

Women's rights protection instruments ratified by Chad:

- **CEDAW:** ratified in 1995
- **CEDAW Protocol:** not signed
- **Maputo Protocol:** signed in 2004, not ratified

Ratify! Although Chad ratified the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) in 1995 it has not ratified either the Optional Protocol to CEDAW or the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol).

Respect! The Coalition of the Campaign is particularly concerned by: the persistence of discriminatory legislation; discrimination within the family; violence against women; violations of women's inheritance rights; and limited access of women to education, employment, decision-making positions, health and justice.

/ Some positive developments...

The Coalition of the Campaign acknowledges the recent adoption of several laws and policies aimed at improving respect for women's rights, including:

- The adoption of Law No. 06/PR/2002 of 15 April 2002, which prohibits female genital mutilation, early marriage, domestic and sexual violence.
- The revision in 2005 of Article 222 of the Constitution which establishes the supremacy of international treaties over domestic laws.

/ But discrimination and violence persist

IN LAW

In Chad, statutory law applies alongside customary law and Muslim law. The Constitution of 1996 prohibits customs that promote inequality between citizens (art. 161). It specifies that: "The rules of custom and tradition governing systems of matrimonial property and the inheritance of property may only be applied with the consent of the parties". In the absence of consent, statutory law applies. However in practice customary and religious law continue to govern many aspects of family life (parental authority, inheritance etc.), especially in the North of the country.

Moreover, several statutory laws remain discriminatory, especially within the area of the family. For example:

- The French Civil Code 1958, which is still in force, provides that the legal minimum age for marriage is 15 years for girls and 18 years for boys (art. 144). The Criminal Code 1967, which qualifies as rape any customary marriage consummated before the girl has reached 13 years of age, de facto recognises 13 years as a legal age for marriage (art. 277).

- According to the Criminal Code, the consent of the female is not a condition for marriage (art. 289 -2).
- According to Ordinance no. 3 INT of 1961 regulating civil status, a dowry is a prerequisite for marriage and polygamy is authorised. When a husband takes a second wife, the first is entitled to ask for the dissolution of her marriage, but she must reimburse her dowry and the other expenses connected with the marriage.

IN PRACTICE

• Discrimination in the family

There is no legislation specifically relating to the family. Women are thus excluded from legal protection. On 8 March 2005 the President of Chad, Idriss Déby, announced his intention to promote the rapid adoption of a Family Code advocating gender equality, however this legislation is still at the draft stage.

Early and forced marriages are especially widespread in Chad. In 2004, it was estimated that 49% of girls between 15 and 19 years of age were married, divorced or widowed. Polygamy, which is frequently practised, affects more than one third of married women. According to tradition, only men have parental authority and, in case of divorce, mothers can only obtain custody of the children up to the age of 6 years.

• Violence

Violence against women remains highly prevalent, and in the absence of adequate protection from the law, impunity is widespread. Although the Law on reproductive health adopted in April 2002 prohibits some forms of violence against women such as female genital mutilation (FGM), early marriage and domestic and sexual violence, the decrees implementing this law have never been published.

The Criminal Code does not sanction certain forms of violence such as incest, forced marriage, marital rape or sexual harassment and these cases are often dealt within the family setting or by traditional authorities.

Moreover, there are no facilities to support women who are victims of violence. With regard to rape, although it is illegal, the law does not specify any criminal sanction and although the police sometimes arrest and detain those who commit rape, cases of sexual violence very rarely reach the courts.

Female genital mutilation (FGM) is still practised throughout the country. It is estimated that almost half the women in Chad have been subjected to a more or less severe form of FGM. Infibulation, in particular, is practised in the eastern part of the country.

Sudanese refugees and internally displaced women in East Chad are particularly vulnerable to sexual violence. A survey carried out by the United Nations Population Fund (UNFPA) in 2009 revealed that the prevalence of sexual violence is 15 to 20% in the displacement camps. The main perpetrators of these crimes include soldiers from the Chad National Army (ANT).

• Obstacles to access to property

Although property and inheritance laws do not contain discriminatory provisions, in practice many women do not receive any inheritance because the estate is plundered by the men in the family. In cases of dispute, the local authorities generally find in

favour of men in accordance with tradition. In practice, it is also very difficult for women to gain access to land, since traditions reserve this right to men.

