



Convention on the Elimination of All Forms of Discrimination against Women

Committee on the Elimination of Discrimination against Women

Consideration of reports submitted by States parties under Article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

Combined initial to fourth periodic reports of States parties

Chad *

[31 August 2010]

Republic of Chad

Unity – Labour – Progress

Ministry of Social Action, National Solidarity and the Family

Initial and second, third and fourth periodic reports of Chad on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women

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List of abbreviations

ACORDAgency for Cooperation in Research and Development

ADHHuman Rights Association (Chad)

AFJTChadian Association of Women Jurists

APLFTAssociation for the Promotion of Fundamental Freedoms in Chad

ASTBEFChadian Association for Family Welfare

ATNVChadian Association for Non-Violence

CELIAFWomen's Associations Liaison Unit (Chad)

CEMACCommission of the Economic and Monetary Community of Central Africa

CILSSInter-State Permanent Committee to combat Drought in the Sahel

DEDGerman Development Service

ECOSIT 1Inquiry 1 into Consumption and the Informal Sector in Chad

ECOSIT 2Inquiry 2 into Consumption and the Informal Sector in Chad

EDSTDemographic and Health Survey of Chad

EIMTMultiple Indicators Inquiry in Chad

ETMSMulti-sectoral Technical Team (Chad)

FRPCPoverty Reduction and Growth Facility

FONAPNational Support Fund for Vocational Training (Chad)

GTZGerman Agency for Technical Cooperation

HCCHHigh Council on Communication (Chad)

HDIHuman Development Index

HIPCHeavily Indebted Poor Countries

IFDIntegration of Women in Development (Chad)

IUDIntra-Uterine Device

ONRTVNational Office of Radio and Television (Chad)

PCPFDraft code on the person and the family (Chad)

PRONAFETNational Programme of Action for Chadian Children

RGPHTChad General Population and Habitat Census

RNTChadian National Radio

SDEAIntegrated Framework for Water Supply and Sanitation (Chad)

SECADEV Catholic Relief Fund (Chad)

TVTChadian National Television

UNUnited Nations

UNDPUnited Nations Development Programme

UNICEFUnited Nations Children's Fund

UNPFUnited Nations Population Fund

WBWorld Bank

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I.Introduction

1. Questions relating to the condition of women and of their status have aroused particular interest throughout the world since the

creation of the United Nations in 1945 and especially since 1975, International Women's Year.

2. In fact, the year 1975 constituted a decisive step forward for the United Nations on these questions when it decreed a United Nations Decade for Women in order to pay serious attention to the problems relating notably to:

The limited participation of women in the development process of their country;

Their deplorable living standards due to inequality linked both to gender and poverty;

Their limited access to basic social services;

The ignorance of the rest of society of women's productive contribution;

The prevalence of discriminatory practices in the relations between men and women.

3. Ever since the First World Conference on the Status of Women, held in Mexico City in 1975, coinciding with International Women's Year, the United Nations has joined with Member States in addressing the problem of discrimination against women and the non-recognition of their role in development.

4. Efforts have therefore been made at every level to bring about the improvement of women's living standards in all countries of the world.

5. It is in this context that the Convention on the Elimination of All Forms of Discrimination against Women (hereafter referred to as the "Convention") was drawn up and adopted by United Nations Member States on 18 December 1979. It came into force on 3 September 1981 and Chad became a member on 20 July 1990. Its ratification took effect on 20 May 1995.

6. Discrimination against women is so prevalent throughout the world that United Nations Member States, in drawing up the Convention, judged it necessary to set up a committee for the elimination of discrimination against women, a committee whose mission is to monitor the implementation of the Convention at the level of each country.

7. By committing itself to submit to this Convention, the Chadian State has demonstrated a firm wish to take appropriate measures to combat discrimination against Chadian women in accordance with the measures contained in the said Convention.

8. It should, however, be mentioned that, like most African countries, Chad inherited the legislation of the colonial country and endeavours as much as possible to adopt consensual laws in harmony with its peers.

9. This is why, while waiting for the codification of the different customs (about 200), the country operates with legislation that combines customary law, religious law and modern law. As a consequence, the legal, social and economic aspects of the lives of Chadian women are governed sometimes by customary law, sometimes by religious law and sometimes by modern law. Such practice has come about because Chadian society is patriarchal and accords more value to boys and men than to girls and women, who are marginalized from an early age.

10. In general, there is a predominance of tradition over the principle of male/female equality and over freedom of opinion. This way of thinking reduces the role of women to procreation, bringing up children and preparing food for the family.

11. So far as modern law is concerned, the 1958 version of the Civil Code is applicable in Chad in civil matters. In addition to this Code, Chad has taken internal measures to establish gender equality.

12. To give an example, article 13 of the Chadian Constitution adopted on 31 March 1996 makes gender equality of Chadians a fundamental right.

13. Most of the domestic legal texts converge in this respect in their different measures, for example the 1994 Declaration of Population Policy and the 1995 Policy Declaration on the Integration of Women in Development.

14. In all the programmes and projects adopted by Chad, mention is made of the issue of the improvement of the living standards of the population. This is the overriding priority for the government, in the light of which problems of health, education, poverty and the situation of women have to be seen.

15. The analysis of certain legal texts relating to the programmes and policies in favour of women demonstrate the desire of the Government to implement the Convention.

16. This is shown for example by the adoption by the Government in 1995 of the Policy Declaration on the Integration of Women in Development.

17. The implementation of the policy for the integration of women in development has brought satisfactory results in certain areas of women's lives. But there remain other areas to be addressed. To remedy these failings, a new orientation has been given to the integration of women in development by making the concept of gender central to the development programmes and projects. Thus, Chad aims to respond to the needs of the population in general and of women in particular with the perspective of transforming socio-economic relations and the sharing of tasks between men and women in a just and equitable fashion.

18. By integrating this gender approach into its development programmes and projects, Chad has also decided to take into account the strategic interests of women in their relations with men.

19. The examination of the political, economic and social measures taken by Chad can only take place after examining the status of

Chadian women today, so as to establish an inventory of their real situation before and after the ratification of the Convention.

20. This report on the degree of implementation of the Convention since its ratification aims, on the one hand, to give an overview of the measures taken by the Government to make the Convention effective internally, and on the other, to evaluate the performance of the country in promoting women's rights and improving women's living standards.

21. The report is structured in two parts, in accordance with the revised guidelines adopted in 2002 by the Committee on the Elimination of Discrimination against Women.

The first part is devoted to a presentation of Chad, its physical and demographic features, its type of political organization and the general framework of human rights protection.

The second part takes stock of the legislative, administrative and judicial measures taken by the Chad State in relation to each provision in the Convention; and the progress made by the State and by other actors in public and private life in implementing this Convention. The aim of this Report is also to remove the restrictions which prevent the full application of women's rights in Chad.

A.General Information

(a)Geographic situation

22.Situated in the heart of the African continent between latitude 8° and 23° North and longitude 14° and 24° East, Chad is a completely landlocked country which stretches over 1,500 km from north to south and 1,000 km from east to west. Chad covers an area of 1,284,000 km² and shares borders with six countries: Libya to the north, Sudan to the east, Niger, Nigeria and Cameroon to the west and the Central African Republic to the south. Chad is divided into three main agro-climatic zones set out below.

23.The climate is Saharan in the north with iso-hyetrographic lines varying from 0 to 250 ml of rain per year. This zone represents 60.8 per cent of the territory (780,000 km²) and covers the whole northern part of the Chadian territory. It is characterized by a quasi-permanent aridity, as rainfall is rare. Agricultural and pastoral activity can only be organized around wadies.

24.The Sahelian zone stretching over an area of 374,000 km² corresponds to the portion of the Chadian territory stretching from the Saharan zone to the basin zone of Logone Chari between N'Djamena and Bongor. Average annual rainfall is between 300 ml and 650 ml. In climatic terms, the Sahelian zone strictly speaking corresponds to the Sahelian climate. The principal activity is pastoralism.

25.The Sudanian zone covering an area of 130,000 km² corresponds to the Chadian portion of the Chari basin and its principal watercourse, the Logone. It covers 10.2 per cent of the territory. Average annual rainfall is between 650 ml and 1000 ml. The zone is suitable for agricultural activity.

