

QUICK GUIDE TO ADDRESS WOMEN'S ISSUES DURING THE UNIVERSAL PERIODIC REVIEW ON CHAD

These Guides include:

- A list of issues mentioned in the National Report, the Compilation of official UN Documents and the Summary of Other Stakeholders Submissions, with references to the particular paragraphs in which they can be found.
- The full text of those paragraphs
- A reference to "gaps", that is, issues on which the National Report should/could have applied a gender perspective but failed to do so.
- In those cases in which the Sexual Rights Initiative has submitted reports, we have included an Annex with our recommendations.
- In all cases we have included suggested questions and recommendations

References in the two working languages of the Council (English and French) have been kept in their original language.

Issues are highlighted, while **recommendations** are in bold and underlined. References from the National Report are *in Italics*.

All women's rights issues (included sexual rights' issues related specifically to women) are referred to in this Guide. Other sexual rights issues are referred to in the Sexual Rights Guides for each state under review

CEDAW ratified. OP-CEDAW not ratified. Rome Statute ratified. Palermo Protocol not ratified.

Gaps

The National Report should/could have applied a gender perspective -that is, make reference to how the issue affects women and men in particular ways- but failed to do so in the following sections: Droit à un procès équitable (54-57), Droit à l'éducation (68), Droit à une alimentation suffisante (69), Droit au logement décent (70-71), Droit à la culture (72), Les mesures de protection spéciale (75-78), Les mesures politiques et sécuritaires (79), Les mesures anticorruption (80-81), Diffusion des conventions relatives aux droits de l'homme (82-87), Contraintes et les difficultés (88), Attentes du Tchad pour le renforcement de ses capacités (89), Perspectives (90).

ISSUE	N Report	Compilation	Summary

Equality and Non discrimination	Constitutional status (24)		
Harmful traditional practices	Legal prohibition of early marriage and FGM (32)	<p>Serious consequences of social and cultural gender discrimination (14)</p> <p>FGM prevalence (45%) and lack of sanctions for perpetrators (28)</p> <p>Need for penalties for cases of FGM, early marriage, sexual violence (36)</p>	The law does not include penalties for perpetrators and is not adequately enforced (19)
Internally displaced women		<p>Concern of the SR (49).</p> <p>Preventing sexual and gender-based violence as part of MINURCAT mandate(11). Attacks near camps (28)</p>	<p>Violence perpetrated by armed groups and the army (34). Sexual violence, abuse, rape, suicides of victims in camps (18)</p>
Laws that discriminate against women		<p>Passing of Family and Person Code (2). Discriminatory laws in education, succession and inheritance rights (13)</p>	<p>Need to promulgate Family and Person Code. Gender discrimination in inheritance and leadership (7)</p>
Minority Women			<p>Sexual violence used as punishment against ethnic minority women</p>

			(17)
Patriarchal attitudes/stereotypes		Traditional stereotypes perpetuate inequality and gender oppression (15) Need for protecting legislation (2)	
Public and political participation	Legislation (60)	Decreasing rate of women in national parliament (39)	
Reporting to CEDAW		3 Reports overdue	
Reproductive health/rights	Reproductive Health law (62, 64, 67) Women and infant protecting health programs (67)	Promulgation of law (2) Lack of access to basic health services. High rates of child and maternal mortality (41) Highest world mortality rate: child under-5 (200 per 1,000 live births) maternal (1,100 per 100,000 live births) (56)	
Right to education	Gender equality, positive female discrimination, traditional gender	Gender discrimination. Lack of modern education for women. Need to promote conditions	

	discrimination as cause of low rates of schooling for girls (27)	for equality (46) Need to ensure equal access, esp. for vulnerable groups (girls, rural, nomad women) (47)	
Right to work	Public Employment guaranteed without discrimination (28). Prohibition of dismissal based on sex (29) Prohibition of forced work and exploitation (40) Prohibition of night work for women (39)		
Sexual Violence	Prohibition by law (32)	Gender-based violence in conflict areas (28,52)	Taboos surrounding rape (17)
State Institutions/ Plans of Actions	Policies and institutions to promote gender equality (25)		
Trafficking of women/ Forced prostitution	Legislation (39, 45)		

Equality and non-discrimination

La constitution tchadienne réaffirme l'égalité de tous devant la loi. Les tchadiens de deux sexes ont les mêmes droits et devoirs (). L'Etat a le devoir de veiller à l'élimination de toutes les formes de discrimination à l'égard de la femme et d'assurer la protection de ses droits dans tous les domaines de la vie publique et privée (articles 12, 13 et 14) (Para 24, NR).

