

# CHAD 2019 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Chad is a centralized republic in which the executive branch dominates the legislature and judiciary. In 2016 President Idriss Deby Itno, leader of the Patriotic Salvation Movement (MPS), was elected to a fifth term in an election that was neither free nor fair. During the 2011 legislative elections, the ruling MPS won 118 of the National Assembly's 188 seats. International observers deemed the election legitimate and credible. Since 2011 legislative elections have been repeatedly postponed for lack of financing or planning. The National Independent Electoral Commission stated it would not be possible to organize legislative elections by year's end.

The National Army of Chad (ANT), National Gendarmerie, Chadian National Police, Chadian National Nomadic Guard (GNNT), and National Security Agency (ANS) are responsible for internal security. A specialized gendarmerie unit, the Detachment for the Protection of Humanitarian Workers and Refugees (DPHR), is responsible for security in refugee camps for both refugees and humanitarian workers. The ANT reports to the Ministry of Defense. The national police, GNNT, and DPHR are part of the Ministry of Public Security and Immigration. ANS reports directly to the president. Civilian authorities at times did not maintain effective control of the security forces.

Significant human rights issues included: arbitrary killings by the government or its agents; torture by security forces; arbitrary and incommunicado detention by the government; harsh and potentially life-threatening prison conditions; political prisoners; censorship of the press and restrictions on access to social network sites by the government, including arrest and detention by the government of persons for defamation; substantial interference with the rights of peaceful assembly and freedom of association; significant restrictions on freedom of movement; restrictions on political participation; pervasive acts of corruption; violence against women and girls to which government negligence significantly contributed; and criminalization of same-sex sexual conduct.

Unlike in 2018 there were no reports of authorities taking steps to prosecute or punish officials who committed abuses, whether in the security services or elsewhere in the government, and impunity remained a problem.

Members of Boko Haram, the Nigerian militant terrorist group, killed numerous civilians and military personnel in attacks in the country, often using suicide bombers.

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

### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

There were reports the government or its agents committed arbitrary and unlawful killings. Human rights groups credibly accused security forces of killing and torturing with impunity.

On May 25, Yaya Awad, arrested for allegedly stealing a motorcycle, died in custody at the 7th police district of N'Djamena after police fatally beat and otherwise injured him during interrogation.

Following an August declaration of a state of emergency, there were reports of security forces beating and killing civilians and confiscating personal property in the provinces of Ouaddai, Sila, and Tibesti.

Interethnic violence resulted in deaths (see section 6).

### **b. Disappearance**

There were no reports of disappearances by or on behalf of government authorities.

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

Although the constitution prohibits such practices, there was anecdotal evidence the government continued to employ them.

General Mahamat Abdoukader Oumar, aka Baba Ladehe, a former Chadian rebel arrested in 2014 by UN forces in the Central African Republic (CAR) and turned over to Chadian authorities, remained at year's end in Koro-Toro Prison after conviction in December 2018 for armed robbery, illegal possession of weapons, murder, rebellion, and criminal conspiracy, serving an eight year sentence. According to his lawyers, authorities denied him access to medical treatment and his health deteriorated while he waited for years for his trial.

On May 7, Mbaiguedem Richard, a 19-year-old man, died on police premises in the 6th police district of N'Djamena after six days of detention. According to local and international press, Mbaiguedem died as a result of police torture. Mbaiguedem's death prompted three days of youth protests and clashes between protesters and police.

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

Conditions in the country's 41 prisons remained harsh and potentially life threatening due to food shortages, gross overcrowding, physical abuse, and inadequate sanitary conditions and medical care.

Physical Conditions: Inmates were vulnerable to diseases such as HIV, tuberculosis, and malaria. Prison overcrowding remained a serious problem. Despite the near doubling of the prison population, no new facilities had been constructed since 2012. Authorities did not separate juveniles from adult male prisoners and sometimes held children with their inmate mothers. Authorities held pretrial detainees with convicted prisoners and did not always separate male and female prisoners. Regional prisons were crumbling, overcrowded, and without adequate protection for women and youth. Prison authorities received insufficient funding to feed inmates.

Local nongovernmental organizations (NGOs) reported food, potable water, sanitation, and health services were inadequate. Prison guards, who were not regularly paid, sometimes released prisoners if bribed. Provisions for heating, ventilation, and lighting were inadequate or nonexistent. The law stipulates a doctor must visit each prison three times a week, but authorities did not comply. The few prisons that had doctors lacked medical supplies. Family members of detainees frequently provided them with food, soap, medicine, and other supplies. NGOs reported that government officials forced prisoners to work on their private enterprises as a source of free labor.

