

## Chad

### 1. Discriminatory family code

The Civil Code of Chad sets the **minimum age of marriage** at 15 for girls and 18 for boys.<sup>1</sup> However, there is a conflict between the Civil Code, the Criminal Code and customary laws on the minimum age of marriage. Article 277 of the Criminal Code stipulates that the consummation of a customary marriage before a girl has reached the age of 13 is prohibited.<sup>2</sup> Thus the Criminal Code permits customary marriages at earlier ages, even when girls have not reached the age of 13, under the condition that it is not consummated. It should be noted that the government is currently considering a draft code on the person and family which sets the minimum age for marriage at 18 for boys and 17 for girls.<sup>3</sup>

The United Nations has found **forced marriage** to be a problem in Chad. In 2005, the United Nations Special Human Rights Expert on Chad highlighted that 30% of women reported being forced to marry against their will.<sup>4</sup> Article 289 of the Criminal Code provides that if a kidnapped or abducted minor marries her abductor, he may be prosecuted only by persons with the legal capacity to request annulment, and he may not be convicted until after the annulment is granted.<sup>5</sup>

According to the country's latest report to the Committee on the Elimination of Discrimination against Women (CEDAW) in 2011, a draft code on the person and the family has yet to be enacted, and the rights of women in marriage are governed by the French Civil Code which was inherited from the colonial period and has been in force since 1958.<sup>6</sup> According to the report, the draft code will raise the status and role of women in terms of authority over the family by stipulating that "the married couple assume together the same responsibilities during the marriage and in family relations."<sup>7</sup> This implies that current law does not provide women with equal rights with respect to **parental authority** during marriage. However, current legislation does grant women equality in some aspects of marriage, for example, article 17 of the Chadian Nationality Code stipulates that the acquisition of Chadian nationality through marriage is the same for women and men.<sup>8</sup> Further, Articles 219-220 of the Civil Code stipulate that women may be head of household.<sup>9</sup> That said, the

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<sup>1</sup> United Nations Committee on Economic, Social and Cultural Rights (2009), p. 15

<sup>2</sup> CEDAW (2010), pp. 38, 67 [The government submitted the report in 2010 but reported to CEDAW in 2011]

<sup>3</sup> CEDAW (2010), p. 71

<sup>4</sup> United Nations Economic and Social Council (2005), p. 13

<sup>5</sup> United Nations Committee on the Rights of the Child (2007), p. 19

<sup>6</sup> CEDAW (2010), p. 71

<sup>7</sup> CEDAW (2010), p. 71

<sup>8</sup> CEDAW (2010), p. 42

<sup>9</sup> World Bank (2013a)

government's last report to CEDAW indicates that "in terms of agricultural and general economic activity, a woman is not solely in charge of her income. The husband has a right of inspection and management over the income of his wife and only rarely does that income serve for the personal fulfilment of the woman at home."<sup>10</sup>

In Chad, succession is primarily governed by customary and Islamic law. Under customary law, women do not **inherit** from deceased husbands at all. Under Islamic law, a widow will only inherit one quarter of the property. Girls generally inherit only one half of the share inherited by boys.<sup>11</sup>

With respect to divorce, the court must pronounce a **divorce**, which may be either fault-based or through mutual consent. If the divorce is pronounced as the husband's fault, the wife obtains custody of the children and is entitled to alimony payments.<sup>12</sup> However, the Centre for Reproductive Rights reports that despite these legal protections, women are often vulnerable after divorce as rights are not exercised or guaranteed in practice due to the lower social status of women.<sup>13</sup>

## 2. Restricted physical integrity

There is no specific law prohibiting **domestic violence**, however assault and battery is prohibited under the Criminal Code of 1967, which, according to the government's 2010 report to CEDAW, provides penalties for violence against women.<sup>14</sup> A key problem in Chad is the under-reporting of gender-based violence and the culture of impunity. Socio-cultural norms that place value on the authority of husbands prevent women from reporting domestic violence.<sup>15</sup>

