

# CHAD

BRIEFING TO THE UN  
COMMITTEE ON  
THE ELIMINATION OF  
DISCRIMINATION AGAINST  
WOMEN

50<sup>TH</sup> SESSION, OCTOBER 2011

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# CONTENTS

INTRODUCTION .....	5
1. BACKGROUND .....	5
2. RAPE AND OTHER FORMS OF SEXUAL VIOLENCE .....	7
2.1 RAPE AND OTHER FORMS OF SEXUAL VIOLENCE COMMITTED IN EASTERN CHAD .....	7
REFUGEE WOMEN AND GIRLS .....	8
IDP WOMEN AND GIRLS .....	8
LOCAL WOMEN AND GIRLS .....	9
2.2. RAPE AND OTHER FORMS OF SEXUAL VIOLENCE COMMITTED IN OTHER PARTS OF CHAD .....	9
2.3 RECOMMENDATIONS TO THE GOVERNMENT OF CHAD .....	10
3. EARLY AND FORCED MARRIAGES (ARTICLE 5 (A), ARTICLE 16 (A)) .....	10
3.1 RECOMMENDATIONS TO THE GOVERNMENT OF CHAD .....	11
4. FEMALE GENITAL MUTILATION (ARTICLE 5) .....	11
4.1 RECOMMENDATIONS TO THE GOVERNMENT OF CHAD .....	12
5. TRAFFICKING, PROSTITUTION AND EXPLOITATION .....	12
5.1 RECOMMENDATIONS TO THE GOVERNMENT OF CHAD .....	13
6. GIRLS ASSOCIATED WITH ARMED FORCES AND GROUPS (ARTICLE 5) .....	14
6.1 RECOMMENDATIONS TO THE GOVERNMENT OF CHAD .....	14
7. VIOLATIONS OF RIGHTS OF DETAINED WOMEN (ARTICLE 12) .....	15
7.1 RECOMMENDATIONS TO THE GOVERNMENT OF CHAD .....	16
8. WOMEN VICTIM OF FORCED EVICTIONS .....	16
8.1 RECOMMENDATIONS TO THE GOVERNMENT OF CHAD .....	17
9. ACCESS TO JUSTICE FOR WOMEN VICTIMS OF HUMAN RIGHTS VIOLATIONS .....	17
9.1 RECOMMENDATIONS TO THE GOVERNMENT OF CHAD .....	18



## **INTRODUCTION**

Amnesty International submits the following information to the Committee on the Elimination of Discrimination against Women (the Committee), in advance of its examination of combined initial to fourth periodic report of Chad, submitted under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women (the Convention).

This briefing reflects Amnesty International's information on women's human rights violations committed in the context of the armed conflict situation in eastern Chad on the border with the Sudanese region of Darfur, as well as in other parts of the country. The information was gathered from research on women's human rights that Amnesty International has conducted in recent years in various parts of Chad including the war-affected eastern Chad region and the capital N'Djamena. Findings from the three week research mission conducted in the country in May and June 2011 are included in this briefing.

## **1. BACKGROUND**

The security situation remains volatile in eastern Chad despite normalization of the relations between Chad and Sudan since January 2010. Human rights violations, including rape and other forms of violence against women, continue to be widespread in the region. Victims include refugees, internally displaced women and members of the local communities. Eastern Chad is currently home to more than 280,000 refugees from Darfur, most of whom are women and children living in 12 refugee camps along with the Sudanese border. The area also hosts approximately 130,000 internally displaced Chadians.<sup>1</sup> These people have been forced from their homes in eastern Chad over the past five years following attacks by armed groups based in both Darfur and eastern Chad that resulted in the destruction of hundreds of villages in eastern Chad.

The Chadian government for many years failed to protect the human rights of people in eastern Chad. This situation has exposed the civilian population, particularly women and girls, to attacks from armed forces and groups, militias, as well as members of their communities. An international force, initially under the command of the European Union, and later under the United Nations Mission in Central African Republic and in Chad (MINURCAT), bolstered security in the region between March 2008 and end 2010.<sup>2</sup> However, at the request of the Chadian government and following UN Security Council Resolution 1923(2010), passed in May 2010, the UN forces began a withdrawal that was completed at the end of 2010. The integrated Security detachment (DIS) is the Chadian police force initially trained by MINURCAT that is currently in charge of security, escorts and patrols in areas of humanitarian operations in eastern Chad. Amnesty International has criticized the past performance of the DIS in a previous report.<sup>3</sup>

Already unstable due to internal political problems in Chad, eastern Chad has been drawn into the crisis in the Darfur region of Sudan since 2003. Militia including the "Janjawids", sometimes backed by Sudanese Government forces and linked with armed groups in eastern Chad, created instability in the region by attacking particular ethnic communities there. Both Chad and Sudan have provided support to each others' armed political opponents,

exacerbating a situation that was already tense.

In addition to the situation in the east at the borders with Darfur, attacks by opposition armed groups in various other parts of Chad led to grave violations of women's rights. This is the case of the attacks on Chad's capital N'Djamena in April 2006 and in February 2008 by coalitions of armed opposition groups in which many women and girls were raped by members of the Chadian security forces and those of the opposition armed groups that attacked the capital city. Cases of rape committed during the February 2008 attack on N'Djamena were reported by the National commission of inquiry set up by the Chadian authorities.<sup>4</sup> Witnesses told Amnesty International, however, that the number could be higher than that mentioned in the report.<sup>5</sup>

Women continue to face serious discrimination in other parts of Chad. Sexual violence including rape and other forms of gender based violence, female genital mutilation, early and forced marriages, continue to be a widespread phenomenon in Chad and not specific to its eastern region.