No estimate of deaths in prisons or detention centers was available. According to the local NGO Catholic Action for Abolishing Torture in Chad, in August there was no sign of improved prison conditions in several years.

On October 7, prisoners mutinied at Abeche Prison in the east. According to Radio France International, prisoners seized at least one weapon and started a fire,

while some escaped. Two prisoners died when the army seized control; it was unclear if soldiers, guards, or police killed them.

Administration: There was no mechanism for prisoners to submit complaints regarding prison conditions to judicial authorities. Although NGOs denounced prison conditions, they did not file a case against the government, and there is no formal complaint process outside of the courts. There were no data available on prisoner access to the requirements of religious observance or practice.

Independent Monitoring: The government permitted the International Committee of the Red Cross (ICRC) to visit prisons, and the ICRC conducted such visits during the year. At the maximum-security Koro-Toro Prison, where few families visited due to its distance from N'Djamena, the ICRC visited every four to six weeks.

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

The constitution and law prohibit arbitrary arrest and detention, but the government did not always observe these prohibitions. The law does not provide for the right of persons to challenge the lawfulness of their arrest or detention in court, or to obtain prompt release and compensation if found to have been unlawfully detained. In its *Freedom in the World 2019* report, Freedom House stated security forces “routinely ignore” constitutional protections regarding detention. Police and gendarmes also detained individuals for civil matters, contrary to law. There were reports officials held detainees in police cells or in secret detention facilities.

Authorities continued to hold Mathias Tsarsi, the director of Air Inter One, a private airline company, and three other individuals detained in 2017 on suspicion of financing terrorism, money laundering, and forgery-related acts, as well as arms trafficking. In January the UN Human Rights Council’s Working Group on Arbitrary Detention declared its concern about the defense’s lack of access to prosecution files, deplorable detention conditions, and allegations of inadequate medical care.

During the year the Ministry of Justice sent eight judicial police officers and magistrates abroad for terrorist investigation and prosecution training.

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

Although the law requires a judge to sign and issue arrest warrants before arrests may take place, this did not always occur, according to local media. By law detainees must be charged within 48 hours or released, unless the *procurer* (investigating magistrate) authorizes an extension of detention for investigative purposes. Nevertheless, authorities often did not make judicial determinations promptly. According to justice representatives in 2018, at least 20 to 25 percent of inmates were in long-term pretrial detention. The law allows for bail and access to counsel, but there were cases in which authorities provided neither. In some cases authorities denied detainees visits from doctors. While the law provides for legal counsel for indigent defendants and prompt access to family members, this rarely occurred, according to justice representatives. Authorities occasionally held detainees incommunicado.

Arbitrary Arrest: Security forces arbitrarily arrested journalists, demonstrators, critics of the government, and other individuals, according to local media.

Pretrial Detention: Lengthy pretrial detention remained a problem, despite government efforts to address it. Authorities sometimes held pretrial detainees without charge for years, particularly for felonies allegedly committed in the provinces, because the court system only had the capacity to try criminal cases in the capital, according to a Ministry of Justice official. The length of detention sometimes equaled or exceeded the sentence for conviction of the alleged crime. Lengthy pretrial detention was exacerbated by an overworked judiciary susceptible to corruption.

Unlike in 2018 there was no reported release of Boko Haram fighters; some fighters remained in pretrial detention. According to an antiterrorism judge investigating Boko Haram suspects, very young children remained with their incarcerated mothers, while authorities sheltered some older children in the Dieu Benit Orphanage.

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

Although the constitution and law provide for an independent judiciary, the judiciary was underfunded, overburdened, corrupt, and subject to executive interference. Members of the judiciary sometimes received death threats or were demoted for not acquiescing to pressure from officials, according to representatives of the bar association. Government personnel, particularly members of the military, often were able to avoid prosecution. Courts were generally weak and nonexistent in some areas. Judicial authorities did not always respect court orders.

Local media and civil society organizations reported members of the Judicial Police of Chad, an office within the national police with arrest authority, did not always enforce domestic court orders against military personnel or members of their own ethnic groups.

A judicial oversight commission has the power to investigate judicial decisions and address suspected injustices. The president appointed its members, increasing executive control of the judiciary.

