

# Chad's Breach of the International Covenant on Civil and Political Rights: Failure to Protect the Rights of Women and Girls



*ABECHE, CHAD – This girl just arrived in Abeche for another fistula surgery attempt. At only 13 years of age, she suffered 3 days of labor in a remote village near the Sudan. Her resulting fistula led her to have 6 surgeries.  
© Micah Albert*

*Prepared and submitted by the*

*International Human Rights Law Society of  
Indiana University School of Law at Indianapolis, Indiana with the endorsement of the  
Program in International Human Rights of Indiana University School of Law at Indianapolis, Indiana*

*Respectfully submitted to the*

## United Nations Human Rights Committee

*on the occasion of its consideration of the*

**First Periodic Report of Chad**  
pursuant to Article 40 of the International Covenant on Civil and Political Rights

Hearings of the United Nations Human Rights Committee  
New York City, U.S.A., 18-19 March 2009

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## Author and Endorser of this Shadow Report Submitted to the United Nations Human Rights Committee on Chad's Non-Compliance with the International Covenant on Civil & Political Rights

The *International Human Rights Law Society (IHRLS)* is a student organization at *Indiana University School of Law at Indianapolis* that was formed to promote global justice and basic fundamental freedoms. Each year the IHRLS sponsors speakers and events and presents shadow reports to the United Nations Human Rights Committee through its cooperation with the Program in International Human Rights Law.

The *Program in International Human Rights Law (PIHRL)*, *Indiana University School of Law at Indianapolis*, was established in 1997 to further the teaching and study of international human rights law, to promote scholarship in international human rights law, to assist human rights governmental, inter-governmental, and non-governmental organizations on international human rights law projects, and to facilitate the placement of students as law interns at international human rights organizations domestically and overseas.

IHRLS and PIHRL welcome *Chad's First Periodic Report to the United Nations Human Rights Committee*. In this report, Chad asserts that it has provided adequate legislative, judicial, administrative, and other mechanisms that fulfill its obligations under the International Covenant on Civil and Political Rights (ICCPR). This shadow report reveals that Chad has not complied fully with the ICCPR mandate to protect the rights of women and girls.

IHRLS and PIHRL worked with a news reporter and leaders of NGOs in Chad in the preparation of this report.

The IHRLS researchers could only locate French-language versions of many of the source materials. IHRLS team members located no official Chadian government translation of any law or other document we cite in this report. Team members fluent in conversational and textual French translated the materials from French to English. IHRLS team members also cite the Qu'ran in this report. The passages taken from the Qu'ran were translated via a web-based Qu'ran translator, Qu'ran Explorer. These translations were verified as being correct by an Arabic speaker, Rahma Hersi, who provided assistance with this report.

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## Executive Summary

This Shadow Report provides information on Chad's obligations under the International Covenant on Civil and Political Rights (ICCPR) to provide women and girls<sup>1</sup> the same rights, under law, as men and boys. Further, this report examines shortcomings in Chad's compliance with the ICCPR and provides recommendations to overcome these shortcomings.

### A. Relevant Legal Issues – Why Women are Protected Under the ICCPR

As party to the ICCPR, Chad is obligated under Articles 2 and 3 to respect and ensure the equal enjoyment of the rights contained in the Covenant without making any distinctions as to sex. Chad has failed to ensure that Chadian women and girls have the right of equality at and during marriage protected under Article 23, right to life protected under Article 6, right to be free from torture protected under Article 7, right to take part in public affairs protected under Article 25, and right to protection required by status as a minor, including education, protected under Article 24.

### B. Chad has Violated Specific Rights of Chadian Women and Girls

The Committee is required to evaluate Chad's laws, policies, and practices relating to women and girls. This report was prepared to inform and expose to the Committee, Chad, and other interested parties, that the laws, policies, and practices of Chad violate the rights of women and girls. The following paragraphs of this Executive Summary highlight specific rights that have been violated that will be described further in this report.

#### **I. Chad Denies Girls the Right of Full Consent to Marry and Permits Inequality of Rights At and During Marriage**

Chad violates the rights of girls protected under ICCPR, Article 23(3) by failing to establish by law a marriageable age that ensures that the girl has the capacity to make an informed and uncoerced decision to enter into marriage. Additionally, Chad permits the continuance of practices, such as dowries, that perpetuate marriage of a girl at an age at which she is unable to give full consent. As a result, Chad also violates a girl's right to life under Article 6(1), since a pregnancy at a young age can be harmful to a girl's life; right to measures of protection as are required by her status as a minor under Article 24(1), since marrying at a young age may preclude a girl from furthering her education; right to equality of rights during marriage under Article 23(4) by allowing men to practice polygamy; and equal right to the enjoyment of all civil and political rights under Article 3 by failing to protect girls from marital rape and violence.

(Executive Summary Continued on Next Page)

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<sup>1</sup> Throughout this report, consistent with various human rights instruments including the Convention on the Rights of the Child Part 1, Art. 1, "women" will refer to females 18 and older, while "girls" will refer to females under 18.

## **II. Chad Deprives Women and Girls of the Right to Life and Denies Them Freedom from Torture**

Chad violates ICCPR, Article 6, right to life, and Article 7, freedom from torture, by failing to ensure Chadian women and girls are not subject to female genital mutilation (FGM). Although Chad has legislation which outlaws FGM, it is not enforced; rather the custom of FGM continues to be practiced. As a result, 45% of Chadian women and girls are subjected to FGM, many of them before their ninth birthday. FGM is commonly performed without the aid of medical professionals, which results in medical complications, including severe bleeding and infertility.

## **III. Chad Deprives Women of the Equal Right to Political Participation and Representation**

Chad violates the rights of women protected under ICCPR, Article 25 by failing to ensure that women can equally exercise their right to take part in public affairs. Women hold far fewer government positions than men. Chad fails to provide equal access to education among Chadian women and the resulting lack of education means they are unable to participate in public affairs on equal footing with men. Chad permits the continuance of cultural practices, such as girls not having access to education, which perpetuates the idea that women are inferior to men and deny women the equal right to participate in public affairs.

## **IV. Chad Unlawfully Discriminates by Denying Education to Women and Girls**

Chad violates ICCPR, Article 24 by denying women and girls an equal right to public education. Disparities among males and females in school enrollment rates and literacy rates indicate that women and girls are not afforded equal access to educational opportunities. Chad does not adequately fund schools to meet educational needs and fails to prohibit cultural practices that limit a girl's ability to obtain education.

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## Proposed Recommendations to the United Nations Human Rights Committee Regarding Chad's Obligations Under the International Covenant on Civil and Political Rights to Protect the Rights of Chadian Women and Girls

*We respectfully request that the United Nations Human Rights Committee adopt the following recommendations and urge Chad to comply fully with the ICCPR and to afford fully all rights hereunder to Chadian women and girls.*

### Chad Denies Girls the Right to Full Consent to Marriage and Permits Inequality of Rights At and During Marriage

*Recommendation # 1 of 15: The Human Rights Committee recommends that Chad enact legislation adopting 18 as the minimum age for marriage and enforce this legal age.*

*Recommendation # 2 of 15: The Human Rights Committee recommends that Chad help ensure a female's uncoerced consent when marrying, specifically Chad should eliminate dowries and laws that extinguish criminal responsibility for rape by marriage.*

*Recommendation # 3 of 15: The Human Rights Committee recommends that Chad establish educational campaigns to prevent and combat domestic violence.*

*Recommendation # 4 of 15: The Human Rights Committee recommends that Chad promote formal education among girls to ensure girls reach 18 before they marry.*

*Recommendation # 5 of 15: The Human Rights Committee recommends that Chad proscribe polygamy.*

### Chad Deprives Women and Girls the Right to Life and Denies Them Freedom from Torture

*Recommendations # 6 of 15: The Human Rights Committee recommends that Chad enforce Law No. 66/PR/2002, which outlaws FGM.*

*Recommendation # 7 of 15: The Human Rights Committee recommends that Chad institute educational campaigns designed to inform the population of the harm of FGM.*

## Chad Deprives Women of Equal Rights to Political Participation

*Recommendation # 8 of 15: The Human Rights Committee recommends that Chad consider qualified women on an equal basis as qualified men for positions in all levels of government.*

*Recommendation # 9 of 15: The Human Rights Committee recommends that Chad increase the number of women in government and encourage political parties to nominate more female candidates in elections.*

*Recommendation # 10 of 15: The Human Rights Committee recommends that Chad enforce the right of women to vote.*

*Recommendation # 11 of 15: The Human Rights Committee recommends that Chad protect women's political rights from traditional, cultural and religious factors that affect women's political participation in government or voting through observatory and enforcement agencies.*

## Chad Unlawfully Discriminates by Denying Education to Women and Girls

*Recommendation # 12 of 15: The Human Rights Committee recommends that Chad undertake educational campaigns to ensure women and girls' access to education.*

*Recommendation # 13 of 15: The Human Rights Committee recommends that Chad allocate more resources to providing education to Chadian women and girls and provide adequate funding for teachers' salaries and school supplies, and establishing more classrooms.*

*Recommendation # 14 of 15: The Human Rights Committee recommends that Chad establish adult literacy programs for all adults, particularly women.*

*Recommendation # 15 of 15: The Human Rights Committee recommends that Chad meet the UN Millennium Goals concerning education particularly as it relates to women and girls.*

# Chad's Breach of the International Covenant on Civil and Political Rights: Failure to Protect the Rights of Chadian Women and Girls

## I. INTRODUCTION

### 1. The International Covenant on Civil and Political Rights<sup>2</sup> is Relevant and Binding on Chad.

1.1 **ICCPR Requirements.** The ICCPR is the principal treaty setting out fundamental civil and political rights for all people, including women. The ICCPR provides for numerous individual rights, including:

1.1.1 The right to "equality of rights and responsibilities of spouses as to marriage, during marriage, and at its dissolution";<sup>3</sup>

1.1.2 The "inherent right to life";<sup>4</sup>

1.1.3 The right to "take part in public affairs"; and<sup>5</sup>

1.1.4 The right of every child to "measures of protection as are required by his status as a minor."<sup>6</sup>

### 2. The ICCPR Imposes Obligations on the Chadian Government Under Articles 2 and 3 to Protect the Rights of Chadian Women and Girls.