Thousands of women and girls continue to be victims of forced evictions that are taking place in various area of the capital N'Djamena since February 2008. The destruction of houses and other structures continue to take place in N'Djamena despite calls from the victims as well as Chadian and international human rights organizations, including Amnesty International.

Women victims of human rights violations rarely have access to justice. Impunity for human rights violations remains a major concern in Chad but the situation is worse when the victims are women and/or girls. Perpetrators are rarely brought to justice and the government does not take necessary measures to ensure that victims have access to justice and perpetrators are prosecuted and sentenced.

Rights of women who are detained in prisons and other detention facilities in Chad are not respected. Detained women and girls are often victims of discrimination including for accessing their rights to health care, to food or to sanitation. Some women are detained together with their babies and young children while pregnant detainees are left without adequate medical attention. Their security is generally jeopardized in prisons and other detention facilities including by the presence of male guardians.

Amnesty International's submission focuses on:

- Rape and other forms of violence against women ( Articles 1, 5, 14);
- Early and forced marriages (Article 5(a), Article 16(a) );
- Female genital mutilation (Article 5);
- Exploitation of women and girls (Article 6);
- Girls associated with armed forces and groups (Article 5);
- Violations of rights of detained women (Article 12);
- Women victim of forced evictions ( Article 10 and 11);
- Access to justice for women victim of human rights violations (Article 2 (c)).

## **2. RAPE AND OTHER FORMS OF SEXUAL VIOLENCE (ARTICLES 2(C), 5, 14 AND 15 (4))**

Chad ratified the Convention in 1995. The Chadian constitution protects women and girls against any kind of discrimination.<sup>6</sup> Its penal code prohibits rape and other forms of violence against women and girls. Article 275 of the penal code states that perpetrators of rape are liable to imprisonment with hard labour and that perpetrators of rape of a girl under 13 is liable to life imprisonment combined with hard labour (article 276).

Rape and other forms of violence against women and girls continue to be a widespread phenomenon in eastern Chad, despite the existence of legislation prohibiting and criminalizing it and Chad's international obligations. The exact number of women and girls who have been victims of rape and other sexual violence in the context of the ongoing insecurity in eastern Chad is unknown.

Cases are underreported for many reasons including fear of stigma for the victims and their family member and reprisal from the perpetrators. Because of local customs and traditions, combined with fear of being stigmatized or abandoned by their families, several victims of rape do not come forward and complain about the abuses.

Amnesty International has called on the Chadian authorities to ensure that women and girls are protected against rape and other forms of violence and that their rights are effectively protected, promoted and respected.<sup>7</sup>

### **2.1 RAPE AND OTHER FORMS OF SEXUAL VIOLENCE COMMITTED IN EASTERN CHAD**

Amnesty International has documented cases of rape and other violence against women in eastern Chad since the beginning of the ongoing crisis in 2003.<sup>8</sup> Information gathered by Amnesty International and other organizations made it clear that women and girls living in eastern Chad including in refugee camps and sites for displaced Chadians as well as in villages, face high levels of rape and other violence, both inside and outside the camps. In a report published in September 2009 following several research missions to eastern Chad including to refugee camps, Amnesty International documented numerous cases of rape and other forms of violence against refugee women and girls.<sup>9</sup>

In June 2011, during meetings with refugee and internally displaced people (IDP) leaders as well as with members of the local communities in eastern Chad, Amnesty International delegates were told that cases of rape remain common in the area especially when women and girls venture outside the camps or their villages to look for firewood, to fetch water or to go to the market. But victims and their family members are hesitant to denounce these acts for various reasons, including lack of confidence in the Chadian justice system and stigma that accompany cases of rape and other sexual violence against women in the Chadian community.<sup>10</sup>

In the framework of normalization of its relations with Sudan, the two countries set up a joint force to patrol their common border in addition to the presence of DIS to ensure that refugee camps and IDP sites are protected. These measures are not yet effective and Chad needs to

do more and put in place specific measures to protect and assist women victims of rape and other forms of violence in eastern Chad, taking into consideration UN Security Council resolutions 1820(2008) and 1888(2009) on women, peace and security and 1960(2010) on sexual violence.

There is near total impunity for individuals who commit rape and other violence against women in Chad. Cases of rape and other violence against women and girls are rarely pursued by Chadian local authorities even when women and girls take courage to make a formal complaint. The lack of political will, the use of traditional dispute resolution mechanisms such as negotiated solutions to instances of rape as well as the weakness of the Chadian justice system are perpetuating impunity and further violence against women and girls in the country.