The legal system is based on the French civil code, but the constitution recognizes local customary law in places where it is long established, provided it does not interfere with public order or constitutional provisions for equality of citizens. Courts tended to blend the formal French-derived legal code with traditional practices. Local customs often supersede the law. Residents of rural areas and refugee/internally displaced persons (IDPs) camps often lacked access to formal judicial institutions, and legal reference texts were unavailable outside the capital or in Arabic. In minor civil cases, the population often relied on traditional courts presided over by village chiefs, canton chiefs, or sultans. Penalties in traditional courts sometimes depended on the clan affiliations of the victim and perpetrator. Decisions of traditional courts may be appealed to a formal court.

The constitution provides for a military court system composed of the Military Court and the High Military Court that acts as an appellate court.

### **Trial Procedures**

The law provides for a presumption of innocence. Defendants have the right to be informed promptly and in detail of the charges against them and to be provided free interpretation; these rights, however, were seldom respected, according to local media. Trials are public. Only criminal trials used juries but not in politically sensitive cases. While defendants have the right to consult an attorney in a timely manner, this did not always occur. By law indigent persons have the right to legal counsel at public expense in all cases, although this seldom occurred, according to legal experts. Human rights groups sometimes provided free counsel to indigent clients. Defendants have the right to adequate time and facilities to prepare a defense. Defendants and their attorneys have the right to question witnesses and present witnesses and evidence. Defendants have the right not to be compelled to testify or confess guilt, but the government did not always respect this right, according to lawyers. Defendants have the right to appeal court decisions.

In some areas growing Islamic legal tradition influenced local practice and sometimes impacted legal interpretation. For example, local leaders may apply the Islamic concept of *diya*, which involves a payment to the family of a crime victim by the perpetrator or the perpetrator's family. The practice was common in Muslim areas. Non-Muslim groups challenged the practice, asserting it was unconstitutional. On October 4, the government issued an interministerial circular regulating the practice of *diya*, with the criminal code taking precedence in any conflict with *diya* practices.

### **Political Prisoners and Detainees**

According to the NGO Movement Citizen Action for the Integral Application of Amnesty in Chad (ACAIAT), in November 2018 there were at least 72 political detainees. The list released by ACAIAT showed some detainees spent seven years and seven months in prison, while the shortest time in prison was one year. All were awaiting trial at year's end. According to ACAIAT, their detention was politically motivated, and they were eligible for release under criminal law because of their lengthy pretrial detention. In addition to these prisoners, in January the French Press Agency reported the president's May 2018 general amnesty included 58 political prisoners.

There were no confirmed reports of new political prisoners or detainees during the year.

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

Lawsuits for human rights violations may be brought before a criminal court, but compensation is addressed by a civil court. Administrative and judicial remedies, such as mediation, are available. The judiciary was not always independent or impartial in civil matters, and some legal professionals were coerced to manipulate legal decisions, according to representatives of the bar association.

#### **f. Arbitrary or Unlawful 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 always respect these rights. It was common practice for authorities to enter homes without judicial authorization and seize private

property without due process. Security forces routinely stopped citizens to extort money or confiscate goods.

On August 19, the president declared a state of emergency following the resurgence of intercommunal conflicts in the provinces of Ouaddai, Sila, and Tibesti, the fighting claiming more than 100 lives. The Chadian Convention for the Defense of Human Rights (CTDDH) alleged in August that government actions “weighed heavily” on villagers in these areas, including the caning of residents and looting of property.

The CTDDH reported that on September 27, soldiers raided the village of Marchoud and handcuffed approximately 30 villagers, including village chief Abdassadikh Adam Nour, and covered their heads with sacks in an attempt to intimidate them into revealing suspected weapons caches.

A government decree prohibits possession and use of satellite telephones.

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

### **a. Freedom of Expression, Including for the Press**

The constitution provides for freedom of opinion, expression, and press, but the government severely restricted these rights, according to Freedom House. Authorities used threats and prosecutions to curb critical reporting, after ruling party powers were expanded under the constitution of the fourth republic.

Freedom of Expression: The law prohibits “inciting racial, ethnic, or religious hatred,” which is punishable by up to two years in prison and a fine of one million to three million CFA francs (\$1,700 to \$5,100).

Press and Media, Including Online Media: Independent media were active and attempted to express a variety of views; however, authorities placed severe restrictions on them. The government subsidized *Le Progres*--the only daily newspaper--and owned a biweekly newspaper *L’Info*. Government and opposition newspapers had limited readership outside the capital due to low literacy rates and lack of distribution in rural areas.