2.1 **Article 2, paragraph 1 of the ICCPR** requires Chad to guarantee all rights protected under the ICCPR to all individuals in its territory, including women and girls, without distinction of any kind. Article 2(1) provides:

Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.<sup>7</sup>

2.2 **Article 3 of the ICCPR** requires Chad to guarantee the equal rights of men and women to all civil and political rights. Article 3 states:

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<sup>2</sup> International Covenant on Civil and Political Rights, Dec. 16, 1966, 999 U.N.T.S. 171, U.N. Doc. A/6316 (1966) [hereinafter ICCPR].

<sup>3</sup> *Id.* at Part III, Art. 23(3) & 23(4).

<sup>4</sup> *Id.* at Part III, Art. 6(1).

<sup>5</sup> *Id.* at Part III, Art. 25.

<sup>6</sup> *Id.* at Part III, Art. 24(1).

<sup>7</sup> *Id.* at Part III, Art. 2(1).

The State Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant.<sup>8</sup>

The Human Rights Committee has expressed that ICCPR, Article 3 requires measures beyond mere legislation to ensure equal enjoyment of rights. The General Comments to Article 3 state that:

This cannot be done simply by enacting laws. Hence, more information has generally been required regarding the role of women in practice with a view to ascertaining what measures, in addition to purely legislative measures of protection, have been or are being taken to give effect to the precise and positive obligations under Article 3 and to ascertain what progress is being made or what factors or difficulties are being met in this regard.<sup>9</sup>

### 3. Chadian Law Establishes the Equality of Women.

#### 3.1 Article 13 of the Chad Constitution states:

Chadians of the two sexes have the same rights and the same duties. They are equal before the law.<sup>10</sup>

#### Article 14 of the Chad Constitution states:

The State assures to all, equality before the law without distinction of origin, race, sex, religion, political opinion or social status. It has a duty to assure the elimination of all forms of discrimination against women and to protect its rights in all spheres of private and public life.<sup>11</sup>

### 4. The Human Rights Committee Requires States to Protect Women from Discrimination and To Uphold Their Rights Under the ICCPR.

In 1987, the Human Rights Committee decided Broeks v. The Netherlands. In Broeks, Broeks was a married woman who lost her job, but was denied unemployment benefits

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<sup>8</sup> *Id.* at Part II, Art. 3

<sup>9</sup> U.N. Hum. Rts. Comm., *General Comment No 4, Article 3 (Thirteenth Session, 1981)*, ¶ 2, U.N. Doc. HRI/GEN/1/Rev.1 at 4 (1994), available at [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/14424a74d091ad7cc12563ed0046a8f2?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/14424a74d091ad7cc12563ed0046a8f2?Opendocument) (last visited March 5, 2009).

<sup>10</sup> Constitution de la République du Tchad [Constitution], Part II, Art. 13 (2005). (Translated by Shadow Report Authors).

Les Tchadiens des deux sexes ont les mêmes droits et les mêmes devoirs. Ils sont égaux devant la loi.

<sup>11</sup> *Id.* at Art. 14.

L'État assure à tous l'égalité devant la loi sans distinction d'origine, de race, de sexe, de religion, d'opinion politique ou de position sociale. Il 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 privée et publique.

pursuant to a law that stipulated that a married woman could not receive unemployment benefits if it was not shown that she was the “breadwinner” of the family. Broeks alleged that the Netherlands had violated ICCPR, Article 26 by requiring proof that the woman was the “breadwinner,” a requirement not applicable to married men wanting to receive unemployment benefits. The Committee found that The Netherlands had violated Article 26. The Committee noted that Article 26 prohibits discrimination in law and in practice in any field regulated and protected by public authorities. The Committee found that the law differentiated based on sex, placing married women at a disadvantage to married men, and as such violated Article 26.<sup>12</sup>

In 2002, the Human Rights Committee decided Müller and Engelhard v. Namibia, in which the Committee found that Namibia violated Article 26. Müller and Engelhard claimed that Namibia violated Article 26 by a law making it an offense for a husband to assume his wife’s surname without first receiving authorization from a government official, while it was not an offense and no authorization was required for the wife to assume her husband’s surname. The Committee noted that although it is a longstanding tradition for women in Namibia to assume their husband’s surname, the argument of a longstanding tradition cannot be maintained as a general justification for different treatment of men and women.<sup>13</sup>

These cases show that States must not discriminate in law and that tradition cannot be used as a basis to legitimate a violation of women’s rights.

## **5. Chad Violates the ICCPR and Must Comply with the ICCPR and Its Own Constitution to Protect Chadian Women and Girls.**

- 5.1 Chad has failed to fulfill its obligations under the ICCPR since discrimination continues to exist and full civil and political rights guaranteed under the Covenant have been denied, including those in the following areas, discussed *infra*:
  - i. Chad Denies Girls the Right to Full Consent to Marry and Permits Inequality of Rights At and During Marriage (*infra*, paras 6-7)
  - ii. Chad Deprives Women and Girls the Right to Life and Denies Them Freedom from Torture (*infra*, paras 8-9)
  - iii. Chad Deprives Women of Equal Rights to Political Participation and Representation (*infra*, paras 10-11)
  - iv. Chad Unlawfully Discriminates by Denying Education to Women and Girls (*infra*, paras 12-13)

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<sup>12</sup> U.N. Hum. Rts. Comm., Broeks v. The Netherlands, Commc’n No. 172/184, ¶¶ 12.3 and 13, CCPR/C/29/D/172/1984 (1987), available at <http://www.ohchr.org/Documents/Publications/SDecisionsVol7en.pdf> (last visited March 5, 2009).

<sup>13</sup> U.N. Hum. Rts. Comm., Müller and Engelhard v. Namibia, Commc’n No. 919/2000, ¶ 6.8, CCPR/C/74/D/919/2000 (2002), available at [http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/106a0375486483e1c1256bf000524fb8?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/106a0375486483e1c1256bf000524fb8?Opendocument) (last visited March 5, 2009).

## II. CHAD DENIES GIRLS THE RIGHT TO FULL CONSENT TO MARRY AND PERMITS INEQUALITY OF RIGHTS AT AND DURING MARRIAGE

### 6. Chad Fails to Ensure the Minimum Age for Marriage Complies with ICCPR, Article 23.

#### 6.1 ICCPR, Article 23, Section 2, provides that:

The right of men and women of marriageable age to marry and to found a family shall be recognized.<sup>14</sup>

In addition, ICCPR, Article 23, Section 3, provides that:

No marriage shall be entered into without the free and full consent of the intending spouses.<sup>15</sup>

Finally, ICCPR, Article 23, Section 4, provides in part that:

States Parties to the present Covenant shall take appropriate steps to ensure equality of rights and responsibilities of spouses as to marriage, during marriage, and at its dissolution.<sup>16</sup>

#### 6.2 Chad is Bound to Establish 18 as the Minimum Age for Marriage. Although the ICCPR does not establish a minimum marital age, customary international law, established by state practice and opinio juris, sets the age for marriage at 18.

##### 6.2.1 State Practice is to Establish a Minimum Age for Marriage of 18. State practice is the general and consistent conduct of states.<sup>17</sup> The Convention on the Rights of the Child has labeled protection for a child as any person under the age of 18.<sup>18</sup> Marriage under the age of 18 is considered early marriage<sup>19</sup> and in violation of human rights by many charters and treaties including The African Charter on the Rights and of the Welfare of a Child.<sup>20</sup> Many African countries, including Angola, Cote d'Ivoire, Eritrea, Ethiopia, Ghana, Kenya, Madagascar, Malawi, Morocco, Mauritania, and South Africa have established

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<sup>14</sup> ICCPR at Part III, Art. 23(2).

<sup>15</sup> ICCPR at Part III, Art. 23(3).

<sup>16</sup> ICCPR at Part III, Art. 23(4).

<sup>17</sup> Anthea Roberts, *Traditional and Modern Approaches to Customary International Law: A Reconciliation*, 95 *The American Journal of International Law*, 757, 757 (Oct. 2001).

<sup>18</sup> See Convention on the Rights of the Child, Nov. 20, 1989, U.N. Doc. A/44/49 (1989) at Part I, Art. 1.

Art. 1: For the purposes of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.

<sup>19</sup> See Susanne Louis B. Mikhail, *Child Marriage and Child Prostitution: Two Forms of Sexual Exploitation*, 10 *Gender & Dev.* 43, 43 (2002).

<sup>20</sup> The African Charter on the Rights and of the Welfare of a Child, Art. 21(2), July 11, 1990, OAU Doc. CAB//LEG/24.9/49 (1990).

a minimum age for marriage of 18.<sup>21</sup> Additionally, many Western countries have a standard of 18 years including the United Kingdom, Spain, Canada, Australia, Germany, and many states within the United States of America.<sup>22</sup> By following the state practice of establishing a minimum age of marriage as 18, Chad would better ensure its ability to fulfill ICCPR obligations, such as Article 6 right to life and Article 23 right to free and full consent to marriage, as exemplified in the actions of other parties to the Covenant.