#### **REFUGEE WOMEN AND GIRLS**

Amnesty International has extensively documented cases of rape and other forms of violence against Sudanese refugee women and girls in eastern Chad. In a report published in September 2009, the organization highlighted the fact that refugee women and girls continued to face the risk of rape and other serious violence in and outside refugee camps in eastern Chad despite the presence of the MINURCAT and the full deployment of the DIS in the 12 camps. This report called on the Chadian authorities and the international community to ensure that refugee women and girls are effectively protected.<sup>11</sup>

In a report published in February 2011, the UN was alarmed by a rising trend of reported cases of sexual and gender-based violence among the refugees, with 295 cases in 2006, 512 cases in 2007, 656 cases in 2008, 860 cases in 2009 and 563 cases by mid-2010.<sup>12</sup> The UN added that out of the 563 cases of rape and gender-based violence among refugee women and girls reported for the first half of 2010, around 30 per cent of the victims were children, some as young as three years old.<sup>13</sup> In another UN report, the human rights section of the MINURCAT mentioned that it has documented - between April 2008 and November 2010 - 1,152 cases of sexual and gender-based violence including cases of rape, female genital mutilation, forced and early marriage, physical and other forms of violence against women and girls. This report notes the role played by the culture and the traditions as well as the impunity enjoyed by perpetrators.<sup>14</sup>

#### **INTERNALLY DISPLACED WOMEN AND GIRLS**

Internally displaced women and girls have been victims of violence in eastern Chad since the beginning of their displacement in the region in 2005. At the beginning of the crisis, they were victims of attacks from *janjawid* militias; including rape committed in their villages of origin and now similar attacks are taking place in and outside the sites where they are currently living. The attacks take place in the displaced sites and when women and girls venture outside the site to collect firewood or to fetch water. Perpetrators now are no more the *janjawids* but members of the Chadian national army, local bandits, members of Sudanese and Chadian armed groups as well as displaced men staying in the site.

The UN Guiding Principle 11 on internal displacement states that IDPs shall be protected in particular against rape, mutilation, torture, cruel, inhuman or degrading treatment or punishment, and other outrages upon personal dignity, such as acts of gender specific violence, forced prostitution and any form of indecent assault.<sup>15</sup> The African Union

Convention for the Protection and Assistance of Displaced Persons in Africa (the Kampala Convention) adopted by the African Union in October 2009 and ratified by Chad in August 2010 guarantees various rights relevant to the protection of displaced women and girls.

Amnesty International delegates visited eastern Chad in May and June 2011 and discussed this issue with more than 50 leaders of the displaced communities in the regions of Abéché and Goz Beida and received information and testimonies regarding cases of rape and other sexual violence taking place in the area and in the sites in almost total impunity.

#### **LOCAL WOMEN AND GIRLS**

Local women and girls living in the villages in eastern Chad are perhaps the most affected by the ongoing insecurity in the area as they do not benefit from the relative safety enjoyed by refugee and displaced women and girls in the camps. They are often victims of serious human rights violations including cases of rape and other forms of violence.

For example, in the night of 4 to 5 March 2011, three men wearing military fatigues attacked the house of a local worker of an international NGO based in the town of Goz Beida. After the attack, the men took with them a 15-year-old girl. The girl confirmed that all the three men raped her several times and that she was beaten. She was abandoned by the roadside in the outskirts of the town where she was later found at around 2:30 a.m by her family members who had already raised the alarm. The girl received medical treatment and psychological support provided by a humanitarian organization based in the town. This incident coincided with the operation to search for arms in houses in Goz Beida that was conducted by members of the joint Chad/Sudan forces. Family members of the girl lodged a complaint against these men at the local police station and the authorities in N'Djamena were informed. At the end of May 2011, no response was given to the family and the whereabouts of those responsible for the rape remained unknown.

#### **2.2. RAPE AND OTHER FORMS OF SEXUAL VIOLENCE COMMITTED IN OTHER PARTS OF CHAD**

Rape and other forms of violence against women continue to take place in other parts of Chad including in the capital N'Djamena. In most of the cases brought to the attention of Amnesty International, no action was taken by the authorities. In situations and cases researched by Amnesty International, none of the suspects were brought to justice and the victims were not given adequate assistance.

At least 25 girls aged between eight and 13 years old were reportedly raped between June 2010 and April 2011 in the region of Tandjilé-East, southern Chad. Five of the girls were raped in the village of Lai, six were victims of rape in Donomanga and 16 other cases of rape took place in the village of Béré.<sup>16</sup> Following these cases of rape, girls living in the region organized two peaceful demonstrations on 7 March 2011 and 29 April 2011. The governor of the region promised to ensure that there would be no impunity for these cases of rape. Despite the fact that some of the suspects were known by their victims and were still in the region, little was done by the local and national authorities to ensure that victim's rights are respected and the perpetrators brought to justice.

**2.3 AMNESTY INTERNATIONAL HAS RECOMMENDED THAT THE GOVERNMENT OF CHAD:**

- Adhere to its international and constitutional obligations to ensure women and girls' right to equality and non-discrimination are respected and make it clear that any rape or sexual assault is a crime and will not be left un-investigated and unpunished;
- Prioritize investigations and prosecution of perpetrators of rape and other sexual violence and provide effective reparations to victims;
- Work with the UN High Commissioner for Refugees (UNHCR), other UN agencies and international and local humanitarian organizations operational in eastern Chad to ensure that refugee and internally displaced as well as local women and girls are effectively protected;
- Develop a comprehensive strategy to address the causes and circumstances of sexual violence, which should consider factors that compel women and girls to travel outside refugee camps and IDP sites where they often risk becoming victims of rape or other violence;
- Provide free, accessible, acceptable, quality medical and psychological support to survivors of rape and victims of other forms of violence including emergency prophylaxis for HIV/AIDS and other sexually transmitted infections, emergency contraception and, if a rape survivor becomes pregnant, access to safe and legal abortion;
- Work with international partners such as the European Union and the United Nations Development Programme (UNDP) to strengthen the criminal justice system in Chad, including by providing greater numbers of trained magistrates, prosecutors, police and other officials based throughout the country. There should be a substantial effort made to increase the number of women working in these roles in the justice sector with specific expertise with respect to violence against women.

