for the protection of children, conducted public awareness campaigns on child abuse during the year.

Unlike in the previous year, there were no reports that armed bandits kidnapped children to obtain ransom in the Mayo-Kebbi Ouest Region (see section 1.b.).

Child Marriage: The legal age for marriage is 18, although traditional law allows children to marry at 13 and 14. In practice families arranged marriages for girls as young as 12 or 13, with 11 being the minimum age for engagement. The law prohibits forced marriages 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 (\$100 to \$1,000).

Forced marriage of girls was a serious problem, including among refugees. According to the UNICEF data collected between 2000 and 2009, approximately 72 percent of women between the ages of 20 and 24 were married before the age of 18. The custom of buying and selling child brides was widespread. Girls who objected to being forcibly married often were physically assaulted by their family members and husbands. Many young wives were forced to work long hours for their husbands in the fields or at home.

Harmful Traditional Practices: The law prohibits female genital mutilation/cutting. However, the practice was widespread, particularly in rural areas. The UN Population Fund reported that 44 percent of women and girls had undergone excision, with rates as high as 90 to 100 percent in some regions. The practice was prevalent, especially among ethnic groups in the east and south. All three types of FGM/C 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 could be prosecuted as a form of assault under the penal code, and charges could be brought against the parents of victims, medical practitioners, or others involved in the action. However, prosecution was hindered by the lack of specific penalty provisions in the penal code. There were no reports that any such suits were brought 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 UN, continued to conduct 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 and other forms of abuse against women and girls.

Sexual Exploitation of Children: Although the law prohibits sexual relations with a girl younger than age 14, even if she is married, the ban was rarely enforced.

Child Soldiers: While the law prohibits the use of child soldiers, joint government-UNICEF inspections conducted during the year revealed the presence of child soldiers in ANT and rebel units. The first joint inspection, conducted from June 9 to June 14 in the Guera and Salamat regions, resulted in the identification of 24 possible cases of underage recruitment by the ANT in Mongo, of which only seven were verified as child soldiers. The government issued a warning to all officers against recruiting child soldiers and conducted a second inspection on October 6 of all newly recruited army units, which identified an additional 20 child soldiers. A separate joint government-UNICEF inspection of surrendered forces of ex-rebel leader Baba Ladde in October found 26 child soldiers. Child soldiers identified in the three inspections were turned over to the Ministry of Social Action, reunited with their families, and provided with vocational training through UNICEF funding. At year's end there was no evidence of child soldiers in the ranks.

The government continued to implement a comprehensive child soldiers' action plan signed with the UN in June 2011. The plan included commitments on demobilization and reintegration of child soldiers; prevention, awareness raising, and capacity building; legal procedures and discipline for offenders; and access to military sites for detection and investigation of the use of child soldiers. In addition to conducting joint inspections with UNICEF, the government appointed

points of contact at the Ministries of Defense and Social Action, as called for under the action plan.

According to UNICEF, 1,087 child soldiers were returned to civilian life between 2007 and November. The significant improvement of the security environment in the east since 2010 facilitated family tracing and reunification in previously inaccessible areas. The government cooperated with international efforts to provide rehabilitation services.

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 or programs to ensure access to buildings for persons with disabilities. The government operated a few education, employment, and therapy programs for persons with disabilities.

Children with some physical disabilities attended primary, secondary, and higher education institutions. The government supported schools for children with visual or mental disabilities. The country had numerous individuals with disabilities caused by polio, many of whom held high-ranking positions in the government.

The government, in conjunction with NGOs, continued to sponsor an annual 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. They speak 128 distinct primary languages. 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 recent years. In November a clash between herders and sedentary populations in the Mongo resulted in five deaths.

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 during the year. No specific laws apply to LGBT persons. There were few reports of violence or discrimination against LGBT persons, in large part because most individuals were discreet about their sexual orientation due to social and cultural strictures against homosexuality. There were no LGBT organizations in the country.

## **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 persons with HIV/AIDS. However, persons with HIV/AIDS continued to be subject 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. During the year 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 excessive requirements, but the authorization of the Ministry of Territorial Administration is required. The Ministry of Territorial Administration also can order the immediate administrative 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 period before a strike can occur. Civil servants and employees of state enterprises, including civil servants and teachers, must complete a mediation process and notify the government 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 ones. However, these protections were not always respected in practice.