Harmful traditional practices

() La Loi 006/PR/02 du 15 avril 2002 portant Promotion de la santé de reproduction affirme dans son article 9 que « () Toutes les formes de violences telles que () les mariages précoces, les mutilations génitales féminines () sur la personne humaine sont interdites ». (Para 32, NR)

A 2008 UNICEF report referred to gender discrimination as rooted in the social and cultural beliefs of the Chadian society, which results in a host of factors, early marriage and pregnancy, forced marriage, female genital mutilation (FGM), domestic work, child labour, that bar girls from getting into and finishing school (Para 14, Compilation). The report also noted that FGM is still a common practice in Chad despite its interdiction in the national legislation. While welcoming efforts to eradicate FGM, the Committee on the Rights of the Child (CRC) was deeply concerned that it remains very prevalent (45% in total), and that there are no sanctions for perpetrators of this crime. (Para 28, Compilation). CRC urged the State to ensure that appropriate penalties are applied for acts such as female genital mutilation, early marriage, and sexual violence (Para 36, Compilation)

La Contribution Conjointe a précisé que l'excision n'est pas combattue ni par les lois, ni par les autorités qui laissent perdurer cette pratique au péril même de la vie des victimes, prétextant qu'il s'agit d'une valeur traditionnelle. Pour la Contribution Conjointe, la loi portant promotion de la santé de reproduction a montré ses limites parce qu'elle ne prévoit pas de sanctions pour les coupables de l'excision et leurs complices (Para 19, Summary)

Internally displaced women

The Special Representative of the Secretary-General on the human rights of Internally Displaced Persons, at the end of his visit to Chad, stated that he was especially concerned by the on-going human rights violations against displaced persons, in particular () violations against women and girls. (Para 49, Compilation). By its resolution 1778, in September 2007, the Security Council approved the establishment in Chad and the Central African Republic, of a multidimensional

presence intended to help create the security conditions conducive to a voluntary and sustainable return of refugees and internally displaced persons. The mission - United Nations Mission in the Central African Republic and Chad (MINURCAT) - has a human rights and rule of law component with a mandate to, inter alia, contribute to the monitoring and to the promotion and protection of human rights, with particular attention to sexual and gender-based violence, and recommend action to the competent authorities, with a view to fighting impunity. (Para 11, Compilation). A 2008 UNICEF report noted that girls and women are regularly attacked when searching for wood around refugee camps and IDP sites (Para 28, Compilation)

Human Rights Watch (HRW) said that access to justice for women in camps for refugees and displaced persons is inadequate and recommended to the government to: establish a special judicial mechanism within the Chadian justice system to investigate serious violations of international humanitarian law, particularly allegations of sexual violence, by members of all armed groups including the Chadian army; prosecute those officers who held command responsibility and were complicit in the crimes; create a vetting mechanism to screen out candidates for official positions in the army, police or other security services who have a past record of human rights abuses, including rape; end financial or military assistance to armed groups in Eastern Chad whose members have committed human rights abuses and crimes of sexual violence (Para 34, Summary). HRW mentioned that in displaced persons sites, tasks that are traditionally allocated to women and girls put them at risk for rape and that it has documented rapes in the refugee camp environment, with several victims subsequently committing suicide due to social ostracization. It has also documented numerous instances of gender-based violence within camps for refugees and displaced persons, with women complaining of physical abuse by male residents of the camps, including male family members. HRW recommended to the government to provide victims of sexual violence, in camps for refugees and displaced persons, with free and appropriate health services, which should include appropriate counseling, voluntary testing, and treatment for those affected with HIV/AIDS (Para 34, Summary). Similar information was provided by Association AZUR Développement and Sexual Rights Initiative (AAD/SRI) (Para 18, Summary).

Laws that discriminate against women

CRC urged the State to expedite the adoption and entry into force () of the draft Code on the Person and the Family (Para 2, Compilation). It also urged Chad to strengthen its efforts to eradicate all discriminatory laws from its legislation, and encouraged it to adopt a comprehensive strategy to eliminate discrimination on any grounds and against all vulnerable groups, in particular regarding education and succession and inheritance rights (Para 13, Compilation).

La Contribution Conjointe a indiqué que les femmes subissent des discriminations, notamment quand il s'agit des questions de **succession**, de **leadership** ou de **prise de décision**. La Contribution Conjointe a ajouté que les femmes traversent tout ce calvaire à cause des préjugés, de **l'inapplication des lois et du vide juridique** occasionné par la non promulgation du code des personnes et de la famille depuis plus de 10 ans (Para 7, Summary)

Minority women

Fédération Internationale des Ligues des droits de l'Homme; Ligue Tchadienne des droits de l'homme; Association Tchadienne pour la promotion et la défense des droits de l'Homme (FIDH/LTDH/ATPDH) ont rapporté qu'à l'occasion des événements de février 2008, de nombreux cas de viols ont été recensés notamment dans les quartiers de Ndjamena qui étaient sous le contrôle des éléments armés soudanais du Mouvement pour la Justice et l'Égalité (MJE), et que les viols perpétrés dans ces quartiers semblent avoir répondu à une **logique punitive** contre les populations civiles d'ethnies Gourane et Ouddaien dont les rebelles sont essentiellement originaires. HRW reported similar information. (Para 17, Summary)

Patriarchal attitudes/stereotypes

The Independent Expert on Chad stated the **burden of tradition weighs on women**. As a result of socio-cultural inertia, women **are viewed as mothers, spouses and housewives**, so that they hardly participate at all in national decision-making. Women **receive no education**, even though they **make up the largest part of the country's labour force**, and they are generally unable to own or inherit land (Para 15, Compilation).