(b)Socio-demographic situation

Demographic data

26.In 2009, the population of Chad was estimated at 11,175,915 inhabitants (RGPH 2 census details, 2009), comprised of 50.7 per cent women and 49.3 per cent men, whereas it was only 8,986,100 inhabitants in 2004 and 9,858,000 in 2007. The summary fertility index is 6.3 children per woman of childbearing age whereas it was still at 5.6 children per woman of childbearing age in 1996/1997 (EDST 1). It is growing at a rate of about 3.6 per cent per year. This high rate is reflected in the population growth. Fertility levels (an average of 6.3 children per woman) and of infant-juvenile mortality (191 per cent) have remained practically stagnant and the maternal mortality rate has undergone an exceptional deterioration, increasing from 827 deaths per 100,000 live births in 1997 (EDST 1) to 1,099 maternal deaths for 100,000 live births in 2004 (EDST 2).

27.According to the 1993 census (RGPH1), life expectancy at birth was 33.6 for men and 38.6 for women. This life expectancy rate has increased, since, according to the 2003 World Report on Human Development, life expectancy at birth stood at 44.6 years for 2001, 43.5 for men and 45.7 for women. Therefore, over a period of ten years, life expectancy for men has increased by 10.9 years and that of women by 9.1 years.

28.The overall population density is 7.25 persons per km², and varies between 1.5 and 80 persons depending on the region.

Table 1

Resident population distribution according to type of population and gender

<i>Total population by sex according to census region</i>	<i>Male</i>	<i>Female</i>	<i>Total</i>	<i>Proportion of total population</i>	<i>Male to Female ratio</i>	<i>% of Women</i>
Batha	253 706	273 325	527 031	4.7	93	51.9
Borkou	51 892	45 359	97 251	0.9	114	46.6
Chari baguirmi	309 019	312 766	621 785	5.6	99	50.3
Guera	267 032	286 763	553 795	5.0	93	51.8
Hadjer lamis	281 119	281 838	562 957	5.0	100	50.1
Kanem	172 172	182 431	354 603	3.2	94	51.4
Lac	227 290	224 079	451 369	4.0	101	49.6
Logone occidental	331 545	351 748	683 293	6.1	94	51.5
Logone oriental	388 031	408 422	796 453	7.1	95	51.3

Mandoul	308 671	328 415	637 086	5.7	94	51.5
Mayo kebbi est	367 655	401 523	769 178	6.9	92	52.2
Mayo kebbi ouest	273 300	291 787	565 087	5.1	94	51.6
Moyen-Chari	295 940	302 344	598 284	5.4	98	50.5
Ouaddai	353 168	378 511	731 679	6.5	93	51.7
Salamat	149 885	158 720	308 605	2.8	94	51.4
Tandjile	323 550	359 267	682 817	6.1	90	52.6
Wadi fira	237 735	257 198	494 933	4.4	92	51.9
N'Djamena	527 415	466 077	993 492	8.9	113	46.9
Barh el gazel	140 128	120 737	260 865	2.3	116	46.3
Ennedi	95 172	78 434	173 606	1.6	121	45.2
Sila	143 144	146 632	289 776	2.6	98	50.6
Tibesti	11 953	10 017	21 970	0.2	119	45.6
Chad	5 509	5 666	11 175	100	97	50.7
	522	393	915			

Source: INSEED, RGPH2, 2009 .

The main linguistic groups

29. Chad is a linguistic mosaic. Five main spoken language groups can be distinguished in Chad: the East-Saharan languages, the Chadian languages, the Adamawa languages, the Chari-Nile languages and Arabic.

The East-Saharan languages

30. The East-Saharan languages are spoken by populations that for a very long time have combined livestock with cultivation, even if in recent times some have specialized in nomadic animal-rearing. These populations speak the following languages: Tedaga, Dazaaga, Beri, Kanembou and Kanouri.

31. The populations that speak these languages today have been known for a very long time. They were settled in Tibesti and its surrounding area, but the drying up of the Sahara forced them either to retreat into the mountainous regions (Tibesti, Ennedi), to take refuge in the oases (Koufra, Laya), to become nomadic, or to emigrate far to the south (Kanem, Bornou).

The Chadian (or Chado-Hamitic) languages

32. The Chadian languages seem to have been linked to the so-called "aquatic" civilisations at the end of the Stone Age. The speakers of these languages are: the Kotoko (with the Boudouma and Kouri as sub-groups); the populations of the Middle Logone (Massa, Marba, Moussey, Lélé, Zimé, Gabri, Soumraï, Ndam, Nantchééré, Mouloui, Kabalay, Toumak, Guidar, etc.); the mountain populations of the Guéra (Djongor, Dangleat, Bidio, Sokoro, Mogoum); the Moubi and neighbours (Masmadje, Kadjaksé, Birguid, Toram) and finally the Haoussa, most of whose speakers live in Niger or in Nigeria.

33. The Chadian languages are quite ancient in the region and the Sao no doubt spoke languages in this group. These languages are related to the languages of the Berbers of North Africa, to the ancient language of the Egyptians and to the Semitic languages (Hebrew, Aramaic, Arabic).

The languages of the East of the Adamawa

34. The languages of the East of the Adamawa are languages related to the Ubangi languages. The oldest speakers of the languages of this group probably occupied the south of the Chadian basin in fairly ancient times (more than 2,000 years ago) and were subsequently submerged by more recent waves of settlement (Chadian, Sara, etc.). There remain three residual 'pockets' of this ancient presence: the group in the Chadian South-West (Moundang, Toupouri, Mboum, Kim, Kéra, Mesmé); the 'Day' group and lastly the group of languages related to the Bouna (Niellim, Tounia, Goula, Famian).

The languages of the Chari-Nile group (Sara-Bongo-Baguirien)

35. These languages are the most western ones of a family whose speakers are mainly situated in Sudan.

36. Two sub-groups can be distinguished in Chad: the languages related to Sara (Madjingay, Nar, Ngama, Goulaye, Mbaye, Ngambaye, Mouroum, Gor, Laka, Kabba, etc.) and to Baguirien (Kenga, Kouka, Bilala, Babalia, Medogo, etc.). The second sub-group is composed of Mabang and are related to it (Kacheéré, Massalit, Massalat, Koniéré, Rouna, Bakha); the Mimi, Tama and related languages (Soungor, Maranit, Aboucharib, Kibet) and the Dadjo.

The languages of the "Arabic" group

37. The presence of Arabs in the Chad basin has been recorded since the XIIIth century. Originating in Arabia, they spread into Chad from the Sudan and later from Libya; to these nomads were added Sudanese and Libyan merchants who set up their trading posts along the trans-Saharan routes. There exist several "Arab dialects" in Chad, but Arab-speakers with different dialects can communicate with each other; thanks to the mobility of Arabs through their pastoral nomadic life, trade or Muslim proselytizing, several non-Arab populations have adapted their language. The language then developed as the language of exchange and culture, becoming the most spoken lingua franca in Chad.

38. In this mosaic of spoken languages in Chad, all have not been listed here. In addition, there is also the phenomenon of bilingualism or even of multilingualism. Many people use their own language to communicate in their own community but resort to the *lingua franca* (Arabic or Sara) to communicate with others. This practice is more in evidence in the towns.

Religions

39. In Chad, the large majority of the population are believers: 90 per cent of the population practice monotheistic religions. The 1993 general census of the population reveals that the dominant religions are Islam and Christianity: 54 per cent of the population are Muslim, 20 per cent Catholic and 14 per cent Protestant. 7 per cent declare themselves to be animists, 3 per cent without religion and 2 per cent undetermined. The census data show the Muslim population to be the most numerous, found in the north and the centre of the country, whereas the south is predominantly Christian.

(c) Political situation

40. Chad achieved independence on 11 August 1960. The three following decades were marked by acute political tensions (civil wars, politico-military tensions within the élites struggling for power, etc.) with a succession of autocratic regimes characterized by an immense generalized poverty, an absence of public freedoms, of democracy and of respect for human rights.

41. The change of political regime which took place on 1 December 1990 allowed the foundations to be laid for the democratization process and the establishment of political pluralism. This process led to the setting up of republican institutions (High Court of Justice, Constitutional Council, High Council on Communication, Supreme Court, Economic, Social and Cultural Council, etc.) and also the organization of presidential and legislative elections. It also permitted the creation of numerous political parties, associations and private press agencies.