According to *Freedom in the World 2016*, “broadcast media were controlled by the state, and the High Council of Communication exerted control over most content on the radio,” which remained the most important medium of mass



communication. The government-owned Chadian National Radio had several stations. There were approximately 40 private stations, which faced high licensing fees and threat of closure for coverage critical of the government, according to Freedom House. The number of community radio stations that operated outside of government control continued to grow, and radio call-in programs broadcast views of callers that included criticism of the government.

The country had three television stations--one owned by the government and two privately owned.

Violence and Harassment: Authorities reportedly harassed, threatened, arrested, and assaulted journalists for defamation. During the year Reporters Without Borders reported that journalists faced regular arrest after publication, most released fairly quickly, others held in detention for weeks or months, and some severely mistreated, particularly when articles discussed impunity or criticized the president and his associates. Authorities expelled foreign journalists and suspended media outlets. Human rights defenders and journalists were also threatened, harassed, and intimidated by anonymous individuals.

On September 23, a court convicted Inoua Martin Doulguet, editor in chief of the newspaper *Salam Info*, of “criminal conspiracy, complicity, defamation, and insult” and sentenced him to three years’ imprisonment and a fine of two million CFA francs (\$3,400).

Censorship or Content Restrictions: The government penalized those who published items counter to government guidelines, sometimes by closing media outlets. Some journalists and publishers practiced self-censorship.

Beginning on October 2, the High Authority for Media and Audiovisual (HAMA) suspended Radio Oxygen from broadcasting for a period of three months for “violation of the provisions of the terms of reference for private commercial sound broadcasts.” According to the local press, HAMA closed the radio station because of its change of office location without notifying the regulating body.

Libel/Slander Laws: Despite a 2010 media law that abolished prison sentences for conviction of defamation or insult, authorities arrested and detained persons for defamation.

## **Internet Freedom**

The government restricted and disrupted access to the internet and directly censored online content, such as Facebook. There was widespread speculation that the government monitored private online communications, as when activists were arrested for postings on social media.

In July the government lifted internet restrictions on social media, although it was still necessary for users to purchase a virtual private network in order to access certain sites such as WhatsApp and Facebook.

The government blocked access to international data roaming allegedly for security reasons; the government claimed criminals and terrorists from Nigeria and Cameroon were using international roaming to communicate with each other while in Chad. The government also claimed the blockages were due to technical problems, a claim met with widespread skepticism.

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

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

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

The government limited freedoms of peaceful assembly and association.

#### **Freedom of Peaceful Assembly**

Although the constitution provides for freedom of peaceful assembly in limited circumstances, the government did not respect this right. The government regularly interfered with opposition protests and civil society gatherings. The law requires organizers to notify the Ministry of Public Security and Immigration five days in advance of demonstrations, although groups that provided advance notice did not always receive permission to assemble. The law also requires opposition political parties to meet complicated registration requirements for party gatherings. Following the 2015 Boko Haram attacks, the ministry often denied permission for large gatherings, including social events such as weddings and funerals.

Authorities routinely banned gatherings and arrested organizers, and security forces used excessive force against demonstrators. For example, on April 30, police violently dispersed a student demonstration against an increase in tuition fees, with local newspapers reporting three persons injured. In June authorities forbade a political rally by an opposition movement.

## **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 Public Security and Immigration 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. In late 2018 authorities modified the regulation on NGOs to exert greater control over development and humanitarian activities, requiring NGOs to contribute 1 percent of their budget to the “functioning of the structures of the Ministry of Planning.”

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

See the Department of State’s *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

### **d. Freedom of Movement**

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

In-country Movement: Lack of security in the east, primarily due to armed banditry, occasionally hindered the ability of humanitarian organizations to provide services to refugees. In the Lake Chad region, attacks by Boko Haram and concurrent government military operations constrained the ability of humanitarian organizations to aid IDPs.

### **e. Internally Displaced Persons**

As of July the Lake Chad region experienced additional displacement of approximately 40,000 persons, according to the Office for the Coordination of Humanitarian Affairs Chad, the local UN office. As of August the total number of displaced persons since 2015 increased to 133,000. The security situation continued to deteriorate during the year, exacerbating humanitarian needs. Humanitarian access to IDPs became more difficult; protection monitoring was limited to 84 of 202 displaced persons sites.