**6.2.2 Opinio Juris Demonstrates that States Adopt a Minimum Age for Marriage of 18 to Ensure Females Are Able to Make an Uncoerced Decision.** Opinio Juris means that the state practice is followed out of a sense of legal obligation.<sup>23</sup> States adopt a minimum age taking into account that such age should be set “to enable each of the intending spouses to give his or her free and full personal consent”<sup>24</sup> and make an uncoerced decision.<sup>25</sup> Marriage before the age of 18 is a violation of human rights because generally anyone under the age of 18 is immature and therefore “physically, physiologically, and psychologically” incapable of shouldering the burden of marriage and childbirth that results from marriage, which threatens a girl’s right to life.<sup>26</sup>

**6.3 Violations of Article 23(3).** Chad violates the right of girls under Article 23(3) by failing to establish and enforce legislation, particularly regarding a minimum age of 18, that ensures that girls have the capacity to give free and full consent concerning her marriage and protects other rights contained in the ICCPR, like the right to life.

**6.3.1 Chad Fails to Meet Its Obligation to Establish a Minimum Age of 18.** Current law in Chad, the 1958 French Civil Code, establishes the minimum age of marriage for females as 15.<sup>27</sup> Though legislation raising the age to 17 was proposed, as of 2007 it failed to be passed into law.<sup>28</sup> No Chadian law

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<sup>21</sup> See Focus International/Women in Development Network, Statistics, <http://www.focusintl.com/marriage1.htm> (last visited March 5, 2009).

<sup>22</sup> Id. Note that Canada, Germany, the United Kingdom, and many states in the United States of America allow marriage at 16 but only with parental and/or judicial consent.

<sup>23</sup> Roberts, *supra* note 17 at 757.

<sup>24</sup> U.N. Hum. Rts. Comm., *General Comment No. 19: Protection of the Family, The Right to Marry, and Equality of the Spouses (Article 23) (Thirty-ninth Session, 1990)*, ¶ 4, U.N. Doc. HRI/Gen/1/Rev.1 (1994), available at [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/6f97648603f69bcdc12563ed004c3881?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/6f97648603f69bcdc12563ed004c3881?Opendocument) (last visited March 5, 2009).

<sup>25</sup> U.N. Hum. Rts. Comm., *General Comment No 28, Equality of Rights Between Men and Women (Article 3) (Sixty-eighth Session, 2000)*, ¶ 23, U.N. Doc. CCPR/C/21/Rev.1/Add.10 (2000), available at [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/13b02776122d4838802568b900360e80?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/13b02776122d4838802568b900360e80?Opendocument) (last visited March 5, 2009).

<sup>26</sup> See Mikhail, *supra* note 19 at 43 (discussing that early marriage was once accepted but is increasingly frowned upon due to the immaturity of a girl to consent to marry at a young age).

<sup>27</sup> CODE CIVIL [C. CIV.] art. 144 (1958) (Fr.) (Translated by Shadow Report Authors).

Art. 144: L’homme avant dix-huit ans révolus, la femme avant quinze ans révolus, ne peuvent contracter mariage.

<sup>28</sup> See Comm. on the Rts. of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Second Periodic Report of Chad*, ¶ 45, U.N. Doc. CRC/C/TCD/2, (Aug. 14, 2007), available at

establishes a minimum age of 18, an age which would more likely ensure the female's ability to give full consent.

- 6.3.2 Chad Violates the ICCPR by Failing to Prohibit Customary Practices that Violate Girls' Rights.** For civil matters such as marriage, Chad's legal system applies statutory law when customs are silent on a particular matter.<sup>29</sup> Due to this legal system and culturally held beliefs, marriage continues to take place below the legal age.<sup>30</sup> According to the International Center for Research on Women (ICRW), an NGO dedicated to advancing gender equality, religious custom in Chad supports marriage at a young age for girls and, therefore, the legal age can be ignored.<sup>31</sup>
- 6.3.3 Chad Violates the ICCPR by Failing to Ban Dowries, which Perpetuate Early Marriage.** Under Ordinance 03/INT/61 payment of bride-price is mandatory in Chad.<sup>32</sup> Under this legislation, Chad perpetuates early marriage, because many Chadians live in poverty. As a result, parents are willing to marry their young daughters in order to receive the financial benefits.<sup>33</sup>
- 6.3.4 Chad Violates Women's and Girls' Rights by Allowing Marriage to Extinguish Responsibility for Rape.** In Chad, "the law allows a perpetrator of rape including statutory rape of a minor, to be excused of his crime if he marries his female victim; a judge simply legitimizes a union."<sup>34</sup> This results in a violation of a woman's right to fully consent to marriage.
- 6.3.5 Early Marriage Prevalence.** Chad grossly abuses Article 23 as it is the second-highest ranking of 68 countries surveyed in prevalence of early marriages with 71.5% of girls married by age 18 in 2004 according to the

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<http://www2.ohchr.org/english/bodies/crc/docs/CRC.C.TCD.2.pdf> (last visited March 5, 2009). U.N. Doc. CRC/C/TCD/2 (Aug. 14, 2007) This is Chad's second periodic report to the Committee on the Rights of the Child. The authors were unable to confirm whether the law was passed after the Children's Committee 2007 report on Chad.

<sup>29</sup> See CENTER FOR REPRODUCTIVE RIGHTS, LAWS AND POLICIES AFFECTING THEIR REPRODUCTIVE RIGHTS: CHAD, 16 (2003) <http://crr.civicactions.net/sites/default/files/documents/chad.pdf> (last visited March 5, 2009) (discussing Order 6/67, concerning Chad's legal system).

<sup>30</sup> See *infra* Exhibit 1, Affidavit of Fulbright Scholar, Valery Nadjibe, Member of Chadian Association of Victims of Political Repression and Crimes (March 2, 2009), ¶ 4, (explaining that culturally held beliefs lead to early marriage of girls); See also *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Second Periodic Report of Chad*, *supra* note 28 at ¶¶ 47 & 48.

<sup>31</sup> See INTERNATIONAL CENTER FOR RESEARCH ON WOMEN, NEW INSIGHTS ON PREVENTING CHILD MARRIAGE: A GLOBAL ANALYSIS OF FACTORS AND PROGRAMS, 25 (2007) <http://www.icrw.org/docs/2007-new-insights-preventing-child-marriage.pdf> (last visited March 5, 2009) (indicating that the various religious communities present in Chad were all associated with high prevalence of child marriage).

<sup>32</sup> See CENTER FOR REPRODUCTIVE RIGHTS, *supra* note 29 at 103; see also *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Second Periodic Report of Chad*, *supra* note 28 at ¶ 66 (explaining that a new draft of Ordinance 3/INT/61 has been written but not promulgated).

<sup>33</sup> See Mikhail, *supra* note 19 at 44.

<sup>34</sup> See also UNICEF, *Early Marriage: Child Spouses*, INCENTI DIGEST 7, 8, Mar. 2001, available at <http://www.unicef-irc.org/publications/pdf/digest7e.pdf> (last visited March 5, 2009).

ICRW.<sup>35</sup> ICRW data further indicates that the median age at marriage for girls in Chad is 15 years of age, while the age at which the “frequency of child marriage first increases significantly” is 13 years of age.<sup>36</sup>

**6.4 Chad Violates Further Rights Protected in the ICCPR by Permitting Early Marriage.** Chad violates the ICCPR since the effects of early marriage result in further violations of Articles 6(1), 18(1), and 2(3).

**6.4.1 Chad Violates Girls’ Right to Life.** Article 6(1) gives all people the “inherent right to life.”<sup>37</sup> A married girl’s right to life is jeopardized when she is forced to bear children at a young age which can result in life-threatening problems and even death.<sup>38</sup> The Forum on Marriage and the Rights of Women and Girls states that early marriage forces girls to bear children when their body is unprepared for the process.<sup>39</sup> At age 17, 40% of girls in Chad have already had at least one child or are pregnant and even at age 15, 9% of girls have begun childbearing.<sup>40</sup> At such early ages children can suffer miscarriage, fistula, infant death, malnutrition, cervical cancer, and of course maternal death.<sup>41</sup> Girls aged 15-19 are twice as likely to die from childbirth as women in their 20’s with childbirth being the leading cause in deaths of girls aged 15-19 worldwide.<sup>42</sup> Chad violates girls’ right to life by not banning early marriage, which leads to the harmful result of childbearing at an early age.

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<sup>35</sup> See INTERNATIONAL CENTER FOR RESEARCH ON WOMEN, *supra* note 31 at 46. This study was conducted for 68 countries where early marriage is prevalent.

<sup>36</sup> See INTERNATIONAL CENTER FOR RESEARCH ON WOMEN, *supra* note 31 at 16-17 (2007); See also Exhibit 1, Affidavit of Fulbright Scholar, Valery Nadjibe, *supra* note 30 at ¶¶ 5 & 6, (explaining that girls are usually married between the ages of 12 and 15, including his own aunt, who was married at age 15 to a man in his late 40s).

<sup>37</sup> ICCPR at Part III, Art. 6(1).

<sup>38</sup> See Exhibit 2, Affidavit of Micah Albert, Photojournalist Represented by Redux Pictures and Contributor for The New York Times and BBC World (February 28, 2009), ¶ 3, (explaining that early marriage leads to girls giving birth at a young age, which results in medical problems like obstetric fistula).

<sup>39</sup> FORUM ON MARRIAGE AND THE RIGHT OF WOMEN AND GIRLS, EARLY MARRIAGE: WHOSE RIGHT TO CHOOSE, 19 (2000) <http://www.crin.org/docs/resources/publications/WhoseRighttoChoose.pdf> (March 5, 2009).

<sup>40</sup> CENTER FOR REPRODUCTIVE RIGHTS, *supra* note 29 at 106.