42. The Constitution of 31 March 1996, as revised by Act No. 08/PR/2005 of 15 July 2005, established Chad as a legally constituted State, ensuring the security of persons and their possessions, formally associating the citizens with all levels of decision-making in order that they should progressively take charge of their own destiny in a spirit of social cohesion and peace. This Constitution also officially sanctioned the principle of the separation of powers.

43. Since the presidential elections of 2001 and the legislative elections of 2002, the political parties of the democratic opposition have fought relentlessly for improvement in the way elections are organized in Chad. The deficit in political dialogue has led to a deterioration in trust among those acting on the political stage, as well as between the political actors and the rest of the population. Certain political leaders and a large part of the population boycotted the electoral census of 2005, the constitutional referendum of June 2005 and the presidential election of May 2006. This political crisis led to the cancellation of the legislative elections. The mandate of the deputies elected in 2002 has been extended on two occasions, leaving the deputies with a crisis concerning their own legitimacy.

44. Under the auspices of the European Union, the parties of the presidential majority and those of the democratic opposition signed a political agreement on 13 August 2007 with the aim of reinforcing the democratic process. This agreement placed particular emphasis on the organization of free and transparent elections as the solution to end the crisis.

(d) Administrative situation

45. The administrative situation of the country has evolved according to the way events have unfolded. Starting with one local authority (*commune*) (N'Djamena) created in 1919, Act No. 15 of 22 May 1962 bestowed full exercise of power on the seven local authorities.

46. The Constitution of 1996 (article 2, title 12) defines and structures this administration into four levels of decentralized local authority. The status of these local government authorities is defined by the organic law, Act No. 2/PR/2000 of 16 February 2000, with new fundamental principles.

47. As a prelude, therefore, to the more extensive decentralization programme desired by the Chadian people, the pace of creating new territorial divisions has been stepped up. The result is that today there are 22 regions, 57 departments and 254 sub-prefectures. The administrative centres of the sub-prefectures now correspond to the communes.

CHAD: ADMINISTRATIVE DIVISIONS
Libya Niger Sudan Cameroon CAR – Central African Republic
Capital Regional
Administrative Centre Departmental Administrative Centre Border Region Nigeria

(e) Economic situation

48. Up to the recent past, the Chadian economy was dominated by agro-pastoral activities and services. Since the entry of the country into the circle of oil-exporting countries in 2003, its economy has undergone rapid growth through the years 2001-2005, especially because of the intense activity due to the launching of the Doba oil project and the construction of the related oil pipeline. The intense activity in the sectors linked to the construction phase of the pipeline, notably transport and trade, have also contributed to this growth.

49. Thus, from 2001 onwards, the economic situation improved considerably. The average rate of growth of the GNP climbed into double figures (15.32 per cent) over the period 2001-2005. This high rate was specially due to the primary sector (26.1 per cent) thanks to the oil project whose average contribution to the GNP grew by 209.3 per cent between 2004 and 2005 and represented almost half (46.6 per cent) of the total GNP in 2005. The growth of the real GNP went from 11.5 per cent in 2001 to 14.3 per cent in 2003, and after a strong acceleration in 2004 (33.7 per cent), the growth rate was maintained in 2005 (7.9 per cent) in spite of the

fall-back of the oil sector (2.1 per cent). On the other hand, the growth of the real non-oil GNP reached 11.6 per cent (against 2.2 per cent in 2004) through the effect of a strong recovery of agriculture and cotton production.

50. The growth rate of the GNP took a marked dip in 2006 (0.2 per cent) to go back up to 1.4 per cent in 2007 under the combined effect of a progressive drop in oil production and a slow-down in the GNP excluding oil (4 per cent on average). Indeed, the contribution of the non-oil economy to added value has dropped progressively since 2002; passing respectively from 37.9 per cent of GNP to 20.9 per cent in 2007 for the primary sector, from 14.2 per cent to 7.4 per cent for the secondary sector and from 43.9 per cent in 2002 to 27.9 per cent in 2007 for the tertiary sector.

51. After a peak of 30.2 per cent in 2004, the growth rate of real GNP per inhabitant was an average of 15.8 per cent over the period 2003-2005. From 5.1 per cent in 2005, this rate has undergone a steady and very pronounced decline to reach a level of -1.3 per cent in 2007, because of the progressive reduction in oil production mentioned above. These growth rates correspond to a gross national income of 176,800 CFA francs per inhabitant (US\$ 250.20) in 2004 and 210,700 CFA francs (US\$ 383.80) in 2007.

52. The oil operation has therefore brought about a fundamental transformation of the production structure and the main challenge of the oil era remains the diversification of the economy and the revitalization of all sectors, with the aim of avoiding the dualization of the economy. This diversification through reinvesting the fruit of the growth brought about by the oil industry into the other economic sectors, such as into the rural economy which mobilizes almost 80 per cent of the population and into transformation activities, would contribute to the fight against poverty through improving productivity in the sector and creating additional jobs.

53. The movement in prices is strongly dependent on the availability of foodstuffs and the demand coming from oil activities over the period 2000-2007. Over this period it hit two peaks: an inflation in double figures (12.4 per cent) in 2001 and a marked deflation (2.0 per cent) in 2007. Over the whole period, the general level of prices has evolved at an average rate of 4 per cent, which points to major efforts needed to master inflation in line with the convergence criteria (inflation to be less than 3 per cent) of the Commission of the Economic and Monetary Community of the States of Central Africa (CEMAC).

54. From 35.1 per cent of the GNP in 2001, the rate of overall investment has plummeted to 21.6 per cent in 2005. It has been on average at 36.3 per cent over the period 2001-2005 for an average rate of investment without oil of about 8 per cent. Negative in 2002 and 2003, national savings represented 10.7 per cent of GNP in 2005 and will remain positive in 2006 (about 6 per cent of GNP).

55. Over the period 2000-2007, investment showed strong growth from 2002 onwards (30.5 per cent on average). As a consequence, the investment rate stayed healthy over the whole period (28.4 per cent on average). This was essentially due to the investment in the oil project, with the investment rate in everything else remaining generally weak (less than 10 per cent on average). Since the rate of public investment also remained weak over the period (averaging 5 per cent), we can conclude that overall investment was boosted by the private sector. The high investment rate (28.4 per cent on average over the whole period) and the relatively lower economic growth (9.6 per cent on average) compared with the investment, indicate a weak return on capital and weak productivity in general. But on the whole, the significant increase in the investment rate noted since 2000 is a favourable sign, reflecting an upturn in dynamism and confidence in medium-term prospects.

(f) Social situation

56. In spite of the oil development, which is supposed to reduce the poverty of the general population, the social situation is hardly showing any improvement, given certain factors. The social situation remains characterized by a generalized poverty attributable to structural adjustment programmes supposedly coming from external sources and has led to reflections on a new form of development now being proposed for support by the International Monetary Fund (IMF) and the World Bank (WB).

57. To this effect, the Poverty Reduction and Growth Facility (PRGF) of the IMF as expressed in the Heavily Indebted Poor Countries (HIPC) Initiative and the Country Assistance Strategy (CAS) of the WB promote their poverty reduction strategies as the basic framework for mobilizing partner support for the development projects of those countries wishing to pull their population out of poverty.

58. Following the Geneva IV Round Table (1998), consultations by sector have led to the setting up of poverty-centred programmes in the priority sectors (Education, Health and Social Affairs, Rural Development, Infrastructure) thereby forming a solid base for developing a National Poverty Reduction Strategy.

59. The commitment made by the Government in the framework of the HIPC Initiative has therefore taken concrete form in the drawing up of a National Poverty Reduction Strategy Paper in June 2003, revised in 2008 with a forward projection through to 2015. The Paper is organized around the following five strategic objectives:

Promoting good governance;

Assuring strong and sustained growth;

Developing human capital;

Improving the conditions of vulnerable groups;

Restoring and safeguarding the ecosystems.

60. Having joined the circle of oil-exporting countries in 2004, Chad remains one of the poorest countries in the world. It is ranked 171st out of 177 countries in the *Human Development Report 2007/2008*. Some 55 per cent of the population lives in poverty. It is mainly a phenomenon associated with the rural world, where 87 per cent of the country's poor live. Access to basic social services,

notably to education and health, is not totally guaranteed. The rate of illiteracy in the population remains high, in particular among women, and the health indicators (maternal and infantile mortality) have hardly progressed. In terms of employment, the ECOSIT2 inquiry reveals strong regional disparities. The gross unemployment rate, which is 22.6 per cent, is one of the factors in the impoverishment of individuals.