Public and political participation

*Selon, l'article 62 de la constitution « peuvent faire acte de candidature aux fonctions de président de la république, les tchadiens de **deux sexes** remplissant les conditions que sont la nationalité tchadienne, la bonne santé physique et morale, la bonne moralité, l'âge minimum de trente cinq ans et la jouissance de tous les droits civiques et politiques ». Pour la candidature à l'assemblée nationale, l'article 108 de la constitution dispose que « peuvent être candidats à l'assemblée nationale les tchadiens de **deux sexes** remplissant les conditions fixées par la loi », et l'article 152 du code électorale précise que « sont éligibles à l'assemblée nationale, les tchadiens de **deux sexes** âgés de vingt cinq ans accomplis, inscrits sur une liste électorale, résidant depuis un an au moins sur le territoire de la république du Tchad et sachant lire et écrire le français ou l'arabe (Para 59, NR (Para 60, NR)*

A 2008 UN Statistics Division coordinated analysis indicated that the proportion of

seats held by women in the national parliament **decreased** from 6.5 per cent in 2005 to 5.2 per cent in 2008 (Para 39, Compilation).

Reporting to CEDAW

Initial, second and third reports overdue since 1996, 2000 and 2004 respectively (Compilation)

Reproductive health and rights

*Dans le souci d'assurer une protection spéciale dans le domaine de la santé de la reproduction et particulièrement pour mettre fin aux pratiques traditionnelles néfastes affectant ce secteur, le gouvernement a promulgué la **loi N° 006/PR/02** du 15 avril 2002 portant promotion de la santé de la reproduction. Cette loi reconnaît à tous les individus l'égalité en droit et en dignité en matière de santé de la reproduction sans discrimination aucune fondée sur l'âge, le sexe, la religion, l'ethnie, la situation matrimoniale ou sur toute autre situation (article 3) (Para 63, NR). L'article 7 de la même loi dispose que « tout individu, tout couple a le droit de bénéficier des soins de santé de meilleure qualité possible **et d'être à l'abri des pratiques qui nuisent** à la santé de reproduction. **Tout individu ou couple a droit à l'accès aux services de santé de proximité sûrs, efficaces, abordables et acceptables** » (Para 64, NR). De même plusieurs programmes allant dans le sens d'assurer **la santé des femmes et des enfants** ont été mis en place : Programme Elargi de vaccination, Programme de Santé et Nutrition, Fonds de Soutien aux Activités en matière de population, le Programme National de Lutte contre le paludisme, etc (Para 67, NR)*

CRC noted with appreciation the promulgation in 2002 of the law relating to the Promotion of Reproductive Health (Para 2, Compilation). CRC noted the **lack** of improvement in health indicators and of **access to basic health** and social services; the high number of underweight/malnourished children, and the continuing **high rates of child and maternal mortality**. The Committee **recommended addressing the problems of infant and maternal mortality and malnutrition, particularly in rural areas**. A 2008 UNICEF report indicated that the main causes for morbidity and mortality of children under five years old are malaria, respiratory infections and diarrhea (Para 41, Compilation). The UNICEF report also states that the country's **under-5 mortality** (200 per 1,000 live births) and **maternal mortality** rates (1,100 per 100,000 live births) **are among the highest in the world**. The lack of qualified health staff - as also highlighted by a 2007 International Monetary Fund report- at all levels and the limited access to health facilities due to insufficient geographical coverage are serious obstacles for a sustainable improvement of the health situation (Para 56, Compilation)

Right to education

Sur le plan éducationnel, il y a une égalité d'accès à la scolarisation des filles et des garçons. Cependant, une discrimination positive est reconnue en faveur de la fille pour la quelle certains frais d'écolage sont supprimés. L'effectif minime des filles scolarisées par rapport aux garçons est essentiellement dû aux pesanteurs socioculturelles (Para 27, NR).