### **f. Protection of Refugees**

Abuse of Migrants, Refugees, and Stateless Persons: International observers reported 134 protection incidents in the Lake Chad region that occurred in March. According to international observers, 17 (12 percent) of the alleged perpetrators were from the ANT and 81 (60 percent) were from armed opposition groups. Authorities rarely prosecuted perpetrators of sexual violence. The judicial system did not provide consistent and predictable recourse or legal protection, and traditional legal systems were subject to ethnic variations. To overcome these problems, the Office of the UN High Commissioner for Refugees (UNHCR) enlisted a local NGO to support the cases of refugees through the judicial process. The DPHR was unable to provide humanitarian escorts consistently but was generally effective in providing protection inside refugee camps.

The government cooperated with UNHCR and other humanitarian organizations in providing protection and assistance to IDPs, refugees, and other persons of concern. As of July the country hosted approximately 460,000 refugees and 3,700 asylum seekers, mainly from Sudan, the CAR, and Nigeria.

Due to the absence of rebel activity and the implementation of education campaigns in camps, there were no reports of recruitment of refugees in refugee camps, including by CAR militias.

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

In cooperation with UNHCR, the government launched a project to strengthen the civil registration system for the issuance of civil status certificates (birth, marriage, and death certificates) to 50,000 refugees, IDPs, Chadian returnees from the CAR, and persons living around camps and settlements under UNHCR's mandate. As of August 2018, 28,500 birth certificates were issued.

Access to Basic Services: Although local communities hosted tens of thousands of newly arrived refugees, antirefugee sentiment existed due to competition for local resources, such as wood, water, and grazing land. Refugees also received goods and services not available to the local population, and refugee children at times had better access to education and health services than those in the surrounding local populations. Many humanitarian organizations included host communities in their programming to mitigate this tension.

Durable Solutions: The government pledged to extend citizenship to tens of thousands of returnees, most of whom had resided in the CAR since birth, although only 3 percent of Chadian returnees from the CAR held Chadian nationality documents in 2018. The government allowed referral for resettlement in foreign countries of refugees from the CAR and Sudan. During the year 1,260 South Sudanese refugees repatriated with the help of UNHCR.

#### **g. Stateless Persons**

Not applicable.

### **Section 3. Freedom to Participate in the Political Process**

The constitution and law provide citizens with the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage, but the government limited this right. The executive branch dominated the other branches of government.

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

Recent Elections: In the 2016 presidential election, President Deby won a fifth term with 59.92 percent of the vote; Saleh Kebzabo placed second with 12.8 percent. While the election was orderly and had a high voter turnout, it was neither free nor fair, and there were numerous irregularities. According to the African Union, staff at polling stations was not adequately trained, 81 percent of ballot boxes observed had not been checked to see if they were empty at the start of polling, and 10 percent of polling stations did not provide secrecy in voting. Runner-up Kebzabo refused to accept the outcome of the vote, stating it was an “electoral stickup.” Other opposition politicians cited alleged ballot stuffing and the disappearance of ballot boxes.

Political Parties and Political Participation: There were 138 registered political parties, of which more than 100 were associated with the dominant MPS party. Changes to the electoral law after the 2018 pronouncement of the Fourth Republic complicated and increased the cost of party registration, outreach, and participation procedures, which opposition leaders attributed to the government’s attempt to limit dissent. National Police teargassed supporters after an opposition political movement attempted in July to announce its establishment.

Participation of Women and Minorities: No laws limit the participation of women or members of minority groups in the political process. Fourth Republic ordinances decree leadership of all political parties must include at least 30 percent women. Women's political participation, however, was limited by many factors, including lack of access to campaign funds and cultural norms that discourage activism. The law establishes the principle of parity in nominations and elective offices with 30 percent for women a minimum, increasing progressively towards parity between genders.

Ethnicity influenced government appointments and political alliances. Political parties and groups generally had readily identifiable regional or ethnic bases. Northerners, particularly members of the president's Zaghawa ethnic group, were overrepresented in key institutions, including the military officer corps, elite military units, and the presidential staff.

#### **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.

According to Freedom House's *Freedom in The World 2019* report, corruption, bribery, and nepotism "are endemic and pervasive" and prominent journalists, labor leaders, and religious figures faced harsh reprisals for speaking out, including arrest, prosecution, and exile. According to Freedom House, prosecutions of high-level officials were widely viewed as selective efforts to discredit those who posed a threat to the president or his allies.

Corruption: There were reports of selective investigation of government officials during the year.

Corruption was most pervasive in government procurement, the awarding of licenses or concessions, dispute settlement, regulation enforcement, customs, and taxation. Local human rights organizations reported police extorted and verbally abused motorists. Security forces arbitrarily arrested travelers on pretexts of minor traffic violations.