**3. EARLY AND FORCED MARRIAGES (ARTICLES 5(A), 10, 12 AND 16 (A))**

Early and forced marriages are common in various parts of Chad, with little or no effort made by the state to prevent them. Girls are disproportionately affected by this phenomenon compared to boys, as they constitute the great majority of the cases of forced and early marriage. As one example, in January 2011 in Abéché, eastern Chad, a girl aged 14 was forced to marry a man by her father. The girl and her mother did not give their consent to the marriage. The girl was eventually forced to marry the man who was identified as family member of the girl's father. This "married" girl is currently living with that man in N'Djamena, the Chadian capital. Local NGOs and the mother alerted the authorities, but nothing was done to stop the man from marrying or to continuing to live with the young girl.

The practices of early and forced marriage are often based on local customs and traditions that discriminate against women and girls. Girls who refuse forced marriage can face serious repercussions, potentially including violence from their parents and other members of their family or community. Early and forced marriages constitute a direct form of discrimination against girls. As a consequence, girls' other rights such as the right to health, to education, to development and equality are often also violated.

Young girls are not yet physically and sexually ready, and marriage can have consequences for their health and lives. There is for instance a correlation between early marriage of the mother and maternal mortality or child birth complications. Some girls are forced to marry when they are still in primary or secondary school and must abandon their education. They

may be marginalized from social activities, and they must often take on the responsibilities of adulthood without the benefit of the special measures of protection that would enable them to prepare for these responsibilities.

Chadian legislation prohibits early and forced marriages. This is the case of the Chadian Law related to reproductive health that prohibits early marriage<sup>17</sup> and the Chadian penal code. Section I of Chapter II of the Chadian penal code protects young girls against early and forced marriages. According to article 277 of the Chadian penal code, the marriage of a child under the age of 13 can be considered equal to the rape of a girl under the age of 13,<sup>18</sup> however “marriages” of girls aged 13 are tolerated by the local authorities and the community. Legislation is rarely implemented in practice as traditions are deeply enshrined in the lives of the population, leading to impunity that covers most of the cases related to early and forced marriages.

During a mission to eastern Chad in May and June 2011, Amnesty International delegates identified cases of early and forced marriages that are taking place among refugees, IDPs and local population. Youths and older men married girls as young as twelve and thirteen, sometimes taking them as third or fourth wives. According to local human rights activists, early and forced marriages are widespread in the region and are so common that they are no longer considered as a problem by most people in Chad. Amnesty International is concerned that almost no action is taken by Chadian authorities to put an end to this situation.

### **3.1 AMNESTY INTERNATIONAL HAS RECOMMENDED THAT THE GOVERNMENT OF CHAD:**

- Set up a comprehensive strategy to ensure that the causes of early and forced marriages are addressed, including issues related to local traditions and customs as well as poverty;
- Introduce educational and community programmes related to reproductive health and family planning and ensure that community and religious leaders as well as adolescents take part in these initiatives;
- Raise awareness of the practice of early and forced marriages in Chad through sensitization of local and religious leaders, schools teachers, parents and during community activities involving young girls.

## **4. FEMALE GENITAL MUTILATION (ARTICLE 5)**

There are no signs that the Law No 006/PR/2002 of 15 April 2002 on reproductive health that prohibits female genital mutilation (FGM) has been implemented or that perpetrators of FGM have been prosecuted. This practice is still very common and tolerated in almost all parts of the country as it is linked to traditions and customs, and affects especially young girls as an initiation rite of passage into womanhood in their community. Those most affected are poor and uneducated girls.

According to various sources including the United States Department of State,<sup>19</sup> the most common form of FGM widely practiced in Chad is Type II (commonly known as excision). Type III (commonly known as infibulation) is confined to the eastern part of the country in areas bordering Sudan. The practice crosses ethnic and religious lines and is practiced by

Christians, Muslims and Animists.

A study by the German Technical cooperation (GTZ) published in 2007 found that FMG takes place most commonly among the Arabs (where 95 per cent of women are affected), the Hadjarai (94 per cent), the Ouadai (91 per cent) and the Fitripatha (86 per cent), but is much less common among the Gorane and the Tandjile (where only 2 per cent of women have been subjected to the practice), and the Mayo-Kebbi (0.1 per cent).<sup>20</sup>

Amnesty International was informed during meetings with local leaders and human rights defenders in eastern Chad in June 2011 that older women who practise the *Tahura banat* or genital mutilation of young girls do this with total impunity, putting the lives of thousands of girls at risk. In most of the cases, an elderly female circumciser carries out the practice, under non-sterile conditions, and without anaesthetics. In return, she receives gifts and/or cash from the family members of the young girl.

#### **4.1 AMNESTY INTERNATIONAL HAS RECOMMENDED THAT THE GOVERNMENT OF CHAD:**

- Promote reproductive health through sensitizations of local and national authorities, religious and community leaders, families, circumcisers as well as formal and informal education of girls especially in rural and poorer areas in Chad;
- Effectively implement Law No 006/PR/2002 of 15 April 2002 and put in place legislative instruments to guide its implementation, in order to ensure that perpetrators of FGM are brought to justice and that girls subjected to FGM have access to adequate treatment if needed.