In 2008, the ILO Committee of Experts noted that parents continue to discriminate against girls when it comes to enrolling their children in school, and that most women lack a

modern education. The Committee asked for information on the results of the measures planned to promote equality in access to education and on the progress made towards reducing the enrolment gap between boys and girls (Para 46, Compilation). CRC recommended ensuring access to education, including early childhood education, in all regions and paying particular attention to girls and all vulnerable groups of children, including nomadic children and children in remote areas (Para 47, Compilation)

Right to work

L'aliéna 3 du l'article 32 de la constitution préciser que « nul ne peut être lésé dans son travail en raison de ses origines, de ses opinions, de ses croyances, de son sexe ou de sa situation matrimoniale » (Para 29, NR). Aux termes de l'article 20 de la constitution « nul ne peut être tenu en esclavage ou en servitude ». De même, l'article 5 de la loi N° 38 du 11 décembre 1996 portant code du travail dispose que « le travail forcé ou obligatoire est interdit ». Cependant, certaines pratiques en zone rurale et urbaine qui sont considérées comme étant de l'esclavage moderne en raison de l'exploitation abusive des employés tel que le cas () des domestiques de maison (Para 40, NR) La constitution du 31 mars 1996 en ses articles 20, 32, 35, et 38 a pris en compte les dispositions des conventions de l'OIT en matière de l'interdiction des travaux forcés ; des travaux de nuit des femmes () (Para 39, SR).

Sexual Violence

() La Loi 006/PR/02 du 15 avril 2002 portant Promotion de la santé de reproduction affirme dans son article 9 que () Toutes les formes de violences telles que () les violences domestiques et les sévices sexuels sur la personne humaine sont interdites ». (Para 32, NR)

The UN Secretary-General noted with particular concern that in some conflict areas sexual violence is increasingly perpetrated by minors (under 18) and civilians. MINURCAT has received reports of rape and other forms of gender-based violence

perpetrated by armed elements in internally displaced persons sites, refugee camps and surrounding villages. During her visit, the Special Representative for Children and Armed Conflict continued to raise with Government and non state actors the issue of girls in the context of armed conflict and the specific problem of sexual violence, and stressed the critical need for assistance for victims of sexual violence (Para 28, Compilation). A 2007 UNHCR report noted that security remains the greatest concern in Chad. The Secretary-General noted that the overall human rights situation remains a concern, particularly with regard to impunity and sexual violence. (Para 52, Compilation).

La Contribution Conjointe a signalé que les femmes tchadiennes subissent toutes formes de violence notamment les viols, les harcèlements sexuels et les violences conjugales et que la question du viol est tabou et les victimes n'en parlent pas de peur d'être humiliées ou rejetées par la société (Para 17, Summary).

State Institutions/Plans of Actions

La constitution adoptée en 1996 condamne la discrimination sous toutes ses formes (article 14). A cet effet, des mesures tant juridiques, administratives que judiciaires visant à l'élimination de la discrimination ont été prises. C'est le cas de la création du Ministère de l'Action Sociale, de la Solidarité Nationale et de la Famille, de l'adoption du projet « Intégration de la femme au développement » et de la politique du genre, etc. Ces mesures non discriminatoires sont étendues aux étrangers vivant au Tchad (Para 25, NR)

Trafficking of women/Forced prostitution

Dans le souci de protéger les femmes et les enfants, victimes de la traite des personnes, le Tchad vient de signer l'accord multilatéral de coopération régionale et d'adopter le plan d'action régional de lutte contre la traite des personnes, en particulier des femmes et des enfants le 7 juillet 2006 à Abuja au Nigeria. Cet accord vise la prévention de la traite, la poursuite des auteurs, l'assistance et la protection des victimes, leur réhabilitation et leur réinsertion sociale et la coordination des investigations, de l'arrestation et de la condamnation des trafiquants et leurs complices. (Para 45, NR)

Suggested Recommendations

- While congratulating Chad on its efforts to eradicate female genital mutilation, recommend that those efforts be accompanied by legal sanctions against perpetrators and their accomplices and that the work

of sensitization among traditional leaders be continued and intensified.

- To develop and implement as a matter of urgency a national plan of action for girls' education that will address cultural impediments, provide financial help to families as an incentive to send girls to school and eliminate all school fees for girls, and cater to the special needs of nomadic girls and girls living in remote areas.
- Develop and implement, as a matter of urgency and with the help of the international community, a program to ensure pregnant women's access to medical facilities throughout the country as well as intensive training of medical staff and traditional birth attendants, as a way to reduce maternal mortality rates
- Ask which steps the Chadian government is taking to address the situation of exploitation faced by women domestic workers, as acknowledged in Para. 40 of the National Report/Recommend the adoption of a national strategy for domestic workers, including penalties for employers abusing them, mechanisms for exposing human rights violations, legal regulation of domestic work (wages, social security, retirement) and tax incentives for employers regularizing their domestic workers, among other measures.
- Recommend that all initiatives to address the scourge of sexual violence in conflict areas include sensitization work with the communities, to allow women to be able to report the violations they have suffered without being ostracized and/or punished by their own communities for doing so.