<sup>41</sup> See Exhibit 2, Affidavit of Micah Albert, *supra* note 38 at, ¶ 3, (witnessing young girls suffering from obstetric fistula due to giving birth at a young age); See also FORUM ON MARRIAGE AND THE RIGHT OF WOMEN AND GIRLS, *supra* note 39 at 19.

<sup>42</sup> FORUM ON MARRIAGE AND THE RIGHT OF WOMEN AND GIRLS, *supra* note 39 at 19 (2000).



*N'DJAMENA, CHAD – These girls, ages 13 and 14, along with 30 other girls, from the eastern part of Chad, are recovering from fistula surgery at a nationally run clinic. This surgery resulted from early marriage and childbirth. © Micah Albert*

**6.4.2 Chad Violates Girls' Right to Thought.** Article 18(1) gives everyone the "right to freedom of thought, conscience, and religion."<sup>43</sup> The Human Rights Committee states that "every possible measure should be taken to foster the development of [a child's] personality and to provide them with a level of education that will enable them to enjoy the rights recognized in the Covenant, particularly the right to freedom of opinion and expression."<sup>44</sup> Early marriage prevents young girls from furthering these educational opportunities and, therefore, prevents them from finding their own opinions and choices.<sup>45</sup> A majority of children in Chad with only 0-3 years of schooling were married by the age of 18.<sup>46</sup> According to the Innocenti Digest, once married, many husbands will force their wives to quit school, if their parents had not already kept them from it, believing education would be a waste of time for someone who will only become a wife and mother.<sup>47</sup> With little education, the girl will have lower self-esteem and sense of beliefs and lack the qualifications and skills necessary to find a job.<sup>48</sup> This lack of skills is especially detrimental when a young girl is more likely to be widowed early because she was married

<sup>43</sup> ICCPR at Part III, Art. 18(1).

<sup>44</sup> U.N. Hum. Rts. Comm., *General Comment No 17: Rights of the Child, Article 24 (Thirty-fifth Session, 1989)*, ¶ 3, U.N. Doc. HRI/GEN/1/Rev.1 (1994), available at [http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/cc0f1f8c391478b7c12563ed004b35e3?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/cc0f1f8c391478b7c12563ed004b35e3?Opendocument) (last visited March 5, 2009).

<sup>45</sup> See Exhibit 1, Affidavit of Fulbright Scholar, Valery Nadjibe, *supra* note 30 at ¶ 6 (detailing how maternal aunt, who was a successful student, was forced to discontinue her studies due to being forced into marriage at the age of 15).

<sup>46</sup> GROWING UP GLOBAL: THE CHANGING TRANSITION TO ADULTHOOD IN DEVELOPING COUNTRIES, 498 (Cynthia B. Lloyd ed., The National Academic Press 2005).

<sup>47</sup> See Exhibit 1, Affidavit of Fulbright Scholar, Valery Nadjibe, *supra* note 30 at ¶ 6 (detailing how maternal aunt was forced to discontinue her studies due to being forced into marriage at the age of 15 and explaining the cultural practice of not educating girls); see also *Early Marriage: Child Spouses*, *supra* note 34.

<sup>48</sup> See *Early Marriage: Child Spouses*, *supra* note 34 at 12.

young to an older man. Left alone she will be unable to support herself and her children because of no access to education.<sup>49</sup> Thus, Chad violates girls' right to thought because failure to proscribe early marriage commonly prevents girls from getting the education they need to create their own thoughts and beliefs, or marketable job skills.<sup>50</sup>

**6.4.3 Chad Fails to Ensure the Ability of Girls to Seek a Legal Remedy for Violations of the ICCPR.** Article 2(3) states that each state must ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy.<sup>51</sup> Research from the Center of Reproductive Rights shows that early marriage commonly leads to violence and rape by an older husband.<sup>52</sup> Chad has not established any laws or texts to punish perpetrators for marital rape because it is common and considered "normal."<sup>53</sup> In this way a girl has no protection under the law because she is incapable of protecting herself from forced sex in a marriage.<sup>54</sup> Innocenti Digest explains that in being so young a girl faces painful and traumatic suffering from these instances of marital sex and can do very little to stop it.<sup>55</sup> Not only does she suffer violence from forced sex, but also domestic violence. The Chad Penal Code does not include specifics on violence against women or girls in the home. According to research by the Center for Reproductive Rights (CRR), minor abuse is "considered to be acceptable and appropriate" in marriage.<sup>56</sup> Also, the CRR states that only when a woman suffers serious injuries does she have a chance to seek justice in court.<sup>57</sup> Chad commits grave violations of girls' fundamental rights by failing to establish laws that allow them to protect themselves or to seek justice for rape and abuse perpetrated against them.

**6.5 Violations of Article 23(4).** Chad violates Article 23(4) by failing to ensure that males and females have equal rights and responsibilities at marriage and during marriage.

**6.5.1 Chad Violates Women's and Girls' Rights by Failing to Ensure that Wives Have Equal Rights At and During Marriage.** In Chad, the median age gap between spouses is 9 years with the highest age gap being found at 75

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<sup>49</sup> See FORUM ON MARRIAGE AND THE RIGHT OF WOMEN AND GIRLS, *supra* note 39 at 21-22.

<sup>50</sup> See *Early Marriage: Child Spouses*, *supra* note 34 at 12.

<sup>51</sup> ICCPR at Part II, Art. 2.

<sup>52</sup> CENTER FOR REPRODUCTIVE RIGHTS, *supra* note 29 at 105; See Exhibit 1, Affidavit of Fulbright Scholar, Valery Nadjibe, *supra* note 30 at ¶ 6 (detailing how maternal aunt, who was forced into marriage at the age of 15, was beaten by her older husband).

<sup>53</sup> See Exhibit 1, Affidavit of Fulbright Scholar, Valery Nadjibe, *supra* note 30 at ¶ 8, (stating that domestic violence against a wife is common in Chad and as a result police are rarely notified of abuse); See also CENTER FOR REPRODUCTIVE RIGHTS, *supra* note 29 at 105.

<sup>54</sup> See Mariam Ouattara et al., *Forced Marriage, Forced Sex: The Perils of Childhood for Girls*, 6 Gender & Dev. 27, 31 (1998).

<sup>55</sup> *Early Marriage: Child Spouses*, *supra* note 34 at 10.

<sup>56</sup> CENTER FOR REPRODUCTIVE RIGHTS, *supra* note 29 at 105. "Minor abuse" consists of "simple blows" and "slight injuries."

<sup>57</sup> *Id.*

years.<sup>58</sup> Due in part to this age gap, an older husband considers a woman's or girl's opinion unimportant and sees her as his possession.<sup>59</sup> According to the ICRW this sort of subordination severely limits the wife's ability to ensure the enjoyment of her civil and political rights.<sup>60</sup>

**6.5.2 Chad Violates the ICCPR by Failing to Proscribe Polygamy.** Young girls are often forced into marriages to men who already have multiple older wives. Chadian legislation, Ordinance 3/INT/61, makes polygamy the assumed marital preference by requiring marrying spouses to opt out of a polygamous marriage and allowing the wife to unilaterally renounce the marriage if the husband breaches the decision to opt out of a monogamous marriage.<sup>61</sup> About 39% of women or girls are in polygamous unions.<sup>62</sup> The Human Rights Committee's Comments state that "polygamy is incompatible" with the idea of equality of treatment as it "violates the dignity of women."<sup>63</sup> The Human Rights Committee has also found polygamy to be a violation of ICCPR, Articles 2, 3, and 26.<sup>64</sup> Being in a polygamous union automatically demotes the equality of a young bride not only towards her husband, but also towards the older wives, who are considered by the husband to be superior.<sup>65</sup>

**7. Chad Must Ensure that the Minimum Age for Marriage Complies with the ICCPR and Must Ensure Equality of Rights At and During Marriage.**

**7.1** Chad must take concrete steps to comply with the ICCPR by enacting laws that respect the right to consent to marriage and equality of rights in marriage. We respectfully suggest the following recommendations:

***Recommendation # 1 of 15:*** The Human Rights Committee recommends that Chad enact legislation adopting 18 as the minimum age for marriage and enforce this legal age.

***Recommendation # 2 of 15:*** The Human Rights Committee recommends that Chad help ensure a female's uncoerced consent when marrying, specifically Chad should eliminate dowries and laws that extinguish criminal responsibility for rape by marriage.

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<sup>58</sup> INTERNATIONAL CENTER FOR RESEARCH ON WOMEN, *supra* note 31 at 24.

<sup>59</sup> See Mikhail, *supra* note 19 at 46-47.

<sup>60</sup> INTERNATIONAL CENTER FOR RESEARCH ON WOMEN, *supra* note 31.

<sup>61</sup> See CENTER FOR REPRODUCTIVE RIGHTS, *supra* note 29 at 103 (discussing Ordinance 03/INT/61, which stipulates that "spouses may renounce polygamy" at marriage if they desire to have a monogamous marriage and allowing a wife to unilaterally end a chosen monogamous marriage if the husband breaches the monogamous union). The laws results in young wives not being able to opt out of polygamy if the husband desires polygamy and desires his marriage to his first wife to stay in tact at his election to marry a second wife.

<sup>62</sup> See CENTER FOR REPRODUCTIVE RIGHTS, *supra* note 29 at 89.

<sup>63</sup> *General Comment No 28*, *supra* note 25 at ¶ 24.

<sup>64</sup> U.N. Hum. Rts. Comm., *Concluding Observations of the Human Rights Committee: Senegal*, ¶ 12, U.N. Doc. CCPR/C/79/Add.82 (Nov. 19, 1997), available at [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/CCPR.C.79.Add.82.En?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/CCPR.C.79.Add.82.En?Opendocument) (last visited March 5, 2009).

<sup>65</sup> See FORUM ON MARRIAGE AND THE RIGHT OF WOMEN AND GIRLS, *supra* note 39 at 22.