Judicial corruption was a problem and hindered effective law enforcement.

Financial Disclosure: Public officials are subject to financial disclosure laws, but the laws do not specify sanctions for noncompliance, and declarations were not made available to the public.

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

Several 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. According to the UN Human Rights Council's Working Group on Arbitrary Detention, in 2018 the government was not cooperative.

Government Human Rights Bodies: The Ministry of Justice and Human Rights coordinated efforts by local and international NGOs to protect human rights. Local NGOs reported the ministry functioned independently but was of limited effectiveness.

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

### **Women**

Rape and Domestic Violence: Rape is prohibited and punishable by imprisonment. Nevertheless, rape--including rape of female refugees--was a problem. The law does not specifically address spousal rape or domestic violence. Police often detained alleged perpetrators, but rape cases were rarely tried. Authorities fined and released most rape suspects, according to local media. Communities sometimes compelled rape victims to marry their attackers.

Although the law prohibits violence against women, domestic violence was widespread. Police rarely intervened, and women had limited legal recourse.

Female Genital Mutilation/Cutting (FGM/C): The law prohibits FGM/C for girls and women, but the practice remained widespread, particularly in rural areas.

By law FGM/C may be prosecuted as a form of assault, and charges may be brought against the parents of victims, medical practitioners, or others involved. Nevertheless, lack of specific penalties hindered prosecution, and authorities prosecuted no cases during the year.

The Ministry of Women, Early Childhood Protection, and National Solidarity is responsible for coordinating activities to combat FGM/C. For more information, see Appendix C.

Sexual Harassment: The law provides penalties for conviction of sexual harassment ranging from six months to three years in prison and fines from 100,000 to two million CFA francs (\$170 to \$3,400).

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization. For more information, see Appendix C.

Discrimination: Although property and inheritance laws provide the same legal status and rights for women as for men, the government did not enforce the laws effectively. Family law discriminates against women, and discrimination against and exploitation of women were widespread. Local leaders settled most inheritance disputes in favor of men, according to traditional practice.

## **Children**

Birth Registration: Citizenship is derived from birth within the country's territory or from at least one parent. The government did not register all births immediately. For additional information, see Appendix C.

Education: Although primary education is tuition free, universal, and compulsory between the ages of six and 16, parents were required to pay for textbooks, except in some rural areas. Parents often were required to pay tuition for public secondary education. According to the most recent *World Bank Development Indicators*, six girls attended primary school for every 10 boys. Most children did not attend secondary school.

Human rights organizations cited the problem of the *mouhadjirin*, migrant children who attended certain Islamic schools and whose teachers forced them to beg for food and money. There was no reliable estimate of the number of mouhadjirin.

Early and Forced Marriage: The law sets the minimum age for marriage at 18 for men and women. The law precludes invoking the consent of the minor spouse to justify child marriage and prescribes sentences of five to 10 years' imprisonment and fines of 500,000 to five million CFA francs (\$850 to \$8,500) for persons convicted of perpetrating child marriage, although the practice was widespread.



According to UNICEF, 67 percent of girls were married before age 18 and 30 percent before the age of 15.

Sexual Exploitation of Children: The law prohibits the commercial sexual exploitation of children, with punishments of two to five years' imprisonment and fines from 100,000 to two million CFA francs (\$170 to \$3,400) for conviction. The law prohibits sexual relations with children younger than 14, even if married, but authorities rarely enforced the ban. The law criminalizes the use, procuring, or offering of a child for the production of pornography, but no cases of child pornography were reported during the year. The country was a destination for some child trafficking in the country, and refugee children from CAR were particularly vulnerable to commercial sexual exploitation.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

### **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 <https://www.state.gov/trafficking-in-persons-report/>.

### **Persons with Disabilities**

The law prohibits discrimination against persons with disabilities, although it does not specify the types of disability. The government did not effectively enforce the law, according to the Chadian Disability Organization. There are no laws that provide for access to public buildings for persons with disabilities. The government operated 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 vision or mental disabilities, but they remained inadequate to address the needs.

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

There were approximately 200 ethnic groups speaking more than 120 languages and dialects.

Conflict between pastoralists (herders) and farmers resulted in deaths and injuries. On August 28, the French press agency reported that 11 persons died in fighting between nomadic herders and farmers in the south of the country. In June local human rights groups reported that in May 111 persons died in conflicts between farmers and herders in the north. In October a watchdog group, the CTDDH, reported more than 300 persons died in conflicts in the east during the year.