61. Moreover, inflation has had very detrimental effects on the poor: it has particularly affected vital goods and services. Average food expenses per inhabitant and per year have risen to 58,297 CFA francs, or 60 per cent of the average household budget. The normal daily average expense per person should be about 5,000 CFA francs, which is well beyond the means of the majority of households, especially if the head of the family does not have a steady income or is unemployed (either declared as such or in a disguised form).

62. In addition, the persistence of armed conflict in the east and in the south-east of Chad has engendered a situation of humanitarian crisis with an increasing number of Sudanese refugees, estimated at more than 200,000 in the east plus those that the Central African Republic estimates to be more than 30,000 in the south of Chad. To that one must add the number of displaced persons (Chadians) resulting from the fresh upsurge of intercommunity conflict inside the country. Such a situation can only result in further deterioration in a social situation that was already precarious.

63. This social situation is aggravated by the propagation of HIV/AIDS, with a rate of infection estimated at 3.3 per cent of the population according to the 2005 inquiry. There again, women and children pay the heaviest price.

64. Nonetheless, improving the living standards of the population remains one of the constant concerns of the Government. The President of the Republic has dedicated his 2006-2010 mandate to the "social question" and set up major projects to improve the population's living standards.

B. The institutional and legal framework for the protection of human rights

(a) The institutional framework

65. In general terms, the legislative, judicial and administrative authorities, in the regular exercise of their functions, are there to ensure respect of the principles of international norms in the matter of human rights as set forth in international, regional and national instruments of government.

66. According to the Constitution of 31 March 1996, revised by the Constitutional Act of 15 July 2005, the principle of the exercise of power is founded on the separation of the executive, the legislative and the judicial powers (article 7). The Constitution places an obligation on these different institutions to protect human rights in all the domains of life.

The Presidency of the Republic and the Office of Prime Minister as institutions for the protection of human rights

67. In accordance with the provisions of the Constitution of the Republic of Chad, the executive power is exercised by the President of the Republic, who is Head of State, and by the Prime Minister, who is Head of Government. Concerning the protection of human rights, the functions of the President of the Republic consist of: ensuring respect for the Constitution, ensuring by arbitration the regular functioning of public bodies and the continuity of the State, and acting as guarantor of the independence of justice, of national sovereignty and unity, of the integrity of the territory and ensuring respect for international agreements.

68. In order to ensure the President's loyalty in the exercise of his functions, the Constitution requires the President to take a public oath before the Constitutional Council, in the presence of the members of the National Assembly, swearing to preserve, to respect, to have respected and defended by others, the Constitution and the laws of the Country, to fulfil with loyalty the high functions that the Nation confers on him, to respect and defend the republican form of the State, to preserve the integrity of the territory and the unity of the Nation, and to make every effort to guarantee justice to all Chadian citizens (article 70 of the Constitution).

69. The Prime Minister, Head of the Government, shares the executive power with the President of the Republic, Head of State. Concerning the protection of human rights in Chad, the Prime Minister's functions consist in ensuring the defence of the country, public safety and the maintenance of order with due respect for freedoms and human rights.

70. The President of the Republic and the Prime Minister monitor the situation of human rights daily through their counsellors in human rights.

The National Assembly

71. Under the terms of article 122 of the Constitution, the National Assembly adopts the laws which fix the rules concerning civil rights and the fundamental guarantees accorded to citizens in the exercise of public freedoms.

72. The National Assembly can, on its own initiative, interpellate the Government or carry out enquiries in the case of serious violations of human rights.

The Ministry responsible for Human Rights and the Promotion of Freedoms

73. The Ministry responsible for Human Rights and the Promotion of Freedoms was created following the Government's express wish to translate into action the commitments made through the international conventions relating to the protection of human rights in 2005.

The Ministry for Social Action, National Solidarity and the Family

74. The Ministry for Social Action, National Solidarity and the Family (MASSNF) is the department responsible for the implementation of government policy in social matters. Its mission is to protect vulnerable sectors of society:

The protection of vulnerable groups (women, children, senior citizens, disaster victims, etc.);

The promotion of the rights of women and children.

75. It functions on the basis of rules and organizational principles laid down in the decree No. 541/PR/PM/MASF of 12 July 2006, outlining the organizational structures of the Ministry.

76. Its operational strategy is based on the development of partnerships with the different social actors.

Common law jurisdiction

77. Common law jurisdiction covers offences involving the infringement of human rights through a civil action and/or a criminal action brought against the perpetrator of human rights violations.

78. On the present organizational level, in accordance with Act No. 004 PR / 98 of 28 August 1998, one single order of jurisdiction has been instituted, with the Supreme Court as its highest organ, and this single order is composed of the Supreme Court, the Appeal Courts, the Criminal Courts, the Courts of first instance, the Trade and Employment Tribunals and the Justices of the Peace. Beyond this single order of jurisdiction, the Constitution of 1996 has also created other special jurisdictional institutions such as the Children's Divisional Court (Act No. 07 / PR / 99 of 6 April 1999) and the High Court of Justice (Act No. 005 / PR / 2000 of 10 March 2000).

79. Alongside these jurisdictions, there exists a Constitutional Council responsible for controlling the constitutionality of laws, treaties and international agreements, for ruling on electoral disputes and jurisdictional conflicts between the different powers.

The High Council on Communication

80. It is out of respect for the fundamental principles of a universal press that the 1996 Constitution set up a High Council on Communication.

81. This is an independent institution whose main functions are: to ensure respect for an ethical code in matters of information and communication, to guarantee freedom of the press and the pluralist expression of opinion, to regulate communication between public bodies, the press organs and the public, and to ensure equal access to the public media for political parties.

82. The High Council on Communication is responsible for guaranteeing equitable access to the public media for associations as well as giving technical advice and formulating recommendations on questions concerning information and human rights.

The National Human Rights Commission

83. The National Human Rights Commission was created by Act No. 031/PR/94 of 09 September 1994 and placed under the authority of the Prime Minister. Decree No. 163/PR/96 of 02 April 1996 fixed the terms of its operation and the administrative Order No. 095/PM/96 of 31 December 1996 sets out its internal regulations.

84. According to this Order, the National Human Rights Commission is charged with: formulating advice for the Government concerning freedoms and human rights, including the condition of women, the rights of children and the disabled, and assisting the Government and other national institutions on all questions pertaining to human rights in Chad.

85. It participates in the revision of current legislation and the setting up of new norms, in accordance with the Charter of Human Rights and Freedoms adopted by the National Sovereign Conference and the regional and international legal instruments, and through these, contributing to the construction of a legally constituted state and the strengthening of democracy.

86. It gives advice on cases which relate to the existence and activities of a political police, to the practice of torture and inhuman and degrading treatment, to the existence of secret places of detention, enforced disappearances and secret transfers.

87. It is autonomous in the choice of questions that it examines, without any external selectivity, and in its power to examine any particular case. It is free in the advice submitted to the Government, which is available to the public.

88. On the organizational level, the National Human Rights Commission is composed of thirty-one members, of whom 8 are women, 3 become members of the executive committee; thirteen are permanent members and fourteen replacement members and one is Administrative Secretary. Following article 7 of the law creating the Commission, 6 members represent the ministries, 8 represent civil society and others represent the trade union confederations. The members of the executive committee are elected by their peers.

89. The present functioning of the National Commission does not respect the Paris Principles relating to the Status of National Institutions of human rights.

The Office of Ombudsman of the Republic

90. The Office of the Ombudsman of the Republic was set up by decree No. 340/PR/PM/97 of 12 August 1997 and revised by Act No. 031/PR/2009 of 11 December 2009.

91. The Ombudsman (or Mediator) of the Republic is responsible for the restoration and maintenance of civil and political peace, as well as for the defence of the rights of the citizen in relation to public administration. In the terms of article 12 of the Act creating the Ombudsman Office of the Republic: “any natural or legal person who, in a matter that concerns that person, considers that one of the institutions mentioned in article 2 has not fulfilled its duty as a public service provider, may submit a complaint and ask for it to be referred to the Ombudsman of the Republic”.

Traditional and customary authorities

92. The Constitution of 1996 grants to the traditional and customary authorities a role of guarantor of the traditional ways and ancestral customs of the country. To do this, these authorities cooperate in supervising the populations and supporting the action of the decentralized local and regional authorities; they work together with the Administration in ensuring respect for human rights and freedoms.