**Recommendation # 3 of 15:** The Human Rights Committee recommends that Chad establish educational campaigns to prevent and combat domestic violence.

**Recommendation # 4 of 15:** The Human Rights Committee recommends that Chad promote formal education among girls to ensure girls reach 18 before they marry.

**Recommendation # 5 of 15:** The Human Rights Committee recommends that Chad proscribe polygamy.

### III. CHAD DEPRIVES WOMEN AND GIRLS OF THE RIGHT TO LIFE AND DENIES THEM FREEDOM FROM TORTURE

#### 8. Chad Fails to Ensure That Chadian Women and Girls Are Not Subjected to Female Genital Mutilation (FGM) in Violation of Their Right to Life and Freedom From Torture.

##### 8.1 ICCPR, Article 6 provides that:

Every human being has the inherent right to life. This right shall be protected by law.<sup>66</sup>

In addition, ICCPR, Article 7 states:

No one shall be subjected to torture or to cruel, inhuman, or degrading treatment or punishment.<sup>67</sup>

##### 8.2 Article 6 and 7 Require Chad to Protect Women and Girls from FGM Performed by Private Individuals.

The Human Rights Committee has stated that FGM violates Articles 6 and 7 because it is contrary to human dignity and results in a high rate of maternal mortality.<sup>68</sup> The Committee has also stated, in reference to Article 7, that “[i]t is the duty of the State party to afford everyone protection ... against the acts prohibited by Article 7, whether inflicted by people acting in their official capacity, outside their official capacity or in a private capacity.”<sup>69</sup>

##### 8.3 Chadian Law.

In 2002, Chad adopted legislation guaranteeing certain reproductive rights, including the freedom from harmful practices such as FGM.<sup>70</sup>

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<sup>66</sup> ICCPR at Part III, Art. 6.

<sup>67</sup> ICCPR at Part III, Art. 7.

<sup>68</sup> *Concluding Observations of the Human Rights Committee: Senegal*, *supra* note 64 at ¶ 12; *see also* U.N. Hum. Rts. Comm., *Concluding Observations of the Human Rights Committee: Lesotho*, ¶ 12, U.N. Doc. CCPR/C/79/Add.106 (April 8, 1999), *available at* [http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/CCPR.C.79.Add.106.En?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/CCPR.C.79.Add.106.En?Opendocument) (last visited March 5, 2009).

<sup>69</sup> U.N. Hum. Rts. Comm., *General Comment No 20 (Article 7)* (44th Session, 1992), ¶ 2, U.N. Doc HRI/GEN/1/Rev.1 (1994), *available at* [http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/6924291970754969c12563ed004c8ae5?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/6924291970754969c12563ed004c8ae5?Opendocument).

<sup>70</sup> *See* United Nations Population Fund, *Global Population Policy Update* (2003) <http://www.unfpa.org/parliamentarians/news/newsletters/issue7.htm> (last visited March 5, 2009) (discussing Law No. 66/PR/2002 on the Promotion of Reproductive Health).

**8.4 Violations of Articles 6 and 7.** Chad violates the rights of women and girls under Articles 6 and 7 by failing to enforce its legislation that outlaws FGM.

**8.4.1 The FGM Procedure, Complications, and Consequences Evidence how this Procedure is a Violation of Women's and Girls' Right to Life and Freedom from Torture:** In Chad, as of 2004, 75% of women and girls were circumcised using traditional methods.<sup>71</sup> Traditional female circumcision involves holding an individual down and cutting the genital area with a knife, scissors, or other sharp materials.<sup>72</sup> Immediate consequences include severe pain, severe bleeding, shock and infection.<sup>73</sup> Long term complications include pain during urination, bladder infections, complications during pregnancy and childbirth, including fistula, infertility, and painful intercourse. Death can result from hemorrhage or from contamination of HIV/AIDS due to the use of non-sterilized instruments.<sup>74</sup> The practice has been criticized in the medical profession as unnecessary and harmful.<sup>75</sup>

**8.4.2 Chad Violates the ICCPR by Not Enforcing the Law.** According to UNICEF research in Chad, FGM is viewed as a symbol of a female's right of passage into womanhood,<sup>76</sup> therefore, it is practiced even though it has been outlawed. Since it is viewed as a right of passage, FGM is commonly performed on girls, 70% of whom are circumcised prior to their ninth birthday.<sup>77</sup> Women or girls who have not undergone the procedure are viewed potentially as not worthy of marrying and may be ostracized, beaten, shunned, or disgraced.<sup>78</sup> As a result, in 1995, 60% of women and girls in Chad underwent FGM procedures.<sup>79</sup> The latest Demographic and Health Surveys data reports that the percentage has decreased to 45% of women and girls.<sup>80</sup> However, over a ten year period

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<sup>71</sup> See UNICEF, CHAD: FGM/C COUNTRY PROFILE (2005) [http://www.childinfo.org/files/Chad\\_FGC\\_profile\\_English.pdf](http://www.childinfo.org/files/Chad_FGC_profile_English.pdf) (last visited March 5, 2009).

<sup>72</sup> Female Genital Mutilation, <http://yourtotalhealth.ivillage.com/female-genital-mutilation.print.html> (last visited Jan. 24, 2009).

<sup>73</sup> *Id.*

<sup>74</sup> Interview with Denebeye Walendom Geneviève Toudjingar Nakiri, President of Network of Women's Organisations (CELIAF) (Dec. 16, 2008); See Exhibit 1, Affidavit of Fulbright Scholar, Valery Nadjibe, *supra* note 30 at ¶ 16 (explaining that many females who are subjected to FGM contract diseases due to the use of non-sterilized instruments during the procedure).

<sup>75</sup> Female Genital Mutilation, *supra* note 72.

<sup>76</sup> Chad: FGM/C Country Profile, *supra* note 71.

<sup>77</sup> *Id.*

<sup>78</sup> See Exhibit 1, Affidavit of Fulbright Scholar, Valery Nadjibe, *supra* note 30 at ¶ 13 (explaining that females who have not had FGM are discriminated against and that men prefer circumcised wives, which leads to many women being subjected to the procedure); See also Chad: FGM/C Country Profile, *supra* note 71.

<sup>79</sup> U.S. Department of State, Chad: Report on Female Genital Mutilation (FGM) or Female Genital Cutting, <http://www.state.gov/g/wi/rls/rep/crfgm/10048.htm> (last visited Nov. 5, 2008). (I think this date must be incorrect – 5 November 2008)

<sup>80</sup> MEASURE DHS, Female Genital Cutting and the Demographic and Health Surveys, <http://www.measuredhs.com/topics/gender/FGC-CD/start.cfm> (last visited March 5, 2009).

these numbers still reflect the notion that FGM continues to be a widespread practice embedded in cultural tradition.<sup>81</sup>



*N'DJAMENA, CHAD – While pregnant mothers wait in line for pre-natal counseling, they watch a video on forced marriage and female circumcision. © Micah Albert*

## 9. Chad Must Comply with the ICCPR by Enforcing its Legislation that Outlaws FGM.

9.1 Chad must comply with the ICCPR by enforcing its legislation that outlaws FGM. We respectfully suggest the following recommendations:

**Recommendation # 6 of 15:** The Human Rights Committee recommends that Chad enforce Law No. 66/PR/2002, which outlaws FGM.

**Recommendation # 7 of 15:** The Human Rights Committee recommends that Chad institute educational campaigns designed to inform the population of the harm of FGM.

## IV. CHAD DEPRIVES WOMEN OF EQUAL ACCESS TO POLITICAL PARTICIPATION

### 10. Chad Denies Women Equal Access to Political Participation in Chadian Government as Protected by ICCPR, Article 25.

10.1 ICCPR, Article 25 states:

Every citizen shall have the right and the opportunity, without any distinction with regard to sex and without unreasonable restrictions:

- (a) To take part in the conduct of public affairs, directly or through freely chosen representatives;
- (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;
- (c) To have access, on general terms of equality, to public service in his country.<sup>82</sup>

<sup>81</sup> See Chad: FGM/C Country Profile, *supra* note 71.

<sup>82</sup> ICCPR at Part III, Art. 25.

- 10.2 ICCPR Requires Chad to Take Active Steps to Ensure Compliance.** States must ensure that their laws guarantee Article 25 rights to both men and women on equal terms, taking effective and positive measures to promote and ensure women's participation in the conduct of public affairs and in public office.<sup>83</sup> These measures include removing obstacles, such as lack of education and cultural practices, which hinder women's equal enjoyment of their rights.<sup>84</sup>
- 10.3 Violations of Article 25.** Chad violates women's rights under Article 25 by failing to guarantee women and men equal enjoyment of the right to political participation. While women make up 52% of Chadian society,<sup>85</sup> many indicators illustrate a large disparity between political participation of men and women including:
- 10.3.1 Women as Candidates for Office.** In the legislative elections of 21 April 2002, nearly 40 parties fielded a total of 427 candidates of which 35 were women.<sup>86</sup>
- 10.3.2 Participation of Women in Parliament.** Out of 155 total members of the Chadian Parliament, 8 are women,<sup>87</sup> representing 5.2% of the total members of Parliament.
- 10.3.3 Participation of Women in the Executive Cabinet.** Of 38 members of the executive cabinet, 8 are women, representing 16% of the total members of the executive cabinet.<sup>88</sup>
- 10.3.4 Inferior Political Positions Held by Women.** In comparison to positions held by men in government such as defense, justice and foreign relations; women hold positions in government that are relegated to women's 'traditional' roles as wives and mothers such as health, children, women's affairs, and culture.<sup>89</sup>
- 10.4 Systematic Causation.** Chad violates the ICCPR by failing to ensure the cessation of legal and cultural factors that inhibit women's participation in public affairs.