According to the US Department of State, **rape** is prohibited by law, punishable by hard labour.<sup>16</sup> There is no law prohibiting marital rape;<sup>17</sup> however, under article 277 of the Criminal Code, marriage consummated before the bride is 13 is considered rape.<sup>18</sup> The US Department of State reports that, although police often arrested and detained perpetrators, rape cases were not usually investigated and in most cases suspects were released, or women were sometimes forced to marry their attackers.<sup>19</sup> The US State Department's most recent report on the country (2012) indicated that 1,020 cases of rape were reported in refugee camps in 2010 and 946 in 2011.<sup>20</sup>

According to the latest available information, there is no law that prohibits **sexual harassment**.<sup>21</sup>

There is evidence that **female genital mutilation** is practised in Chad with 44% of women having experienced some form of FGM.<sup>22</sup>

### **More**

The government of Chad and the United Nations have both reported on the level of gender-based violence in Chad, particularly in **internally displaced persons** sites, **refugee camps** and surrounding

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<sup>10</sup> CEDAW (2010), p. 66

<sup>11</sup> United Nations Committee on the Rights of the Child (2007), p. 19

<sup>12</sup> Center for Reproductive Rights (2003), p. 103

<sup>13</sup> Center for Reproductive Rights (2003), p. 103

<sup>14</sup> CEDAW (2010), p. 67

<sup>15</sup> US Department of State (2012)

<sup>16</sup> US Department of State (2012)

<sup>17</sup> US Department of State (2012)

<sup>18</sup> CEDAW (2010), p. 67

<sup>19</sup> US Department of State (2012)

<sup>20</sup> US Department of State (2012)

<sup>21</sup> United Nations Economic and Social Council (2003), p. 37

<sup>22</sup> INSEED, UNICEF (2010)

villages, committed by state actors, armed forces and civilians.<sup>23</sup> Human Rights Watch has also documented numerous instances of gender-based violence within camps for refugees and displaced persons, with women complaining of physical abuse by male residents of the camps, including male family members.<sup>24</sup>

57% of women have experienced physical or sexual violence from a partner in their lifetime.<sup>25</sup>

Having control over the timing and spacing of children is an important aspect of women's physical integrity. In Chad, **abortion** is treated as a criminal act. It is allowed only in a very limited number of cases, primarily for therapeutic reasons to save the woman's life or to prevent foetal impairment.<sup>26</sup> According to the Center for Reproductive Rights, the Chadian Criminal Code punishes the practice of abortion harshly.<sup>27</sup>

### 3. Son bias

The male/female **sex ratio** for the working age population (15-64) in 2013 is 0.86 while the sex ratio at birth is 1.04.<sup>28</sup> There is no evidence to suggest that Chad is a country of concern in relation to **missing women**.

#### *More*

Data from 2008-2012 provided by UNICEF indicates a significant gender gap in detriment of girls in primary **school enrolment**.<sup>29</sup> Secondary school enrolment data from 2012 also indicates a gender gap benefiting boys.<sup>30</sup>

Based on 2002-2012 data from UNICEF, **child labour** affected females more than male children.

### 4. Restricted resources and assets

Women's rights to **land** ownership are guaranteed under the Civil Code and the Chadian Constitution.<sup>31</sup> However, discriminatory practices in relation to inheritance pose significant barriers to women's land ownership. In 2010, the government reported that social and cultural norms prevent women from accessing land and women are further disadvantaged due to their poor economic status.<sup>32</sup> No data exists on the exact discrepancy in land ownership between men and women.

With respect to **non-land assets**, women again have equal rights under the Civil Code and Constitution, but discriminatory inheritance practices disadvantage women.<sup>33</sup> However, the Centre for Reproductive Rights reports that it is easier for women to acquire property in cities, compared to rural areas, depending on their financial capacity.<sup>34</sup>

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<sup>23</sup> CEDAW (2010), pp. 35-36; United Nations General Assembly (2009b), p. 7

<sup>24</sup> United Nations General Assembly (2009b), p. 5

<sup>25</sup> OECD (2014), Gender, Institutions and Development Database, <http://stats.oecd.org>

<sup>26</sup> United Nations Population Division (2007)

<sup>27</sup> Center for Reproductive Rights (2003), p. 100

<sup>28</sup> CIA, <https://www.cia.gov/library/publications/the-world-factbook/fields/2018.html> (accessed 25/04/2014)

<sup>29</sup> UNICEF, [http://www.unicef.org/infobycountry/chad\\_statistics.html](http://www.unicef.org/infobycountry/chad_statistics.html) (accessed 25/04/2014)

<sup>30</sup> World Bank (n.d.)