(b) The legal framework

(i) Laws and regulations as part of the protection of human rights

93. Through the Constitution, the laws and the regulations of the Republic, Chad has always made manifest its desire to respect human rights and to improve the living standards of the population.

94. The Constitution of 31 March 1996, revised by Constitutional Act No. 08/PR/2005 of 15 July 2005, subsequent to the ratification of the Convention, takes the concern of the United Nations for human rights into account in all its provisions. In the preamble of the Constitution, one can read: “We the Chad people affirm by the present constitution our desire... to build a legally-constituted state and a united nation founded on public freedoms and fundamental human rights, and the dignity of the human person”. One should also notice that the rights of women have been taken into account in article 13 of the aforementioned Constitution which declares that “Chadians of both sexes have the same rights and duties”.

95. It was also solemnly proclaimed in this same preamble:

The “right of the Chadian People to resist and to disobey any individual, any State body that takes power by force or exercises it in violation of the present Constitution”;

The “total opposition of the Chadian People to any regime whose policies are founded on the arbitrary, on dictatorship, on injustice, corruption, misappropriation, nepotism, clannishness, tribalism, confessionalism and confiscation of power”;

The “commitment of the Chadian People to the fundamental principles of human rights such as defined in the 1945 Charter of the United Nations, the 1948 Universal Declaration of Human Rights and the 1981 African Charter of Human and Peoples’ Rights”.

96. The Freedoms and Fundamental Rights are contained in chapter I of title II of the Constitution. They are of two orders and include for the one, civil and political rights, and for the other, economic, social and cultural rights.

Some points of reference relating to the rights and freedoms proclaimed

The civil and political rights contained in the 1996 Constitution

97. The right to life and security of the person, the prohibition of slavery and the prohibition of torture and other cruel, inhuman or degrading treatment or punishment, are taken into account by the Constitution in articles 17, 18, 19 and 20.

98. These articles also proclaim the right to a fair trial in civil and criminal matters, the presumption of innocence, the non-retroactive nature of criminal laws and the personal character of punishment, as well as the right to respect of private life, family life, home life and private correspondence.

99. The Freedoms provided for in the Universal Declaration of Human Rights of 10 December 1948 are taken into account in the Constitution of Chad. These are: freedom of conscience, religion, expression, information, assembly and association as well as the freedom to form a trade union and to strike (articles 27, 28 and 29 of the Constitution).

100. The right to the free circulation of goods and of persons and equality before the law without distinction of origin, race, sex, religion, political opinion and social position, are also included (articles 27 and 44 of the Constitution).

Economic, social and cultural rights contained in the 1996 Constitution

101. Access to public employment without any form of discrimination except specific conditions pertaining to each job, the right to a fair remuneration for workers based on their services and production, a ban on the infringement of a worker’s rights because of the worker’s origins, opinions, beliefs, sex or marital status, all these are fundamental rights recognized by the Constitution.

102. This Constitution does not overlook the right to culture, to creation and the enjoyment of intellectual and artistic works. The State is obliged to ensure the promotion and protection of the national cultural heritage, as well as artistic and literary production, and the right to free and secular basic education. The right of the citizen who because of age or physical or mental incapacity cannot work, and the right to social security, are also provided for in the Chadian Constitution.

103. Also, in order that all these rights might be effectively applied and that Chadian citizens might exercise them, the 1996

Constitution has made provision for, among other things: a unitary State with decentralized local and regional authorities possessing deliberative powers.

104. Several laws and statutory texts have been enacted to this end and constitute a legal framework and an indispensable tool, permitting leaders to act within the law. This body of laws and regulations is intended to protect human rights throughout the national territory, with respect for the rule of law.

(ii) The harmonization of national legislation with international instruments

105. Chad has ratified many international and regional conventions relating to human rights, among which:

- (a) General instruments: civil and political rights, economic, social and cultural rights;
- (b) Instruments relating to specific questions: racial discrimination, war crimes and crimes against humanity, international humanitarian law, torture, slavery, human trafficking and forced labour;
- (c) Instruments relating to category-specific protection: foreigners, refugees, women, children, combatants, prisoners of war and civilian prisoners (see annexes).

106. Concerning the integration of international conventions into domestic legislation, the question arises of whether their provisions can be invoked before courts and administrative authorities. The answer to this question can be found in article 222 of the Constitution.

107. It is true that the application of international instruments relating to human rights in Chad is subject to the conditions for the implementation of treaties laid down in article 222 of the Constitution, which stipulates that the ratification or approval of treaties takes effect on the national level immediately upon their promulgation and publication.

108. But when it is a question of the direct implementation of different international conventions by courts, the problem arises of how they can be directly translated into a law or an administrative ruling so that they can be implemented by the aforementioned courts. The officers in charge of these courts often declare that they do not recognize the authority of these conventions, that is to say their primacy and applicability as a form of higher law.

109. This is a relevant issue which always recurs in discussions and which has not yet been solved. But when all is said and done, the authorities are aware that they are under an obligation to try to see that internal legal decisions comply with the freely ratified international conventions.

(iii) Existing channels for recourse to justice

110. The Chadian Constitution recognizes the right of access of all citizens to jurisdiction, without any discrimination (article 14, paragraph 1).

111. In cases of violation of fundamental human rights, victims have right of access to the different orders of jurisdiction to obtain justice. At the present time in Chad, there are 20 first instance courts, 4 employment tribunals, juvenile courts and 3 trade tribunals, 33 operating justices of the peace and three courts of appeal.

112. The present judiciary system is composed of: 178 magistrates, of whom 19 are women, and 4 are justices of the peace, in other words, there is one magistrate for about 410,000 inhabitants. One should note that the Court of Appeal and the Trade Tribunal in N'Djamena are headed by women. That is not enough for a population of 11,175,915 especially when women represent 50.7 per cent of the Chadian population.

113. Outside the Courts of Appeal, citizens can also contact the National Human Rights Commission (CNDH), an institution whose competence in this domain is specifically recognized (article 11 of decree No. 163 of 1996) and they can also contact the Ombudsman of the Republic.

114. Under Act No. 031/PR/2009 of 11 December 2009, all citizens can have recourse to the Office of Mediation of the Republic for the restoring and maintaining of peace between citizens and the administration, without any discrimination whatever applying to the citizens.

C. Channels of communication with the public and the circulation of information

(a) Public and private media

115. In Chad, strictly speaking, there exists no specific mechanism for circulating information about international human rights conventions ratified by Chad. The Government uses the traditional channels for communicating information concerning legal texts and these are the Official Journal (*Journal Officiel*), public and private media, schools and civil society organizations. Information can be communicated through courses, seminars, workshops and special public meetings.

Public media

116. In most cases, the Government uses the public media to give citizens information relating to the ratification of international conventions.

117. The Chadian National Radio (*La Radio-diffusion Nationale Tchadienne* – RNT) created in 1955 and based in N'Djamena is

supported by four provincial stations (Abéché, Faya, Moundou and Sarh) and by a Rural Radio (linked to it). It does not cover the whole Chadian territory, and the Chadian National Television (*Télévision Nationale Tchadienne* – TVT) created in December 1987 covers only the capital N'Djamena and a radius of 80 km around it. These two institutions amalgamated to form a National Office for Chadian Radio and Television (*Office Nationale de la Radio-diffusion et de la Télévision Tchadienne* – ONRTV) which is now operating through satellite.

118. The Chadian Press Agency (*L'Agence Tchadienne de Presse* – ATP), created in 1965, is theoretically the official source of information, but it does not have any regional structure or an appropriate infrastructure. But since August 2010 it does have a website (<http://infotchad.com/>).

119. The Official Journal (*Le Journal Officiel* – JO) which is devoted to official publications is not generally accessible to everybody given the high rate of illiteracy of the population and the fact that the Journal is not published at regular intervals.

120. These public media organs were closely controlled by the ruling power but at the beginning of the 1990s began to manifest much greater structural autonomy. This period left its mark on the coming of democracy and this breathed new life into the media: the private media started to grow rapidly.

The independent media

121. At least ten or so independent newspapers (*Tchad et Culture*, *N'Djaména-bi-hebdo*, *Le Progrès*, *L'Observateur*, *Le Temps*, *Notre Temps*, *Le Miroir*, *Chronique des Droits de l'Homme*, *Le Grenier*, *Le Carrefour*, *La Voix*, etc.) keep the public informed about current affairs and economic and social questions, notably those relating to human rights.