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<sup>83</sup> *General Comment No 28, supra* note 25 at ¶ 29.

<sup>84</sup> *Id.* at ¶ 5.

<sup>85</sup> Madame Fatime Kimto, Ministre De L'action Social Et De La Famille Du Tchad, A La 23eme [Ministry of Social Work and of the Family of Chad, Republic of Chad], Address to the United Nations General Assembly (June 9, 2000) *available at* <http://www.un.org/webcast/csw2005/statements/030905tchad-f.pdf> (March 5, 2009) (Translated by Shadow Report Authors).

<sup>86</sup> Inter-Parliamentary Union, Chad, [http://www.ipu.org/parline-e/reports/2061\\_E.htm](http://www.ipu.org/parline-e/reports/2061_E.htm) (last visited March 5, 2009).

<sup>87</sup> *Id.*

<sup>88</sup> Presidence de la Republique du Tchad, Gouvernement, [President of the Republic of Chad], <http://www.presidencetchad.org/gouvernement.htm> (last visited March 5, 2009) (Translated by Shadow Report Authors).

<sup>89</sup> Eugène Le-yotha Ngardebaye, *La participation de la femme à la vie politique au Tchad: 1933-2003 [The Participation of the Woman in Political Life in Chad: 1933-2003]*, Université Catholique d'Afrique Centrale - Maîtrise en Sciences Sociales option Sciences Juridiques et Politiques [Catholic University of Central Africa-Masters in Social Science Legal and Political Science Concentration], *available at* [http://www.memoireonline.com/07/08/1217/m\\_participation-femme-vie-politique-tchad-1933-20030.html](http://www.memoireonline.com/07/08/1217/m_participation-femme-vie-politique-tchad-1933-20030.html) (March 5, 2009) (Translated by Shadow Report Authors).

**10.4.1 Chad Violates the ICCPR by Failing to Ensure that Religion Does Not Interfere with Women’s Rights.** 51% of the Chadian population are Muslim.<sup>90</sup> For those Muslim women who marry, their husbands are in charge of them<sup>91</sup> according to their religious beliefs resulting in a limitation on their ability to participate in public affairs because it is culturally believed that the husband is in charge of the wife’s public affairs.<sup>92</sup> Due to cultural interpretations of Chapter 33.33 of the Qur’an,<sup>93</sup> some Muslim husbands require their wives to stay in their house,<sup>94</sup> resulting in husbands being allowed to vote on behalf of their wives.<sup>95</sup> This interpretation of the Qur’an results in the inability of women to leave the house to vote.<sup>96</sup>

**10.4.2 Chad Violates the ICCPR by Failing to Ensure that Women Have the Education Necessary to Participate in Public Affairs.** High illiteracy rates of women and low enrollment of girls in schools, in comparison to men and boys, creates obstacles for women to participate in public affairs.<sup>97</sup>

**11. Chad Must Ensure that Women Have Equal Access to Political Participation.**

**11.1** Chad must confront legal and cultural factors that lead to inequality in women’s access to and denied ability to participate in public affairs. We respectfully suggest the following recommendations:

**Recommendation # 8 of 15:** The Human Rights Committee recommends that Chad consider qualified women on an equal basis as qualified men for positions in all levels of government.

**Recommendation # 9 of 15:** The Human Rights Committee recommends that Chad increase the number of women in government and encourage political parties to nominate more female candidates in elections.

<sup>90</sup> U.S. Department of State, Chad Profile, <http://www.state.gov/r/pa/ei/bgn/37992.htm> (last visited March 5, 2009).

<sup>91</sup> See *Qur’an Chapter 004.034*, available at <http://quranexplorer.com> (stating that men are in charge of women).

الرِّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ بِمَا فَضَّلَ اللَّهُ بَعْضَهُمْ عَلَى بَعْضٍ  
 قُنُوتٌ حَفِظْتُ لِلتَّغْيِبِ بِمَا حَفِظَ اللَّهُ وَاللَّيِّ تَخَافُونَ نُسُوزَهُنَّ فَعِظُوهُنَّ وَأَهْجُرُوهُنَّ فِي الْمَضَاجِعِ  
 وَأَضْرِبُوهُنَّ فَإِنْ أَطَعْتُمْ فَلَا تَبْغُوا عَلَيْهِنَّ سَبِيلًا إِنَّ اللَّهَ كَانَ عَلِيمًا كَبِيرًا (٣٤)

<sup>92</sup> Interview with Ms. Rahma Hersi, LL.B, Islamic Law & LL.M., International Comparative Law (Feb. 15, 2009).

<sup>93</sup> See *supra* note 91 at 0033.033 (stating that it is advised that women should stay in their houses).

وَقَرْنَ فِي بُيُوتِكُنَّ وَلَا تَبَرَّجْنَ تَبَرُّجَ الْجَاهِلِيَّةِ الْأُولَى وَأَقِمْنَ الصَّلَاةَ وَآتِينَ الزَّكَاةَ وَأَطِعْنَ اللَّهَ  
 وَرَسُولَهُ إِنَّمَا يُرِيدُ اللَّهُ لِيُذْهِبَ عَنْكُمُ الرِّجْسَ أَهْلَ الْبَيْتِ وَيُطَهِّرَكُمْ تَطْهِيرًا (٣٣)

<sup>94</sup> Interview with Ms. Rahma Hersi, LL.B, Islamic Law & LL.M., International Comparative Law (Feb. 15, 2009).

<sup>95</sup> Interview with Mr. Irénée Djerambete Madnengar, Centre de formation et éducation instrument de la Paix, Tchad [Instrument of Peace Formation and Education Center, Chad] and presently an Intern at UN Centre for Human Rights and Democracy in Central Africa (March 4, 2009).

<sup>96</sup> Interview with Ms. Rahma Hersi, LL.B, Islamic Law & LL.M., International Comparative Law (Feb. 15, 2009).

<sup>97</sup> See Exhibit 1, Affidavit of Fulbright Scholar, Valery Nadjibe, *supra* note 30 at ¶ 9 & 10 (explaining that women and girls are not educated as men and boys in Chad due to culturally held belief that women are inferior to men, which leads to a lack of representation of women in government); See also Chad Profile, *supra* note 90.

**Recommendation # 10 of 15:** The Human Rights Committee recommends that Chad enforce the right of women to vote.

**Recommendation # 11 of 15:** The Human Rights Committee recommends that Chad protect women's political rights from traditional, cultural and religious factors that affect women's political participation in government or voting through observatory and enforcement agencies.

## V. CHAD UNLAWFULLY DISCRIMINATES BY DENYING EDUCATION TO WOMEN AND GIRLS

### 12. Chad Discriminates by Denying Education to Chadian Women and Girls in Violation of Article 24.

#### 12.1 ICCPR, Article 24, Section 1 states:

Every child shall have, without any discrimination as to sex, the right to such measures of protection as are required by his status as a minor, on the part of his family, society, and the State.<sup>98</sup>

The Human Rights Committee has stated under this article that:

In the cultural field, every possible measure should be taken to foster the development of their personality and to provide them with a level of education that will enable them to enjoy the rights recognized in the Covenant, particularly the right to freedom of opinion and expression.<sup>99</sup>

#### 12.2 ICCPR Requires Chad to Take Active Steps to Ensure Compliance. States must "take all necessary steps to ensure" the equal enjoyment of the right to education.<sup>100</sup> These steps include removing obstacles, such as cultural practices that hinder women's equal enjoyment of their rights.<sup>101</sup>

#### 12.3 Chadian Law. The Constitution of Chad provides that Chadians of the two sexes have the same rights and same duties and that they are equal before the law<sup>102</sup> and provides for the elimination of discrimination, in all forms, against women.<sup>103</sup> By law each citizen of Chad has the right to education and public education is free and

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<sup>98</sup> ICCPR at Part III, Art. 24(1).

<sup>99</sup> *General Comment No 17*, *supra* note 44 at ¶ 3.

<sup>100</sup> *General Comment No 28*, *supra* note 25 at ¶ 3.

<sup>101</sup> *Id.* at ¶ 5.

<sup>102</sup> Constitution, *supra* note 10 at art. 13 (Translated by Shadow Report Authors).

Les Tchadiens des deux sexes ont les mêmes droits et les mêmes devoirs. Ils sont égaux devant la loi.

<sup>103</sup> *Id.* at art. 14 (Translated by Shadow Report Authors).

L'État assure à tous l'égalité devant la loi sans distinction d'origine, de race, de sexe, de religion, d'opinion politique ou de position sociale. Il 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 privée et publique.

obligatory at the primary level.<sup>104</sup> The government is charged with establishing conditions and institutions to ensure and guarantee the education of children.<sup>105</sup>

**12.4 Violation of Article 24.** Chad violates ICCPR, Article 24 by breaching its obligation to ensure women and girls equally enjoy the right to education as men and boys. Many indicators illustrate the disparity between males and females in educational attainment, including:

**12.4.1 Chad Has one of the Highest Rates of Gender Inequality.** According to UNDP in its development ranking for education, literacy, and life expectancy, Chad has one of the highest rates of gender disparity. Chad ranks 149 out of 157 countries in the UNDP gender-related development index.<sup>106</sup> Chad ranks lower than all of its neighboring countries, except for Sudan.<sup>107</sup>

**12.4.2 Primary School Net Enrollment Ratio.** An estimated 50% of girls are enrolled in primary school, while 72% of boys are enrolled.<sup>108</sup>

**12.4.3 Secondary School Net Enrollment Ratio.** For the years 2000-2006, secondary school enrollment for girls was 5% compared to 16% for boys.<sup>109</sup>

**12.4.4 Youth Literacy Rate (15-24 years).** The literacy rate among male youth is approximately 56%, while the literacy rate among female youth is an estimated 23%.<sup>110</sup>

**12.4.5 Adult Literacy Rates.** An estimated 52% of the male population in Chad are literate, while only 34% of the female population are literate.<sup>111</sup>

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<sup>104</sup> *Id.* at art. 35 (Translated by Shadow Report Authors).