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

The law criminalizes same-sex sexual relations, with punishments for conviction ranging from three months' to two years' imprisonment and fines ranging from 50,000 to 500,000 CFA francs (\$85 to \$850). In September a lesbian, gay, bisexual, transgender, or intersex persons (LGBTI) advocacy group reported that authorities arrested 22 men for same-sex sexual conduct in the city of Moussoro.

The law does not discriminate against LGBTI persons in housing, employment, nationality laws, and access to government services.

### **HIV and AIDS Social Stigma**

The law provides individuals with HIV/AIDS the same rights as other persons and requires the government to provide information, education, and access to tests and treatment for HIV/AIDS, but authorities rarely complied with the law. According to the Chadian Women Lawyers' Association, women sometimes were accused of passing HIV to their husbands and were threatened by family members with judicial action or banishment.

## **Section 7. Worker Rights**

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

The law provides for the right of all workers, except members of the armed forces, to form and join independent unions of their choice. All unions must be authorized by the Ministry of Public Security and Immigration, which may order the dissolution of a union that does not comply with the law as determined by the ministry. The law provides for the right of workers to organize and bargain collectively. While there are no restrictions on collective bargaining, the law authorizes the government to intervene under certain circumstances. 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. By law civil servants and employees of state enterprises must complete a mediation process before initiating a strike, but there is no specified timeline for this process. Civil servants who engage in strikes or resign in protest may be subjected to imprisonment and forced labor. Employees of several public entities classified as essential services, including postal workers, abattoir employees, and nine more categories, must continue to provide a certain level of services and may be “requisitioned” at the government’s discretion during a strike. The law permits imprisonment with hard labor for participation in an illegal strike. The labor code prohibits antiunion discrimination and explicitly covers all workers, including foreign and irregular workers. The law requires reinstatement of workers fired for union activity. Union members reported these protections were not always respected.

The government effectively protected freedom of association and collective bargaining, although both were subject to delays, primarily due to administrative difficulties in convening key officials for negotiations. Penalties were enough to deter violations, according to an inspector at the Ministry of Labor, although widespread reports of violations continued in media and from NGOs.

There were no reports of restrictions on collective bargaining or punishment of workers for participating in illegal strikes. More than 90 percent of employees in the formal sector belonged to unions. Most workers were self-employed and nonunionized, working as farmers or herders. State-owned enterprises dominated many sectors of the formal economy, and the government remained the largest employer. Unions were officially independent of both the government and political parties, although some unions were unofficially linked through members’ affiliation with political parties.

Public-sector employee unions staged several strikes during the year to protest late or nonpayment of salaries, allowances, bonuses, and stipends. In 2018 strikes

lasted for several months as civil servants protested salary cuts; government services, schools, and hospitals were impacted. Strikes that occurred during the year were not accompanied by demonstrations, due to the Ministry of Interior and Public Security 2016 ban on demonstrations, which was challenged by the bar association in an ongoing case.

The government did not give priority to meeting with trade unions. In 2017 the unions' Workers Coalition released a press note stating that the government did not fulfill its pay and allowance commitments; thus, the coalition was exploring all possibilities to return to negotiations. The president of the Union of Trade Unions of Chad also warned that his union would call for strikes if needed.

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

The law criminalizes labor trafficking offenses, including forced labor. The Ministry of Justice *Action Plan for 2019 Ordinance on Trafficking in Persons* focuses on training members of the courts, local authorities, traditional and religious leaders, members of civil society, and members of enforcement agencies. As a result approximately 30 children were identified and reunited with their families. Nevertheless, enforcement of the law remained uneven.

The penal code criminalizes “involuntary labor” or servitude through the use of force, fraud, or coercion. These penalties were sufficient to deter violations. The government engaged in forced prison labor and may legally compel political prisoners to engage in forced labor. Human Rights NGOs reported that the use of forced prison labor was common.

Government efforts to enforce the law were not consistently effective. The government did not provide adequate resources or conduct adequate inspections. There were no reports of prosecutions during the year.

Forced labor, including forced child labor, occurred in the informal sector. Children and adults in rural areas were involved in forced agricultural labor, gold mining, charcoal production, and, in urban areas, forced domestic servitude. Prison officials subjected prisoners to forced labor on private projects, separate from the penalties provided for by the legal sentence.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

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

The labor code stipulates the minimum age for employment is 14. The law provides exceptions for light work in agriculture and domestic service at age 12. The minimum age for hazardous work is 18. The legal minimum age for employment, a lack of schooling opportunities in some areas, and tribal initiation practices contributed to a general acceptance of working children if they were 14 or older, some of whom may be engaged in hazardous work. The law allows for children age 16 or older to engage in certain forms of hazardous work. The prohibition on children doing hazardous work does not apply to children in the informal sector. The minimum age for military recruitment is 18, and the minimum age for conscription is 20. The law prohibits the use of child soldiers.