### **5. EXPLOITATION OF WOMEN AND GIRLS (ARTICLES 6, 11 AND 14 (E), (D))**

Chadian young women and girls are victims of various forms of exploitation. Girls, some as young as 10 years old, travel from their villages to larger towns for many reasons, including to search for work as domestic workers. Some of the girls are pushed by their parents to go and look for jobs in the cities and towns, while others are “sold” by their parents to individuals known to their families or even to strangers. Boys are also affected by this practice and are required to look after cattle but their number is far less than that of girls. Stereotyped gender roles for girls, however, mean they are also used to look after children and to work in farms. Furthermore, girls are often subjected to rape and sexual assault in the context of forced or coerced prostitution.

Some other girls are forced to hard labour in the houses or in farms. They often work long hours without enough time to rest. Others are subjected to hard farm work in the heat where they are held captive. Amnesty International learnt that poverty plays a key role here and allows this phenomenon to persist. People involved in the trafficking of young girls in this area were denounced by local NGOs and some members of the National Assembly but no action was taken by the authorities to ensure that an end is put to this practice.

Chadian legislation prohibits and criminalizes these acts: Articles 279 and 280 of Chad’s penal code prohibit the prostitution of children. Owning brothels is also prohibited under Articles 281 and 282. Despite the existence of such legislation, Chad was not able to take adequate steps to prevent these situations from happening, and could not ensure that all

victims of trafficking are protected and that perpetrators are brought to justice. United Nations General Assembly Resolution on trafficking on women and girls (A/RES/65/190)<sup>21</sup> gives guidance to countries and insists on prevention, protection and criminalization of all forms of trafficking in persons.

In the Tandjilé region, southern Chad, recent cases of children who were kidnapped and sent to other parts of Chad were reported in the villages of Manga Barimine and Kelo. According to information received by Amnesty International, most of the girls who are taken from the Tandjilé region are sent to eastern Chad (Abéché, Tine, Bahai and Iriba regions) and to the capital N'Djamena. Some of the girls were later found by their family members and brought back to their village, while the whereabouts of others remain unknown months after they disappeared from the villages.

A Chadian local organization informed Amnesty International delegates<sup>22</sup> of the case of a young girl of 12 years old who was “sold” for CFA 30,000 (around US \$60) by her parents in the village of Manga Birimine to a woman, allegedly to look after the woman’s baby. The money was paid to the father of the young girl at the end of 2010. The woman who took the girl was not known to the family and the father was concerned. He sent one of his sons aged 17 to search for her but both the girl and her brother have disappeared since and their whereabouts were not known at the end of May 2011.

The exploitation of girls includes activities that amount to the worst forms of child labour, prohibited by the Worst Forms of Child Labour Convention (ILO Convention 182), which Chad ratified in 2000. When children under the age of 18 are recruited, transported, transferred, harboured, or received for the purpose of exploitation, they are the victims of trafficking in persons.<sup>23</sup>

#### **5.1 AMNESTY INTERNATIONAL HAS RECOMMENDED THAT THE GOVERNMENT OF CHAD:**

- Ensure that young girls are not victims of exploitation by ensuring that the penal code is effectively implemented and that perpetrators, including family members of the girls, are brought to justice;
- Increase and reinforce protective measures and services for exploiting victims, including girls forced into farm work, domestic servitude, or prostitution through various institutions including community and religious leaders;
- Take steps to raise public awareness of exploitation among communities in the country in order to tackle the cultural acceptance that surrounds the issue of exploiting of young girls. This campaign should involve local authorities, religious leaders, traditional authorities as well as local organisations of the civil society;
- Promote primary and secondary education as well as vocational and job opportunities for girls in the regions where exploitation is common, in order to prevent them from being victims of all forms of such abuse.

## **6. GIRLS ASSOCIATED WITH ARMED FORCES AND GROUPS (ARTICLE 5)**

The number of girls under 18 years old recruited and used by Chadian forces and armed groups in Chad is not known. A UN report published in 2007 indicated that between 7,000 and 10,000 children may have been associated with Chadian and Sudanese armed opposition groups and the Chadian army. The number of girls among them was not specified but ten girls, aged between 10 and 17 years were identified among children who were released in May 2010 from the Movement for Democracy and Justice in Chad (*Mouvement pour la démocratie et la justice au Tchad*, MDJT), an armed group operational in northern Chad. The authorities announced that these girls were later reunited with their family members.<sup>24</sup>

Amnesty International is concerned that the fate of girls who have been associated with armed forces and groups in Chad is still unknown and that those girls that have been released from armed forces and groups have not been given adequate support. There is serious concern that girls associated with these groups could be forgotten or ignored by the demobilizations and the reintegration process that is currently taking place as no girls are so far mentioned among children who are currently taking part in this demobilization and reinsertion process led by UNICEF. The Chadian government, with the assistance of the international community, should investigate and report on the issue of girls associated with armed forces and groups in Chad and take action to address their needs in respect to their human rights.