Tout citoyen a droit à l'instruction. L'enseignement public est laïc et gratuit. L'enseignement privé est reconnu et s'exerce dans les conditions définies par la loi. L'enseignement fondamental est obligatoire.

<sup>105</sup> *Id.* at art. 36 (Translated by Shadow Report Authors).

L'État et les collectivités territoriales décentralisées créent les conditions et les institutions qui assurent et garantissent l'éducation des enfants.

<sup>106</sup> United Nations Development Programme (UNDP), Human Development Reports: Chad, [http://hdrstats.undp.org/countries/country\\_fact\\_sheets/cty\\_fs\\_TCD.html](http://hdrstats.undp.org/countries/country_fact_sheets/cty_fs_TCD.html) (last visited March 5, 2009). The 2007/2008 Chad Human Development Report contains a ratio for Chad's human development index (HDI) and the gender-related development index (GDI). The HDI measures the average progress of a country in human development. The educational component of the HDI is comprised of adult literacy rates and the combined gross enrollment ratio for primary, secondary and tertiary schooling, weighted to give adult literacy more significance in the statistic. The HDI measures average achievements in a country, but it does not incorporate the degree of gender imbalance in these achievements. The GDI measures achievement in the same basic capabilities as the HDI does, but takes note of inequality in achievement between women and men. The methodology used imposes a penalty for inequality, such that the GDI falls when the achievement levels of both women and men in a country go down or when the disparity between their achievements increases. The greater the gender disparity in basic capabilities, the lower a country's GDI compared with its HDI. Chad's GDI value, 0.370 should be compared to its HDI value of 0.388. Its GDI value is 95.4% of its HDI value. Out of the 156 countries with both HDI and GDI values, 148 countries have a better ratio than Chad's.

<sup>107</sup> *Id.*

<sup>108</sup> Chad FGM/C: Country Profile, *supra* note 71.

<sup>109</sup> *Id.*

<sup>110</sup> *Id.*

12.5 **Failure to Prohibit Discriminatory Practices and Policies.** The educational disparity, as evidenced by the UNDP study, is caused by Chad's failure to confront cultural practices and adequately fund schools.

12.5.1 **Chad Violates the ICCPR by Failing to Prohibit Customary Practices that Limit Women's and Girls' Access to Education.** As noted earlier, Chad has failed to put an end to early marriage, which often results in girls quitting school.<sup>112</sup> According to UNICEF, Chad has failed to prohibit the common practice of school-age girls staying at home to care for household duties, which prevents girls from obtaining a formal education.<sup>113</sup>



*Here a girl recovers from obstetric fistula surgery at a UNFPA training center, which assists girls who are trying to earn their way back into their communities after being ostracized as a result of the surgery. © Micah Albert*

12.5.2 **Chad Violates Women's and Girls' Rights by Failing to Fund Education.** Given the customary cultural practices, girls are disproportionately affected by Chad's lack of funding for education. In 2003, UNICEF found that the Chadian government expenditure on education was 2% of the gross domestic product,<sup>114</sup> and the following year, the UNESCO Director General noted that 6% of gross domestic product in Chad would be an appropriate amount for education funding.<sup>115</sup> By law, education in Chad is universal and free; however, due to a lack of adequate funding families are often required to pay for teachers' salaries as well as supplies for school, generally without reimbursement from the government.<sup>116</sup> Currently, there are approximately

<sup>111</sup> UNICEF, *GIRLS' EDUCATION IN CHAD* (2003), [www.unicef.org/girlseducation/files/Chad\\_2003\\_\(w.corrections\).doc](http://www.unicef.org/girlseducation/files/Chad_2003_(w.corrections).doc) (last visited March 5, 2009).

<sup>112</sup> See Exhibit 1, Affidavit of Fulbright Scholar, Valery Nadjibe, *supra* note 30 at ¶ 6; See also *Early Marriage: Child Spouses*, *supra* note 34 at 11.

<sup>113</sup> Jane O'Brien, *Educating Fatna: For a Refugee Schoolgirl in Chad, a Chance to Learn*, UNICEF, Apr. 13, 2006, [http://www.unicef.org/infobycountry/chad\\_33384.html](http://www.unicef.org/infobycountry/chad_33384.html) (last visited March 5, 2009).

<sup>114</sup> *GIRLS' EDUCATION IN CHAD*, *supra* note 111.

<sup>115</sup> UNESCO, *Official Visit of the Director-General to Chad*, [http://portal.unesco.org/en/ev.php-URL\\_ID=23764&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/en/ev.php-URL_ID=23764&URL_DO=DO_TOPIC&URL_SECTION=201.html) (last visited March 5, 2009).

<sup>116</sup> Chad Profile, *supra* note 90.

7,000 classrooms available, but approximately 35,000 classrooms are needed to meet the educational demands of the host and refugee population in Chad.<sup>117</sup>

### 13. Chad Must Ensure Women and Girls are Offered an Education on an Equal Basis as Men and Boys.

- 13.1 Chad must comply with the ICCPR and its own domestic laws to provide adequate education to Chadian women and girls. We respectfully suggest the following recommendations:

*Recommendation # 12 of 15:* The Human Rights Committee recommends that Chad undertake educational campaigns to ensure women's and girls' access to education.

*Recommendation # 13 of 15:* The Human Rights Committee recommends that Chad allocate more resources to providing education to Chadian women and girls and provide adequate funding for teachers' salaries, school supplies, and more classrooms.

*Recommendations # 14 of 15:* The Human Rights Committee recommends that Chad establish adult literacy programs for all adults, particularly women.

*Recommendation # 15 of 15:* The Human Rights Committee recommends that Chad meet the UN Millennium Goals concerning education particularly as it relates to women and girls.

## Conclusion

As a party to the ICCPR, Chad must provide Chadian women and girls a wide range of civil and political rights. Chad has breached the ICCPR by failing to uphold its obligations under Article 2 and 3 to ensure Chadian women's and girls' rights under the Convention. Chad has violated the rights of women and girls in four areas: (1) Discrimination in Marriage Rights, (2) Persistence of FGM, (3) Political Participation and Representation, and (4) Education.

Chad violates Chadian women's and girls' right to equality at and during marriage protected under Article 23 by allowing marriage of young girls unable to fully consent to marriage and by permitting men to practice polygamy during marriage. Chad violates Chadian women's and girls' right to life under Article 6 and right to be free from torture under Article 7 by failing to ensure that women and girls are not subjected to FGM, which inflicts great pain and can be life threatening. Chad denies Chadian women the right to access to and to participate in public affairs protected under Article 25 by failing to ensure that women can vote, run for office, and hold positions in government. Chad

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<sup>117</sup> Emergency Architects, Chad, [http://www.archi-urgent.com/index.php?option=com\\_content&task=view&id=41&Itemid=60&lang=en](http://www.archi-urgent.com/index.php?option=com_content&task=view&id=41&Itemid=60&lang=en) (last visited March 5, 2009).

violates Chadian women's and girls' right to education protected under Article 24 by discriminating in providing education to women and girls.

Chad must ensure that its citizens, including women and girls, enjoy all internationally recognized human rights protected under the ICCPR. Chad perpetuates a system in which Chadian women and girls are denied their rights.

Thus, we respectfully request that the Human Rights Committee conclude that the Chadian government has violated its obligations under ICCPR, Articles 2, 3, 6, 7, 24, and 25. We urge the Human Rights Committee to call on the Chadian government to adopt and amend its laws, policies, and practices to protect the civil and political rights of Chadian women and girls. Such changes must be made before Chadian women and girls can enjoy the human rights protections established under international human rights law.

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# **Exhibit 1**

## **Affidavit of**

**Fulbright Scholar Valery Nadjibe,**

**Member, Chadian Association of Victims  
of Political Repression and Crimes**

**(The original Affidavit contains a notary stamp, which does not appear in the copied document contained in this report.)**

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## AFFIDAVIT OF VALERY NADJIBE

**First Name:** Valery

**Last Name:** Nadjibe

**Nationality:** Chadian

**Date and Place of Birth:** May 21, 1977, Doba, Logone Oriental, Chad

**Mailing Address:** 340 Main St. Apt. 704, Melrose, MA 02176

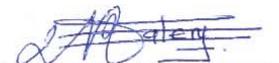
I, Valery Nadjibe, declare that:

1. My name is Valery Nadjibe. I am a native and citizen of the Republic of Chad where I spent most of my life. I currently reside in the United States of America at 340 Main Street Apt 704, Melrose, 02176. I came to the USA in February of 2006 on a Fulbright Scholarship through which I completed a Master Degree in Conflict Transformation and Development.
2. My own family has a long history of political oppression by the past and current regimes in Chad. Since July 30, 2002, I have been affiliated with the Chadian Association of Victims of Political Repression and Crimes (CAVPRC). Due to past persecution and human rights abuses against my family, I requested and was granted asylum in the United States in September 2008.
3. My memories of Human Rights violations in Chad are still fresh and I make these comments on the basis of my life experience in Chad. While in Chad and from the United States, I have paid close attention to violations of human rights of all nature and particularly those of women and girls. These abuses include early marriage, unequal access education, female genital mutilation, lack of political rights and representation.
4. Early marriage, which is usually associated with violence, is very common in villages as well as urban areas. In Chad, early marriage is practiced in almost all ethnic groups and among both educated and non-educated people. The ultimate reason practitioners keep performing these early marriages is out of respect of their traditions or cultures. The age at which a girl is given to a "husband" or forced to marry a "husband" vary according to her family, financial situation and location. Girls in rural areas tend to be given to marriage earlier than those in big cities. Puberty serves as general sign of readiness for marriage of the girls.
5. Generally speaking, earlier marriage is arranged and organized for girls between 12 and 15 years. This arrangement is normally between the bride and groom's families without consent of the bride and groom. I know of many cases where a girl only finds out that she will be married a couple of days before the official ceremony. In Chad, arranged marriages are broadly conceived as the safest way to reach sustainable marriage. The general population believes that your parents' choice of husband or a wife is the right one. The girls, whose husbands are chosen by their parents, have no right to contest or question the procedure. Parents tend to curse their daughters who refuse their choice of a husband. I am aware that in some cases where parents see their daughters protest the marriage, girls are severely beaten, sometimes resulting in death.
6. I know from the experiences of my own family members that the age difference between "the husband" and the wife does not matter. I have witnessed in my own ethnic group several arranged marriages for

teenage girls and adult men. For example, at the age of fifteen, my maternal aunt was married to a man who was in his late 40's. My aunt was very successful in school, but she had to stop going to school in order to take care of her husband, then the five children that she had in a short amount of time. She was physically beaten and morally terrorized on a regular basis. Ironically, beating your wife is a gesture of love in Chad. My aunt was constantly beaten not because her husband loved her but because she was opposing the fact that her husband was having affairs and planning on getting a second wife.