122. A certain number of private radio stations complement the Chadian National Radio in disseminating information, namely: *FM Liberté* (N'Djamena); *Voix du Paysan* (Doba), *Lotikôh* (Sarh), *Brakoss* (Moïssala), *Al Nasr* (N'Djamena), *Dja FM* (N'Djamena), *Ngato FM* (N'Djamena), *Ngato FM* (N'Djamena), *Terre Nouvelle* (Bongor) and *La Voix de l'Espérance* (N'Djamena) and one of these is run by a woman. These private radio stations broadcast information relating to human rights, mainly in local languages. They show their popular side by taking up militant positions in favour of vulnerable groups and by opting to bring the truth to the people. Nonetheless, they have a limited audience range, given the very limited technical resources at their disposal.

123. Not only is the circulation of the written press low because of the high percentage of illiteracy and because of poverty, but it is also impeded by the lack of transport facilities, by air or on the ground, severely limiting its impact. Such a situation makes their economic viability difficult.

124. From time to time the private media take the full brunt of the public power's hostility, which can take the form of warnings, legal action and even temporary closure.

(b) Other means used for circulating information

125. Leaflets, posters and comic strips have been used by certain public agencies as educational supports for circulating information about international conventions. These agencies include:

(1) The Ministry of Social Action, National Solidarity and the Family during the commemoration of the Chadian National Women's Week and for International Women's Day (8 March), Rural Women's Day (15 October), the Pan-African Women's Day (31 July); African Children's Day (16 June), and the anniversary of the Convention on the Rights of the Child (20 November).

(2) The National Human Rights Commission on the occasion of the celebration of the anniversary of the Declaration of Human Rights and the fiftieth anniversary of the Universal Declaration of Human Rights.

(3) United Nations organizations, notably UNICEF, UNDP and UNPF, which on each occasion remind the public of the commitment of the United Nations to the promotion and protection of human rights in Chad.

(4) Human rights associations and women's associations as part of their activities circulate information widely on the fundamental principles of human rights, especially the Convention on the Rights of the Child;

(5) The Project for the Reinforcement of Human Rights and Governance in Chad (CHD/98/012), co-financed by the UNDP and the United Nations High Commission for Human Rights, carried out a vast awareness-raising campaign from June 2000 to October 2002, notably by reinforcing the roles of certain national institutions (Parliament, Supreme Court, Constitutional Council, National Human Rights Commission, National Television), by providing facilities and training programmes, and by translating into the two principal national languages (Arabic and Sara) the principal instruments for the protection of human rights, including the Convention.

Translation

126. Certain conventions relating to human rights have been translated and circulated throughout Chad in local Arabic and in Sara. This is particularly the case with the Convention on the Rights of the Child. Generally, the conventions are summarized or condensed into local languages for a better understanding by the local people.

127. The translation and popularization of international legal instruments is carried out by various civil society organizations, notably by the human rights organizations, women's associations and other NGOs who use time granted on national radio and also through local community radio stations and through training seminars to circulate this information to the general public.

128. Concerning the Convention itself, as well as a translation into literary Arabic, there exists a translation into local Arabic carried out as part of the Project for the Reinforcement of Human Rights and Governance and this is broadcasted by local and community

radio stations.

129. A collective of prominent women's associations, the Women's Associations Liaison Unit (CELIAF) has translated the Beijing twelve points into three languages: Sara, local Arabic, Ngambaye, and into Moundang in 1999.

Public debates and training

130. A number of public discussions and training sessions on human rights instruments have taken place through a series of public meetings and training workshops to raise public awareness of Chadian official documents. With the support of UNICEF, efforts have been made to make the Convention on the Rights of the Child more accessible, both in French and in Arabic, for use by specific groups such as magistrates, police, journalists, social workers and associations.

131. Public meetings have been held to discuss the implementation of the Convention through three parliamentary draft bills, namely a bill for a code on the person and the family, a bill for introducing a quota system, and a bill for reproductive health, in 2000, 2001 and 2002. The discussions are still continuing.

132. The Ministry for Social Action, National Solidarity and the Family organizes explanatory meetings and discussion sessions on women's rights contained in the Convention. These take place in social centres and are also broadcast on the radio.

133. This form of action is intensified on women commemoration days, particularly during the National Chadian Women's Week (1-8 March). The same ministry initiated the radio/TV programme "the voice of Chadian women" broadcast every Thursday on ONRTV.

(c) Organs for the dissemination of information, monitoring and assessment of the international conventions relating to human rights

State institutions

134. Assessing the effectiveness of the dissemination of information and the degree of awareness of the conventions is at present the responsibility of:

The ministerial departments;

The Permanent Commission on Human Rights, based within the National Assembly;

The National Institute of Education Sciences (ISSED);

The National School of Administration and Magistracy (ENAM).

135. The last two institutions are responsible for teaching human rights.

136. Concerning the Convention, the Ministry of Social Action, National Solidarity and the Family, pursuant to administrative Order No. 0013/MASF/DG/02, has set up a technical committee responsible for drawing up reports on the application of the Convention.

137. The Ministry of Social Action, National Solidarity and the Family, pursuant to Decree No. 192/BRSGP/94 of 4 August 1994, set up a monitoring committee in 2002 concerning the welfare of children. The initial report on the Convention on the Rights of the Child has been drawn up and submitted to the United Nations Committee on the Rights of the Child.

138. In 2006 an inter-ministerial committee was created under the auspices of the Ministry of Human Rights and Freedoms, with the task of integrating civil society organizations. This committee, recently revitalized, is undertaking the monitoring of the afore-mentioned instruments ratified by Chad.

Non-governmental organizations

139. Those concerned are civil society organizations including the Associations for the Defence and Promotion of Human Rights, as well as development NGOs and women's associations.

Human rights associations

140. In order to increase their effectiveness, five human rights associations: the Association for the Promotion of Fundamental Freedoms in Chad (APLFT), the Chadian Association for Non-Violence (ATNV), Chad Non-Violence (TNV), the Chadian League for Human Rights (LTDH) and the Chadian Association for the Promotion of Human Rights (ATPDH), have decided to form a network for consultation and action: an associated radio station has been set up (*FM Liberté*) to "inform, train and educate".

141. These associations regularly denounce violations of human rights and issue periodic reports on the human rights situation (arrests and arbitrary detentions, extrajudicial executions, etc.).

142. They fight for the establishment of a legally-constituted State, for democracy and for sustainable development. They work for the promotion and protection of human rights through diverse actions: training programmes, providing legal support for victims; radio programmes, such as "Our dignity", broadcast by the association "Human Rights Without Borders", "Inform to make better aware" by ATPDH, "Hello, my lawyer"; theatrical productions, legal consultations through human rights shops and walk-in clinics, through a telephone legal help-line (ATPDH, APFLT, AFJT); and publications such as *The Human Rights Chronicle* of APLFT and *The*

143. The shortage of means, on both the material and the human level, explains why these pressure groups do not always attain the objectives hoped for.

Development NGOs

144. Many NGOs working in Chad have a rich experience of giving practical information concerning women's rights. These are NGOs such as Acord, Intermon, Oxfam, World Vision International, Assaild, Secadev, Inades-Formation, and others.

145. The Centre for Development Training (CEFOD) makes available a legal databank for helping the population; the Centre publishes brochures in simplified form to help the general public with legal terminology.

Women's associations

146. Women's associations are grouped together in the Women's Associations Liaison Unit (CELIAF) which conducts campaigns for the promotion and defence of women's rights through seminars, advisory councils, research programmes and radio broadcasts.

147. Information on women's rights comes also through the activities of Arabic-speaking women's associations (UAFAT).

Trade unions

148. There are four confederations of trade unions: the Union of Trade Unions of Chad; the Free Confederation of Chad workers; the Confederation of Teachers Unions of Chad; and the Syndicalist Confederation of Chad workers.

149. They play a major role in the consolidation of human rights and of democracy in Chad, through giving popular form to the national and international instruments on workers' rights and on the rights and duties of citizens.

Religious organizations

The Catholic Church

150. The National Justice and Peace Commission of the Catholic church, set up by the episcopal conference and based in the six dioceses, together with the Coordination of Catholic Women, carry out consciousness-raising activities, giving information and training in fundamental rights: based on a daily teaching of the social doctrine of the Church which preaches respect for the dignity of human beings, equity and justice.