Amnesty International welcomes the signature by the Chadian government and the UN on 15 June 2011 of an Action Plan on children associated with armed forces and groups in Chad, to end the recruitment and the use of child soldiers.<sup>25</sup>

The organization welcomes the fact that the Chadian government mentions that it is committed to fully and effectively implement various provisions of the Action Plan including to immediately and unconditionally release and place identified children under care of child protection partners, UNICEF and other UN agencies; to facilitate the return and integration of all children associated with armed forces and groups into their community with dignity, paying particular attention to gender, age, and the specific needs of girls as well as those of children born to girls released from armed forces and groups.<sup>26</sup>

Amnesty International calls on the Chadian government and the UN to start implementing these provisions without further delay and ensure that special attention is given to issues related to the needs of former girls associated with armed forces and groups in the country.

### **6.1 AMNESTY INTERNATIONAL HAS RECOMMENDED THAT THE GOVERNMENT OF CHAD:**

- Ensure that the provisions of the Action Plan signed with the UN on 15 June 2011 is effectively implemented and allocated sufficient human, material and financial resources. To the extent that it is needed, requests for international assistance should be made;
- Initiate awareness raising campaigns and give wide distribution to documents in French, Arabic and local languages, informing all members of the Chadian army, including senior officers, about the rights of children and the prohibition on recruiting or making use of children under the age of 18 in their ranks;
- Launch prompt, thorough and impartial investigations into all credible allegations of

recruiting or using children, including by any members of the Chadian national Army ( Armée Nationale Tchadienne, ANT) members of armed groups, and members of armed groups now incorporated into the ANT; individuals so accused should be suspended from duty pending the outcome of investigations;

- Address the causes of recruitment and use of girls by armed forces and group and ensure that secondary education and vocational opportunities are provided in eastern and northern Chad in order to assist efforts to prevent children being recruited by or joining the armed forces and groups, and to facilitate the more effective reintegration of girls formerly associated with armed forces and groups.

## **7. VIOLATIONS OF RIGHTS OF DETAINED WOMEN (ARTICLE 12)**

Human rights of women and girls detained in Chadian detention facilities, including the N'Djamena and Abéché prisons, are not fully respected by the Chadian authorities. During a research mission to Chad in June 2011, Amnesty International delegates visited both the Abéché and N'Djamena prisons and were able to talk to women who were detained there. Some of the women were detained in the prisons with their young children and/or babies, putting their own lives and health as well as those of their children at risk. For example, at the beginning of June 2011, a young woman was detained in N'Djamena prison with three of her children including a baby. Detained women are not given enough and adequate food in prisons to meet the minimum level of nutritional requirements for a breastfeeding mother.

The UN Rules for the treatment of women in prison (the Bangkok Rules)<sup>27</sup> require prison officials to allow women caring for children to make arrangements for their care, and specify that non-custodial sentences for pregnant women and women with dependent children shall be preferred where appropriate.

Lack of access to clean water and adequate sanitation facilities is of concern in both prisons, contributing to women's ill-health there. Lack of access to safe water and sanitation also exposes children and babies living with their mothers in the prisons to infections which can be life-threatening. When Amnesty International visited Abéché prison at the end of May 2011, boreholes sunk by a humanitarian organization were not working and the women's toilets were blocked. Women detained in the Abéché Prison told Amnesty delegates that they wait until after dark, early morning or at night to have a shower or to go to the toilet for privacy reasons.

The safety and security of women and girls in detention facilities in Chad is another concern for Amnesty International. Both at the Abéché and N'Djamena central prisons, women were guarded by male security officers who were staying with them within the prison courtyards, jeopardizing both the safety and security of the detained women and girls and violating their rights to privacy. The United Nations Standard Minimum Rules for the Treatment of Prisoners states that "No male member of the staff shall enter the part of the institution set aside for women unless accompanied by a woman officer."<sup>28</sup>

**7.1 AMNESTY INTERNATIONAL HAS RECOMMENDED THAT THE GOVERNMENT OF CHAD:**

- Ensure that detained women and girls have access to clean water and sanitation in all detention facilities in Chad and that they have access to appropriate medical care, food and sanitary pads;
- Find durable solutions to the situation of children detained together with their mother and ensure that their human rights are respected by taking into consideration their best interest;
- Ensure the safety of women detainees by appointing female guards and security officers.

**8. WOMEN VICTIM OF FORCED EVICTIONS (ARTICLES 10 AND 11)**

Amnesty International has documented the impact that forced evictions, which have been taking place in N'Djamena since February 2008, have on the lives of women and girls.<sup>29</sup> Women and children constitute the majority of the tens of thousands of people who have been forcibly evicted and made homeless by the destruction of their homes in various areas in N'Djamena. They have been made homeless and jobless as a result of the demolition of their homes and their small businesses. Many had no choice other than to return to their village of origin while others were accommodated by friends and family members in the outskirts of the city. Evictions were carried out in N'Djamena without due process, adequate notice, consultation, alternative housing or compensation. Forced evictions violate the right to adequate housing.<sup>30</sup>

Most of the women Amnesty International met are currently living in poverty due to destruction of their houses and businesses. This is the case of 78 year-old Djimié Abbo who Amnesty International delegates met, first in May 2008 and subsequently in March 2011. When Amnesty International delegates spoke to her in 2008, she said that she had lived on these premises in Farcha, 1st *arrondissement* of N'Djamena, for more than 42 years. She had a small business selling traditional drinks. Following the forced eviction, however, she could no longer work. She was able to remove her personal belongings including her mattress which she sold before the demolition of her house. In March 2011, she told Amnesty International delegates, who visited her at her new shelter in the outskirts of the city that she was still waiting for the government to assist her with accommodation.