7. I know of many Chadian women whose husbands have multiple wives. In Chad, polygamy is culturally and socially acceptable and seen as mark of responsibility and wealth. Many dignitaries in Chad from all tribes and religions are polygamous. The president of Chad, Mr. Idriss Deby Itno is married to various wives.
8. Domestic violence against women is very common. I have never seen a police intervention or seen a criminal action taken against the men who do it.
9. As a boy growing up in Chad, I know that in Chad boys are more likely to attend school; hence boys are also more likely to succeed than girls. Educational opportunities are very limited for girls mainly due to cultural and traditional norms and beliefs. Despite initiatives of the Chadian government to make primary and secondary education free of charge for girls, there is a huge disparity between girls and boys when it comes to education. Only 5 out of 100 girls enrolled in primary schools complete high school. The literacy rate for women is as low as 12.8% compared to 40.8% for men (The CIA World Fact book, 2000).
10. I know from my own interactions in Chadian society that ordinary Chadian men still believe that girls are born to cook and give birth, but not to go to school. The same beliefs dictate that an educated woman would not respect and obey her husband and therefore no girl should be educated in a modern school. The society is afraid of educated women about whom they say; "they are dangerously transformed by the French education." In N'Djamena, the capital city, where I lived for almost two decades, women do not participate in political, civil or public services. There have been a few women nominated for cabinet positions in the government. The first woman ever nominated Dean of a high school was Elise Loum, in the late 90's. In the history of Chad no woman has ever run in a presidential election. This is not because women in Chad do not have political ambitions or the capability to govern, but there is a lack of educated women. Even these women are rarely promoted to higher positions. In Chad men have difficulty accepting a woman as boss because they have been taught that women should be subordinate to men.
11. Many Chadian women are subject to female genital mutilation (FGM). FGM is practiced throughout the southern part, the eastern part, and the northern part of Chad. Unwillingly or voluntarily, girls usually undergo FGM between the ages of nine and twelve. However, it is not uncommon for girls as old as 15 to undergo FGM. Approximately 50% of Chadian women experience FGM.
12. In Chad, FGM is accompanied by traditional initiation rites called Bah-Yan and could last more than two weeks. It is only during the Bah-Yan period that the FGM occurs. After the FGM is completed the group of girls, who underwent the procedure together, have to dance, partially naked, in some defined place of their villages or city. In the southern part of Chad, the girls are not only circumcised but return home with lots of long scars on their foreheads, cheeks, and chins. These scars called "Ndidja" in some places and "Ndadja" in others have esthetic connotation and symbolize the Bah-Yan phase. In the South-East regions, girls return home from the traditional initiation rites with new names. No men and uncircumcised women are allowed in the Bah-Yan area which is generally isolated from the general population. You get to see the circumcised girls only when they come out to dance or when they return definitively home.

13. Reasons for FGM widely vary from village to village and among various tribal groups. Sometimes, reasons around FGM simply depend on who you talk to. Very often FGM is performed on girls for the motive of faithfulness. The people in Chad believe that circumcised women are more faithful than those who have not been circumcised. In some villages in the south, circumcised girls are more valued and preferred for marriage than those who are not. This discrimination against uncircumcised girls is the real reason many girls wish to be circumcised.
14. There is a long history of FGM practices in different parts of Chad. However, FGM was widely encouraged and imposed on the general population during the reign of the first president of Chad, Mr. Ngarta Tombalbaye. Mr. Tombalbaye launched and promoted what he called "Tchaditude", as a form of Cultural Revolution against western values. Almost all females who lived in Chad between 1960 and 1975, including my own mother, had to go through the practice of FGM.
15. My mother Rachel Mbaitouenar who is a post-op woman as well as a nurse in a local hospital observes serious medical complications related to FGM. On my telephone interview with my mother on 02/22/2009, she stated: "women with history of FGM encounter complications of all natures during pregnancy and childbirth. I am glad I did not have my two daughters go through this thing [FGM]."
16. Girls who experience FGM are subject to contract viruses such as HIV, and other life threatening diseases. There is a high rate of contamination due to non-sterilized razors used to perform the genital cutting.
17. Campaigns and activities of the government and non-government agencies against FGM have produced a minor regression of this practice in cities.
18. Although I am presently away from my homeland, I am informed regularly on the human rights violations and other cultural issues by speaking frequently with my relatives and reading relevant articles. This process helps me obtain the best of knowledge of the current situation in Chad.

  
 Valery Nadjibe

03/02/09  
 Date

I signed and solemnly certify that I have read the above document and that to the best of my knowledge, information, and belief formed after reasonable inquiry it is well grounded in fact.

Subscribed and sworn to me by Valery Nadjibe on 3-2, 2009.

  
 Notary Public

My commission expires on 3-29-13.

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## **Exhibit 2**

### **Affidavit of**

**Micah Albert, Photojournalist**

**(Represented by Redux Pictures &  
Contributor for The New York Times &  
BBC World)**

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### Affidavit of Micah Albert

**First Name:** Micah

**Last Name:** Albert

**Nationality:** United States

**Date and Place of Birth:**  Jan 02, 1979 Bakersfield CA

**Mailing Address:**  11 Charlcote Pl. Baltimore MD 21218

I, Micah Albert declare that:

1. I am a photojournalist represented by Redux Pictures and contributor for The New York Times and BBC World. I have spent the last five years covering and producing a variety of human-interest stories from Sudan, Chad, Democratic Republic of Congo (DRC), Central African Republic, Kenya, Rwanda, and many others. I have reported on the Sudanese civil war, refugee life in east Chad, Kenyan post-election conflict, the historic election in DR Congo and have produced stories on public health, issues of energy and commodities, conflict, and human rights just to name a few.
2. In September of 2008, I spent a month in Chad for the United Nations Population Fund (UNFPA) covering the following issues: 1) Chadian internally displaced population in the Southeast, 2) Sudanese refugees in the East, and 3) fistula and maternity clinics all over the nation.
3. During my work, I witnessed many young girls that suffered from obstetric fistula due giving birth at a young age. I found that birth at a young age is due to the early marriage of girls in Chad. Marriage is forced upon girls as young as 11 years old. In some cases, the husband of a young girl is three times the age of the wife. From my interaction with girls in Chad, they confront the fear of early marriage in a hidden way.
4. Girls that had suffered from obstetric fistula that I came into contact with at a UNFPA center were so ostracized from their families and communities that they could not return to their families or communities after seeking treatment for the fistula. The only way they were able to gain reentry to their family or community life was to prove they had a valuable skill that would allow them to earn their way back.
5. One girl I interviewed had the following story:

At only 13 years of age, she suffered through 3 days of labor in a remote village in Chad near the Sudan boarder with the baby stuck for a day and a half. Eventually the baby died and she fell into a coma. Because her family heard about a clinic that could help with her coma and fistula, they took her by camel 6 days to reach it, only to have an unsuccessful surgery attempt. A year later her husband took her to Libya for another attempt at surgery. When that surgery failed, her husband left her and she went back to Chad alone. Upon arriving in Chad, she went to another clinic to attempt another surgery to correct the fistula so that she can return to her village with respect.

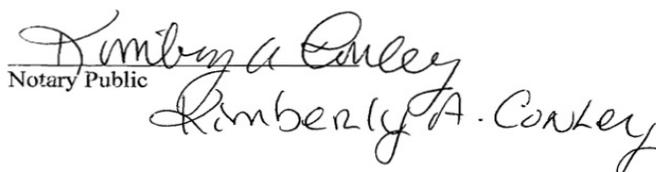
6. In terms of education, the deplorable situation in Southern Chad is unmatched by any other country I have traveled to in Central and East Africa. The lack of government provided education, let alone simple structures that could act as basic school-houses, were practically non-existent. The amount of children on a given day wondering the streets or country side was actually shocking; even compared to regions like eastern DRC or Sudan. From my understanding, education only exists for male boys within the top 3 largest cities on Chad.

  
\_\_\_\_\_  
Micah Albert

2/28/09  
Date

I signed and solemnly certify that I have read the above document and that to the best of my knowledge it is well grounded in fact.

Subscribed and sworn to me on Feb 28, 2009 by Micah Albert.

  
\_\_\_\_\_  
Notary Public  
Kimberly A. Conley

My commission expires on 10/1/2010.

  
\_\_\_\_\_  
Notary Signature

2/28/09  
Date