<sup>31</sup> Civil Code, Article 544; Constitution of the Republic of Chad, Article 41; World Bank (2013a)

<sup>32</sup> CEDAW (2010), p. 64

<sup>33</sup> Civil Code, Article 544; Constitution of the Republic of Chad, Article 41; World Bank (2013a)

<sup>34</sup> Centre for Reproductive Rights (2003), p. 103

With respect to access **financial services**, the Centre for Reproductive Rights reports that there are no specific laws that govern women’s access to credit. However, the social and economic position of women places barriers to obtaining bank loans. As women do not generally own land or property they are unable to offer collateral for loan applications.<sup>35</sup> According to 2011 data collected by the World Bank, approximately equal percentages of women and men received loans from a financial institution in the past year – 6% and 6.4% respectively. However, only 6.8% of women had an account at a financial institution, while 11.5% of men did.<sup>36</sup> And, according to data provided by Microfinance Information Exchange, in 2011 women made up only 18.69% of microfinance borrowers in Chad (with only one microfinance institution reporting).<sup>37</sup>

## 5. Restricted civil liberties

Women’s freedom of movement and **access to public space** in Chad is infringed upon by the threat of violence, including sexual violence. The US Department of State reported in 2009 that women were commonly subjected to sexual violence from state actors in internally displaced persons sites and refugee camps.<sup>38</sup> The State Department’s most recent report on the country (2012) indicated that this issue was ongoing.<sup>39</sup> Further, in some areas there are restrictions on whether women and girls can enter sites where an initiation ceremony is to take place. Under customary law, a violation of this restriction is punishable by death.<sup>40</sup> The United Nations reports that, in some parts of the country, there have been reports that women behaving “contrary to Islam” may have been constrained in specific quarters inside Koranic schools.<sup>41</sup>

Although unmarried women are able to freely decide where they live under the article 43 of the Constitution, the Civil Code (article 215) stipulates that married women are subject to follow their husband’s decision on where to live.<sup>42</sup>

In terms of **political voice**, women’s civil and political rights are guaranteed in article 12 of the Chadian Constitution. The participation of women in public life in Chad is very low, leading the United Nations Human Rights Committee to recommend that the government make further efforts in this area.<sup>43</sup> In 2010, however, the government reported to CEDAW that, out of 42 government ministers, 9 were women (of which five were Secretaries of State), the highest recorded percentage (21%) in Chad’s history.<sup>44</sup> At the local level, the government reports that “women excel in the informal economic sectors or in less important positions, such as social assistants, youth workers, [and] office workers”.<sup>45</sup> There is no indication that political **quotas** are in place to promote women’s political participation at the national or sub-national levels.

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<sup>35</sup> Centre for Reproductive Rights (2003), p. 104

<sup>36</sup> World Bank (2013b)

<sup>37</sup> Microfinance Information Exchange (2013)

<sup>38</sup> US Department of State (2010)

<sup>39</sup> US Department of State (2012)

<sup>40</sup> US Department of State (2010)

<sup>41</sup> United Nations General Assembly (2009a), p. 8

<sup>42</sup> World Bank (2013a)

<sup>43</sup> United Nations Human Rights Committee (2009)

<sup>44</sup> CEDAW (2010), p. 40

<sup>45</sup> CEDAW (2010), p. 40

### ***More***

Regarding **workplace rights**, there is a non-discrimination clause covering gender in the Chadian Constitution (article 14); article 32 of the Constitution recognises the right of all citizens to work; and a Labour Code has been adopted to guarantee the rights of all workers, prohibiting discrimination based on gender.<sup>46</sup> Nevertheless, according to the government's report to the United Nations Economic and Social Council in 2009, women in Chad are still underrepresented in salaried employment.<sup>47</sup> However, women do have a right to paid **maternity leave** of 14 weeks, to be paid at 50% of wages,<sup>48</sup> though it is unclear what percentage of women are able to benefit from this legislation.

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<sup>46</sup> United Nations Committee on Economic, Social and Cultural Rights (2009), p. 9

<sup>47</sup> United Nations Committee on Economic, Social and Cultural Rights (2009), p. 12

<sup>48</sup> World Economic Forum (2010), *Global Gender Gap Report 2010*, p. 100

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