The successive destruction of houses that are taking place in N'Djamena have also caused considerable disruption in schooling for children, especially for girls, as their parents feared to leave them to travel to schools alone as these schools were now further away from their home. Because of this situation, most of the parents prioritized sending boys to school instead of girls, thus denying the right to education of young girls. The forced evictions have displaced or disrupted thousands of students. For instance, Apollinaire Djeria's daughter had to change school three times and lost two school years because of the changes due to their two successive forced evictions.

The UN Committee on Economical, Social and Cultural Rights has noted in its General Comments how women are particularly affected by forced evictions:

“Women... suffer disproportionately from the practice of forced evictions. Women in all groups are especially vulnerable given the extent to which statutory and other forms of discrimination often apply in relation to property rights (including home ownership) or rights of access to property or accommodation and their particular vulnerability to acts of violence and sexual abuse when they are rendered homeless. The non-discrimination provisions of articles 2.2 and 3 of the Covenant impose an additional obligation upon Governments to ensure that, where evictions do occur, appropriate measures are taken to ensure that no form of discrimination is involved”.<sup>31</sup>

#### **8.1 AMNESTY INTERNATIONAL HAS RECOMMENDED THAT THE GOVERNMENT OF CHAD:**

- Ensure that forced evictions that are currently taking place in N’ Djamena are stopped immediately and that legislation complying with international human rights law and based on the UN Basic Principles and Guidelines on Development-Based Evictions and Displacements is put in place to prevent further forced evictions;
- Implement court decisions that require the Chadian authorities to stop evictions of people and pay compensation to identified victims, giving priority to women especially single mothers and women head of families;
- Ensure that all victims of forced evictions in Chad have access to effective remedies, including adequate compensation and alternative housing, in line with international standards;
- Ensure that forcibly evicted children, including girls, have access to education and vocational opportunities.

### **9. ACCESS TO JUSTICE FOR WOMEN VICTIM OF HUMAN RIGHTS VIOLATIONS – ARTICLES 2(C), 5 AND 14**

The Chadian authorities have failed to ensure access to justice for victims of human rights violations and abuses and to provide effective remedies. Woman and girls victims of human rights violations including rape and other gender-based violence are restricted by some laws, practice, customs and traditions to have access to justice in Chad.

The Chadian Constitution provides that all Chadians have the same rights and duties and are equal before the law without distinction due to origin, sex, race, religion, political affiliation or social status.<sup>32</sup> But some laws remain discriminatory against women. This is the case of Ordinance No 03/INT/SUR/1961 that allows polygamy, article 277 of the Chadian penal code that allows the marriages of girls aged 13 while boys can not marry a girl before they are 18 year old.

Various reasons prevent women from having effective access to justice. These are: the weaknesses in the Chadian legal framework, the absence of a functioning formal legal system especially in rural areas, the absence of political will on the part of local and national authorities as well as the use of traditional dispute resolution processes to address other violence against women.

In addition, women remain subject to the traditions and culture that see them as inferior to

men, perpetuating a deep discrimination. The use of traditional dispute resolution mechanisms to find negotiated settlements in instances of rape and other violence against women and girls contributes to impunity and further violence against women and girls. This includes the practice of payment of financial compensation, called *dijya*, in order to find a solution to cases of violence, including cases of murder, rape and other forms of violence.

Amnesty international has called on the Chadian authorities to address the causes that limit access to justice for women and girls and ensure that laws and positive measures are put in place in order to facilitate access to justice for all Chadian women and girls, including those living in rural areas.

**9.1 AMNESTY INTERNATIONAL HAS RECOMMENDED THAT THE GOVERNMENT OF CHAD:**

- Address the various barriers to access to justice for women and girls in Chad including amendment of discriminatory laws such as Ordinance No 03/INT/SUR/1961 as well as customary and traditional issues, that inhibit women and girls from seeking effective formal justice;
- Ensure that the legal protection provided to women and girls is effective and that any complainants of human rights violations, irrespective of the identity of the perpetrator, receive legal advice and support from trained legal personnel;
- Ensure that women and girls victims of human rights violations receive free legal advice available in their own languages and extend awareness among the population of the availability of free legal advice to women;
- Ensure that the traditional dispute resolution systems such as the *dijya* are not used in a manner that results in perpetrators of human right violations, including rape and other violence against women and girls, escaping justice.

# ENDNOTES

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1 UN OCHA, Consolidated Appeal for Chad 2011 as of 30 June 2011, p.4

2 UN Security Council Resolution 1778 of 25 September 2007 established both a military and policing component to MINURCAT. MINURCAT's mandate was to "help create the security conditions conducive to a voluntary, secure and sustainable return of refugees and displaced persons, inter alia by contributing to the protection of refugees, displaced persons and civilians in danger, by facilitating the provision of humanitarian assistance in eastern Chad and the north-eastern Central African Republic and by creating favourable conditions for the reconstruction and economic and social development of those areas."