In the formal sector, more than 90 percent of employees belonged to unions. However, the great majority of workers were self-employed, nonunionized, unpaid, 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 due to bureaucracy, lack of capacity, and other factors, such as difficulties in convening key players for negotiations. No new unions were authorized during the year. 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.

Labor unions regularly carried out strikes during the year without reprisal. However, the government charged three Union des Syndicats du Tchad (UST)

officials with inciting ethnic violence after they circulated a petition during a public sector strike that criticized local authorities for mismanagement of public funds and corruption. On July 15, the UST, the country's largest labor union, called a strike to protest the failure of the government to comply with the terms of a November 2011 agreement that the union believed entitled public sector workers to a salary increase. After the strike began, union leaders circulated a petition that accused members of the Zaghawa tribe, to which the president belonged, of misappropriating the country's oil revenues. UST president Michel Barka, UST vice president Younous Mahadjir, and UST secretary general Francois Djondang subsequently were charged and convicted of inciting ethnic violence. On September 18, the three men received 18-month suspended prison sentences and were each fined CFA one million (\$2,000). Journalist Jean-Claude Nekim, who reported on the incident, also was given a suspended sentence and fined (see section 2.a.). The three were awaiting an appeals hearing at year's end.

There were no reports of antiunion discrimination during the year.

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

The constitution states that persons cannot 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 18 years; the minimum age for conscription is 20. The law prohibits the use of child soldiers, although it occurred (see section 6). The law permits imprisonment with forced labor for participation in illegal strikes.

In practice 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 in domestic servitude.

The majority of forced 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 (see section 6).

Forced labor in prisons occurred.

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 law, which provides no penalties for employing child labor, was not enforced, and child labor was a serious problem.

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

The Ministry of Labor had inspectors deployed throughout the country. Labor inspectors can refer cases to the Ministry of Justice for prosecution. While not specialized in the protection of children per se, the ministry provided training to these inspectors on children's issues. In practice, however, the government did not effectively enforce the law due to several factors, including limited financial and human resources, inadequate knowledge by members of the workforce of their rights provided by the law, and corruption.

The Office of Labor Inspection is responsible for enforcement of child labor laws and policies; however, it did not conduct any prosecutions during the year. As in previous years, the office reportedly had no funding to carry out field work and investigations. 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 the ages of six and 18 worked in exploitive labor in the urban informal sector, according to a 2005 study published by Human Rights without Borders. Children were regularly employed as herders, domestics, crop pickers, and in panning for gold. They also were employed in the commercial sector, particularly in the capital, 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 eight and 14 years of age, 68 percent were between 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, the campaign continued to educate parents and civil society on the dangers of child labor, particularly for child herders, who often were sent to distant locations where they were abused.

Although UNICEF reported in 2011 that there were no child soldiers in the national army, two joint government-UNICEF inspections during the year found child soldiers among newly recruited ANT forces; a third inspection found child soldiers among surrendered forces of ex-rebel leader Baba Ladde. Authorities returned the children to their parents (see section 6).

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 (including a small monthly salary and generally a goat at the end of six months or a cow at the end of 12). Local NGOs reported, however, that compensation often was not paid; when it was, the child's parents often collected the payment for themselves.

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**

The labor code requires the government to set minimum wages. During the year the government raised the monthly minimum wage from 28,000 CFA (\$56) to 60,000 CFA (\$120). However, the minimum wage was not effectively enforced. The law limits most employment to 39 hours per week, with overtime paid for supplementary 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. 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 (\$150 to \$600). Penalties for second

offenses may include fines of more than 500,000 CFA (\$1,000) and/or 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, workhours, 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, although less so than in previous years.

Workers did not always avail themselves of their rights concerning workhours 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. However, local private companies and public offices often had substandard conditions, including lack of air conditioning (in part due to highly irregular electrical supply), little or no fire protection, and little or no health and safety protection equipment. Workers have the right to remove themselves from dangerous working conditions but could not do so in practice without jeopardizing their employment.

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