The Ministry of Labor provided training to labor inspectors on children's issues. The Office of Labor Inspection is responsible for enforcement of child labor laws and policies, but the government did not effectively enforce the law. Child labor remained widespread, but authorities did not prosecute any cases during the year, according to officials at the Ministry of Labor. During the year two cases of child trafficking were investigated under the Ordinance on Trafficking in Persons. Labor laws apply to work only in formal enterprises; there are no legal protections for children working in the informal sector. Penalties for conviction of violating child labor laws were not sufficient to deter violations. The law does not impose penalties "if the breach was the result of an error as to a child's age, if the error was not the employer's fault." Police sometimes took extrajudicial action, such as arresting and detaining persons without a court warrant, against child labor offenders. Traditional leaders also sometimes meted out traditional punishments, such as ostracism, according to local human rights organizations.

While the government did not have a comprehensive plan to eliminate the worst forms of child labor, it worked 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.

Child laborers were subjected to domestic servitude, forced begging, and forced labor in cattle herding, agriculture, fishing, and street vending. Chadian children were also found in forced cattle herding in Cameroon, the CAR, and Nigeria. Child herders often lived in substandard conditions without access to school or proper nutrition. Their parents and herders generally agreed on an informal contract for the child's labor that included a small monthly salary and a goat after six months or a cow at the end of a year. Local NGOs reported compensation

often was not paid. According to the Chadian Women Lawyers' Association, girls sold or forced into child marriages were forced by their husbands into domestic servitude and agricultural labor. Terrorist groups and community-based vigilante groups forced children to work as child soldiers.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings>.

#### **d. Discrimination with Respect to Employment and Occupation**

The law and labor regulations prohibit employment or wage discrimination based on race, color, religion, sex, age, national origin/citizenship, or membership in a union. There are no laws preventing employment discrimination based on disability, sexual orientation or gender identity, HIV-positive status or having other communicable diseases, or social origin.

Workers may file discrimination complaints with the Office of the Labor Inspector, which investigates and subsequently may mediate between the worker and employer. If mediation fails, the case is forwarded to the Labor Court for a public hearing. The government did not effectively enforce these laws and regulations. The penalties for conviction by the Labor Court of discrimination were not sufficient to deter violations.

Women generally were not permitted to work at night, more than 12 hours a day, or in jobs that could present "moral or physical danger," which is not defined. Persons with disabilities frequently experienced employment discrimination. Although the law prohibits discrimination based on nationality, foreign citizens often had difficulty obtaining work permits, earned lower wages, and had poor working conditions. LGBTI persons and HIV-positive persons faced social and employment discrimination and generally did not reveal their sexual orientation.

#### **e. Acceptable Conditions of Work**

The minimum wage was greater than the World Bank poverty rate. 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 uninterrupted rest periods of between 24 and 48 hours per week and paid annual holidays.

The labor code mandates occupational health and safety (OSH) standards that are current and appropriate for main industries. Workers have the right to remove themselves from dangerous working conditions without jeopardy to their employment, but they generally did not do so. The labor code gives inspectors the authority to enforce the law and explicitly covers all workers, including foreign and informal workers.

The Office of the General Inspectorate of the Ministry of Labor has responsibility for the enforcement of the minimum wage, work hours, and occupational OSH standards. The government did not effectively enforce the law. The minimum wage was not effectively enforced, and many persons were paid less, especially in the informal sector. The Ministry of Public Works employed insufficient labor inspectors to enforce the law. Labor inspectors may refer cases to the Ministry of Justice and Human Rights for prosecution. The government did not provide adequate budget, staffing, or training, which, along with corruption impeded effective enforcement. Authorities did not always respect legal protections for foreign and irregular workers. Penalties were not adequate to deter violations.

Salary arrears remained a problem for some private-sector employees. Workers did not always avail themselves of their rights concerning work hour limits, largely because they preferred the additional pay.

Multinational companies generally met the government's acceptable OSH standards. The civil service and local private companies occasionally disregarded OSH and safety standards. Local private companies and public offices often had substandard conditions, including a lack of ventilation, fire protection, and OSH protection.