3 Amnesty International, "No place for us here", violence against refugee women and girls in eastern Chad, Index: AFR 20/008/2009, September 2009, p.22

4 République du Tchad, Commission d'enquête, Rapport sur les événements survenus en République du Tchad du 28 janvier au 08 février 2008 et leurs conséquences, juillet 2008, p.41

5 Interviews of Amnesty International researchers with victims of rape and with members of the Chadian civil society organizations in 2008, 2009 and 2010

6 Article 13 : « Les Tchadiens des deux sexes ont les mêmes droits et les mêmes devoirs. Ils sont égaux devant la loi »

7 Amnesty International, "No place for us here", violence against refugee women and girls in eastern Chad, Index: AFR 20/008/2009, September 2009, p.27

8 Sudan/Chad: 'No one to help them' – Rape extends from Darfur into eastern Chad, AI Index: AFR 54/087/2006, December 2006; Chad: 'Are we citizens of this country?' – Civilians in Chad unprotected from Janjawid attacks, AI Index: AFR 20/001/2007, 29 January 2007, p 7-14; Chad: Civilians under attack, Darfur conflict spreads to eastern Chad, AI Index: AFR 20/005/2007, p 1-3; "No place for us here", violence against refugee women and girls in eastern Chad, AI Index: AFR 20/008/2009, September 2009.

9 Amnesty International, "No place for us here", violence against refugee women and girls in eastern Chad, Index: AFR 20/008/2009, September 2009.

10 See section 9 of this briefing, below, on access to justice for women victims of human rights violations in Chad.

11 Amnesty International, "No place for us here", violence against refugee women and girls in eastern Chad, Index: AFR 20/008/2009, September 2009.

12 Report of the United Nations Secretary-General on Children and armed conflict in Chad, UN Doc. S/2011/64, 9 February 2011, paragraph 31.

13 Ibid

14 La Mission des Nations Unies en République Centrafricaine et au Tchad et le Haut Commissariat des Nations Unies aux Droits de l'Homme, Situation des droits de l'homme a l'est du Tchad : progrès, défis et pistes d'avenir , avril 2008-novembre 2010, paragraphe 14.

15 Report of the Representative of the Secretary-General, Mr. Francis M. Deng, submitted pursuant to Commission resolution 1997/39, Addendum, Guiding Principles on Internal Displacement, E/CN.4/1998/53/Add.2, 11 February 1998, Report of the

## 20 Committee on the Elimination of Discrimination against Women Chad

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Representative of the Secretary-General on the human rights of internally displaced persons, Walter Kälin, A/HRC/13/21, 5 January 2010, UN OCHA, <http://ochanet.unocha.org/p/Documents/GuidingPrinciplesDispl.pdf> (accessed on 30 September 2011)

16 These cases were documented by Chadian organizations working in the region As well as by some UN agencies present in Chad.

17 Article 9 of the Law No 006/PR/2002 of 15 April 2002

18 Article 277 of the Chadian Penal Code.

19 United States Department of State, Chad: Report on Female Genital Mutilation (FGM) or Female Genital Cutting (FGC), 1 June 2001, available at: <http://www.unhcr.org/refworld/docid/46d5787432.html> [accessed on 8 July 2011]

20 GTZ, Female genital mutilation in Chad, November 2007 available at <http://www.gtz.de/de/dokumente/en-fgm-countries-chad.pdf> (accessed on 8 July 2011)

21 Resolution adopted by the General Assembly [on the report of the Third Committee (A/65/449)], 65/190. Trafficking in women and girls, 11 March 2011, available at: <http://www.un.org/womenwatch/daw/documents/ga65.htm> (accessed on 20 July 2011)

22 Amnesty International's delegates were given a copy of the report conducted by the Chadian ONG on this case, May and in June 2011.

23 See Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime, art. 3(c). Chad is not a state party to the protocol and so is not directly bound by its terms, but its definitions of trafficking in persons generally and of children in particular are useful guidance for interpreting the binding content of article 6 of the Convention and Chad's related obligations under articles 19, 32, 34, and 35 of the Convention on the Rights of the Child.

24 See Amnesty International, A compromised future. Children recruited by armed forces and groups in eastern Chad, Index: AFR 20/001/2011, February 2011, p.19; Report of the United Nations Secretary-General on Children and armed conflict in Chad, UN Doc. S/2011/64, 9 February 2011, paragraph 22.

25 Action Plan on Children associated with armed forces and groups in Chad between the government of Chad and the United Nations Monitoring and Reporting Mechanism Task Force on the Grave violations against Children during Armed Conflict

26 Action Plan, Article 2.1 (e)

27 United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), UN Doc A/RES/65/229, 16 March 2011: available at <http://www.un.org/en/ecosoc/docs/2010/res%202010-16.pdf> (accessed on 11 July 2011)

28 Rule 53. The rules are available at <http://www2.ohchr.org/english/law/treatmentprisoners.htm> (accessed on 20 July 2011)

29 Amnesty International, Double Misfortune. Deepening Human Rights Crisis in Chad, Index: (AFR 20/ 007/2008) December 2008, p. 40-42; Chad, No homes, No justice, No dignity, Victims of forced evictions in Chad (Index: AFR 20/004/2011), April 2011, Broken homes, broken lives: End forced evictions in Chad (Index: AFR 20/005/2009).

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30 Article 11 (1) of the International Covenant on Economical, Social and Cultural rights.

31 Committee on Economic, Social and Cultural Rights, General comment 7 para.10

32 Articles 13, 14 and 18 of the Chadian Constitution, 1996 ( amended in 2005)





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