151. This work is supported by *Radio Arc En Ciel* and *Lotikoh* which both devote air time to the subject of human rights.

The Protestant Church

152. The Chadian Churches and Evangelical Missions Entente (EEMET) and the Organization of the Entente Christian Women (OFCE) provide training in the field of human rights and civic education for young people, particularly through religious broadcasts on the "*The Voice of Hope*" radio station.

The Superior Council of Islamic Affairs

153. The Superior Council of Islamic Affairs carries out education in human rights through meetings between religious leaders and believers.

154. Information and awareness-raising are activities carried out in small groups by members of the Union of Associations of Arabic-speaking Women in Chad (UAFAT).

II. Individual articles of the Convention

Article 2 Legislative and other anti-discrimination measures

155. As part of the implementation of the Convention, Chad has taken legislative, administrative and judicial measures to fight against discrimination.

Legislative measures

Measures of a general nature

The Constitution of 31 March 1996

156. The Constitution of Chad, adopted on 31 March 1996 and revised on 15 July 2005, stipulates in article 14 that:

"The State ensures equality before the law for all without distinction of origin, race, sex, religion, political opinion or social position.

It has the duty to work for the elimination of all forms of discrimination against women and to ensure the protection of their rights in all

domains of private and public life.”

157. The provisions contained in article 14 clearly establish the principles of equality and of non-discrimination in gender relations in Chad. They guarantee the same individual rights and freedoms for men and for women in all domains of life.

158. Pursuant to this article, the Constitution of Chad prohibits all discrimination on the basis of sex.

159. The right to work is guaranteed by the Constitution in article 32 which stipulates: “The State recognizes the right to work for all citizens.

It guarantees a just remuneration for the worker’s services or production. The rights of the worker cannot be prejudiced for reasons of origins, opinions, beliefs, sex or marital status.”

160. Moreover, access to public employment is guaranteed to all Chadians without any discrimination, subject to conditions specific to each job.

Other laws

161. Generally, Chad respects the principle of equality of opportunity between women and men in all domains of life.

162. The Electoral Code of 18 September 2000, revised under Act No. 003/PR/2009 of 7 January 2009, itself modified by Act No. 007/PR/2010 of 8 February 2010 modifying certain provisions contained in Act No. 003, invokes in all its clauses those in the Constitution devoted to equality of men and women before the law in article 3 and the right of Chadians of both sexes who have reached the age of 18 to participate in elections.

163. In accordance with article 111 of the same Code, all Chadian citizens can put up for election and be elected.

164. Act No.003/PR/2000 of 16 February 2000 deals with the electoral system for the decentralized local and regional authorities. Article 10 of this Act recognizes that Chadians of both sexes who have reached the age of 25 have the right to be elected to a municipal, departmental or regional council.

165. Act No. 031 of September 1996, creating the National Human Rights Commission, adheres to the same principle of non-discrimination concerning access to the Commission.

166. Act No. 005/PR/98 of 7 July 1998 concerning the organization and functioning of the Superior Council of the Magistracy also recognizes this equality.

167. The draft code on the person and the family has been in preparation since 1996. This was decided by decree No. 617/PR/MASF/95 of 18 August 1995 which created the commission for drafting the bill for a code on the person and the family. The bill was adopted by a national drafting committee in December 2000. It was re-examined in August 2009 and February 2010 and is waiting to be adopted by the Government and then by the National Assembly.

168. This draft code on the person and the family forms the beginning of a compromise worked out between the different practices related to the application of several legal systems to one population.

169. This draft code will also fill the vacuum in a way intended by the Convention when it requests States to commit themselves “to ensure, through law and other appropriate means, the practical realization of [the principle of the equality of men and women]”.

Specific measures

170. Act No. 19/PR/95 of 4 September 1995 is entitled Policy Declaration on the Integration of Women in Development (IWD). From the moment the Convention was ratified, Chad has striven to put in place a legal mechanism for the implementation of this measure as a domestic Chadian law.

171. In its preamble this Act recalls the fundamental principles underlying the human rights contained in the Universal Declaration of Human Rights and the resolutions and recommendations of international and regional conferences on women in which Chad has taken part.

172. It demonstrates the desire of the Government of the Republic of Chad to integrate women as a constituent part in development plans in all sectors of public and private life.

173. The Act on the Integration of Women in Development was not limited to anticipating the strategic guidelines in all domains of women’s rights, but it also had the merit of placing the Government under the obligation of integrating women as a constituent part in development plans in all sectors. It also has the merit of anticipating the creation of mechanisms for women’s integration.

174. Act No.038/PR/96 on the Employment Code was adopted to replace that of 1967. This new Act contains special measures relating to women’s employment.

175. The bill on quotas drafted in 1999 gives women certain advantages at the level of decision-making in political as well as administrative matters. But it is slow in being adopted by the Government.

176. Act No. 006/PR/02 of 15 April 2002 on the promotion of reproductive health serves as a reinforcement of health policy and fits in perfectly with the measures in the Convention relating to women’s health. It specifically recognizes the freedom of procreation for couples as also their right to choose the number of children (articles 4, 5 and 6). The responsibility of reproductive health lies

henceforth with the couple and not with the husband as was the case in legal texts and practices previously in force in Chad.

Administrative measures

177. Article 3 of the Convention puts States Parties to the Convention under the obligation of taking measures in the economic, political and socio-cultural fields with a view to ensuring the full development and progress of women in the respect and enjoyment of human rights. It is even recommended, in article 4, that States should take special measures aimed at accelerating the achievement of a *de facto* equality of men and women.

Mechanism for integration and promotion of women

178. The first mechanism for integrating women into the development programme was the creation on 21 October 1982 of a Secretariat for the Promotion of Women within the Ministry of Employment. On 24 July 1984 it became a separate department carrying the name "Ministry for the Promotion of Women and Social Affairs".

179. The Chadian National Women's Week was instituted in 1990, and the Committee for the Integration of Women in Development was established in 1991.

180. In 1995, following the Declaration of Population Policy, adopted in 1994, the Ministry of Social Affairs and the Promotion of Women was given a new role: conceptualizing and envisaging new prospects for women, through Act No. 19/PR/95 on the adoption of the Policy Declaration on the Integration of Women in Development.

181. The objectives defined in these two policy documents clearly show the will to promote the participation of women in development.

182. In the Declaration of Population Policy, three specific objectives relating to women were defined: namely:

To enhance the legal and socio-economic status of Chadian women;

To reinforce their ability to fully exercise their rights, including their reproductive rights;

To increase their participation in the development process, notably through an education aiming to promote equality of opportunity in matters of education and of employment open to both sexes.

183. The Policy Declaration on the Integration of Women in Development itself stresses the multidimensional character of the "women and development" issue and the necessity of promoting women. It proposes welfare strategies on the basis of equity and equality of opportunity between the genders.

184. The Ministry for Social Action, National Solidarity and the Family is structured in the following manner:

A general secretariat directed by a woman;

Two technical counsellors on the personal staff of the Minister, one of which must be a woman;

Six technical departments of which two should be directed by women.

185. The Ministry for the Promotion of Women and Social Affairs is responsible for implementing and monitoring the social and family policy defined by the Government. In this role it is responsible for:

Carrying out policies for "Information, Education and Communication" for women in all matters;

Implementing the policy defined by the Government for the promotion of women;

Participating in the circulation of information, awareness-raising and education of the population with a view to improving social conditions;

Ensuring that women are involved in decision-making processes and ensuring respect for equality of the sexes in education, training, employment, etc.

186. Through its structures and the tasks which are assigned to it, the Ministry has at its disposal a framework for mainstreaming gender through the Department for the Promotion of Women. This department is responsible for:

Ensuring the implementation and monitoring of the Policy on the Integration of Women in Development;

Promoting the mainstreaming of the "gender approach" in national and sectoral policies, programmes and development projects.

Legal measures

187. Article 14 of the Chadian Constitution stipulates that "the State ensures equality before the law to all without distinction".

188. The legal protection of the rights of women, on an equal footing with men, must be upheld by all national courts, administrations and other institutions of the Republic.

Equal access to justice

189. The question to be asked is whether Chadian legislation and legal practice permit the pursuit and punishment of the perpetrator in all cases of violence carried out against women.