- **Obstacles to access to education, employment and public and political life**

50% of women were in primary education and 5% in secondary education for the period 2000-2007. The number of early marriages contributes to the low proportion of girls in secondary education.

Although the reform of the Labour Code in 1996 and the revision of the general collective agreement in 2002, provided for equal access to employment for men and women, women in Chad continue to face many obstacles. The majority work in the informal sector for salaries inferior to those of men and in precarious conditions. Women have very little access to positions of responsibility and are largely under-represented in political life. During the last legislative elections in 2002, out of 30

The Coalition of the Campaign calls on the authorities of Chad to:

- **Reform all discriminatory laws** in conformity with CEDAW, in particular discriminatory provisions within the Criminal Code and the Civil Code.
- **Adopt laws protecting women's rights in family matters**, in conformity with CEDAW, and ensure that discriminatory provisions of customary law do not apply.
- **Strengthen laws and policies to combat violence against women**, and especially: reform the Criminal Code in order to sanction any form of violence, including marital rape; adopt and publish decrees implementing the Law on reproductive health 2002 and take all the necessary steps to ensure that it is fully applied; allocate additional financial resources in order to establish victim support services, legal aid services and shelters, with the aim of combating domestic violence; and strengthen efforts to combat FGM.
- **Ensure equal access for women to property**, including land, inherited property and bank loans.
- **Adopt measures to eliminate obstacles to the education of girls and women**, in particular so as to ensure that girls stay in the educational system, including pregnant and married students; and establish awareness programmes in order to overcome stereotypes and traditional attitudes.
- **Adopt measures to ensure women's access to healthcare**, including obstetric care and family planning; and ensure access to contraception, so as to reduce the number of clandestine abortions.
- **Take the necessary steps to ensure women's access to justice**, especially by ensuring the training of judicial and police personnel; by establishing information campaigns targeting women and informing them of their rights; and by providing free legal aid for women victims.
- **Take all necessary steps to reform or eliminate discriminatory cultural practices and stereotypes**, especially through awareness-raising programmes targeting men and women, government officials, religious leaders, community and traditional leaders.

women candidates, and a total of 155 members of parliament, only 9 women were elected (5.8 %) (the previous parliament had 3 women, or 2.4 %). There are no laws establishing temporary special measures such as quotas.

• **Obstacles to access to health**

Although the Law on reproductive health of 2002 provides for the right to safe, effective and affordable local health services and special assistance for those with HIV, in practice access to such services, including contraception and family planning, remains very limited for Chadian women. Chad has the highest rate of maternal mortality in the world with 1,500 deaths per 100,000 births in 2005.

• **Obstacles to access to justice**

Chadian women encounter immense difficulties in accessing justice and asserting their rights. Legal costs are particularly high, there is insufficient awareness of women's rights and the laws that protect them and a lack of training of police and legal personnel. Finally, religious leaders who wield considerable authority among the population often interpret the law to the detriment of women.

PRINCIPAL SOURCES

- Focal Points: LTDH, ATPDH
- Universal Periodic Review, Chad, July 2009
- UNICEF, www.unicef.org
- AWID, Association for Women's Rights and Development, www.awid.org

For more information on women's rights and the actions of the campaign in Chad, see: www.africa4womensrights.org

THE CAMPAIGN FOCAL POINTS IN CHAD

Ligue Tchadienne des Droits de l'Homme (LTDH)



LTDH was established in 1991 in N'Djamena. Its Gender Commission fights all forms of discrimination against women: awareness-raising campaigns on laws protecting women's rights and violence against women; advocacy for conformity of domestic laws with international instruments protecting women's rights.

www.laltdh.org

Association tchadienne pour la promotion et la défense des droits de l'Homme (ATPDH)



Established in 1991, ATPDH promotes and protects human rights. It is independent, apolitical and secular. Through activities including legal advice, investigation, advocacy, education and awareness-raising, it focuses on the following themes: combating impunity; physical integrity and forms of torture; the rights and obligations of prisoners; the protection of women and children; public freedoms.