190. Concerning access to justice, Chadian legislation recognizes gender equality before the law. This is clearly the case, for example, in article 252 of the Criminal Code, which recognizes the obligation of every individual to answer for their actions if these endanger the corporal or mental integrity of another person.

191. It follows therefore that any woman who is a victim of physical violence (intentional blows and injuries) or of violence relating to the non-respect of obligations resulting from marriage such as failing in family upkeep provision, abandoning a child or family, can go to law and ask for alimony or compensation for the wrongs suffered.

192. But it has to be admitted that many women do not lodge a complaint because they do not know their rights or are afraid of being ostracized or ending their marriage.

193. The legal measures most frequently invoked include the following:

With the justice reform project, conditions for the detention of women will be improved;

The legal decisions taken in recent years are an ample demonstration that magistrates are taking into account the provisions of the Convention.

194. It should be noted that the Civil Code, the Code of Civil Procedure, the Criminal Code, the Commercial Code and the Labour Code, to mention only these, have sanctioned the principle of equality of all before the law without discrimination of sex, race, religion or political opinion.

195. In spite of this general recognition of the equality of men and women and the condemnation of discrimination, one notices a persistence of deeds and practices at the regional administrative and judicial level which run contrary to these principles proclaimed by the Constitution and the other laws of the Republic.

196. There are no discriminatory criminal provisions with regards to women in Chad. There are, however, inadequacies as regards the reinforcement of certain legal provisions concerning conjugal violence and customary practice on questions of succession or of sexual harassment.

Concrete measures taken by the State

197. These consist notably of legislative, regulatory and administrative measures and they include the following examples.

In the framework of the law on the integration of women into the development process, the Government has adopted a plan of action which gives responsibility to the different ministerial departments for involving women in development, taking into account the cross-disciplinary dimension of the gender issue. This shows that the Government is acting in accordance with the different provisions of the Convention mentioned above.

198. This plan of action has targeted five priority strategic objectives for all programmes and development projects. These are:

Objective 1: Improving the legal status of women;

Objective 2: Enhancing the value of female human resources in all sectors;

Objective 3: Promoting the economic status of women;

Objective 4: Improving women's living standards;

Objective 5: Improving the institutional framework for integrating women in development.

199. These five priority objectives targeted by the State correspond to and incorporate the provisions of the Convention relating to the improvement of the social and legal condition of Chadian women and the elimination of the discrimination they have suffered at all levels of public and private life.

200. The institutionalization of the National Week for Chadian Women in 1990 gave the Government the opportunity of implementing the Convention through other institutions, such as:

The National Committee for the Integration of Women in Development in 1991 (the priority objectives of the Integration of Women in Development had already been prioritized at the level of ministerial departments);

The Pan-African Women's Day in 1995;

Rural Women's Day in 1999.

201. These actions are directly in line with the Government's political programme of 4 June 1997 which expressly charged the Ministry of Social Action, National Solidarity and the Family with pursuing a policy of implementing projects relating to the integration of women in the development process.

202. It was for that purpose that the Government reduced enrolment fees by 25 per cent as an incentive for increasing the education and schooling of girls.

Concrete measures taken by civil society

203. In general terms, women's associations and other human rights associations and NGOs have played and continue to play an important role in the fight against discrimination regarding women and girls.

Awareness-raising and training activities

204. Associations such as the human rights organizations AFJT, CELIAF, LTDH, APLFT, ATPDP, have organized awareness-raising and training sessions for the public on the importance and the contents of human rights conventions, including the Convention on the Elimination of All Forms of Discrimination against Women.

Specific campaign activities

205. The member associations of CELIAF (the Women's Associations Liaison Unit) and the Chadian Association for Family Welfare (ASTBEF) have campaigned hard to persuade decision-makers to exercise positive discrimination in favour of women in the domain of reproductive health.

206. The current draft code on the person and the family has also been taken up as a cause by the Human Rights Association and by the Chadian Association of Women Jurists (AFJT).

Background Studies

207. In 2000, AFJT carried out a comparative study of the Convention and national laws with the support of UNICEF.

208. It also carried out a study on the social and legal condition of Chadian women in 2001 with the support of UNPF.

Constraints affecting the adoption and application of legislative and other measures

209. The Republic of Chad has taken a variety of measures to modify all laws and other regulatory or custom-based arrangements that constitute discrimination against women in the political, economic, social and cultural domains.

210. Nonetheless, the implementation of these measures continues to pose problems in view of the persistence of socio-cultural inertia and the difficulty that the State faces in trying to change mentalities at the rate required by international commitments taken in the domain of human rights.

211. In Chad, national legislation in civil matters is characterized by the coexistence of customary law, Islamic law and modern law. This is due to the fact that since the country's accession to independence, the Chadian authorities have not really succeeded in harmonizing the different local practices with modern law inherited from the former colonial Power. The French Napoleonic Code of 1958 inherited from the decolonization process continues to be applied in national jurisdiction in civil matters in the absence of a civil code of a specifically national character.

212. The analysis of the social and legal situation of Chadian women in the light of the Convention points to the incompatibility of certain national legal texts with the provisions for revising laws in conflict with the Convention and this has impeded the process of harmonizing domestic laws with international legal instruments.

213. The constitutional law currently in force allows discrimination by accommodating customary practices which relegate women to a subordinate level and which do not recognize gender equality in matters of marriage, divorce, property or succession rights. Articles 156, 157 and 158 are explicit on these questions. To take one example, article 157 stipulates that "customary and traditional rules governing marriage and succession settlements cannot be applied without the consent of the two parties concerned. Without this consent, national law alone is applicable. The same applies in cases of conflict between two or more customary rules". It so happens that true domestic law in civil matters is multiple (customary law, Muslim law and civil law). As well as this contradictory stipulation of the 1996 Constitution, Act No. 4 of 24 August 1998 concerning the organization of the judiciary authorizes assessors to sit at the court level. The assessors are the representatives of the customary chiefs who guide the judges in the way that the custom should be applied.

214. The enduring influence of custom acts somewhat as a brake on the complete implementation of the provisions of the Convention at the present time. Experience has shown that judges have difficulty in applying positive law. They are only reflecting their own society which gives priority to traditional and ancestral practice over that of modern laws.

215. Another brake on the implementation of the Convention is the non-adoption of the draft code on the person and the family.

216. It was in fact to adhere to its international commitments that in 1996 the Chadian Government decided to adopt a code on the person and the family. For this purpose, a national commission was set up with the task of drawing up such a code. After four years of hard work, on 16 February 2000, the commission officially submitted to the Government a bill for examination and then adoption by the National Assembly.

217. To this day, the Government is having some difficulty in adopting this project, because part of the population is said not to recognize the legal validity of this draft code because it supposedly does not take into account their own aspirations. This is notably the case of the Chadian Union of Muslim Executives (*Union des cadres musulmans du Tchad*) which contests the family code provision in the bill. It wishes to have a specific code inspired by the Koran to cover Muslim women and children.

218. It should be pointed out that a consensus did emerge at the level of the national commission charged with drawing up the draft code on the person and the family.

219. In 2002, on the instruction of the Prime Minister, a Committee entrusted with the task of re-launching the bill for a code on the person and family was set up on 10 September 2002 by Order No. 0022/MASF/DG/02.

220. The provisions of the Civil Code of 1958 relating to marriage are contrary to article 16 of the Convention, which upholds the principle of gender equality in matrimonial relations. Thus, article 213 of the Code stipulates that ‘the husband is the head of the family’; and article 215 that: ‘The choice of residence of the family belongs to the husband and the wife is obliged to live with him and he is required to receive her.’

221. Ordinance No. 006/PR/84 on the status of tradespeople in Chad gives the husband of a shopkeeper/tradeswoman the right to object to her trading activities. This ruling is still in force. It is a re-statement of article 223 of the 1958 Civil Code which authorizes the husband of the tradeswoman to put an end to her trading activities if he judges it necessary.

222. Act No. 001/PR/99 on the management of oil revenue, revised in 2006, says nothing on the specific interests of women and children.

Constraints of a legal nature

223. We must admit that, in spite of the existence of judicial institutions, Chadian justice is going through a major crisis for the following reasons:

Magistrates are not independent in their decision-making due to the strong involvement of the executive power in the functioning of the judicial apparatus;

Constitutional and legal guarantees are not valid except for those who have power and large incomes;

The weakness and the lack of integrity of certain magistrates, together with deplorable financial and material working conditions;

The lack of qualified personnel in the judicial institutions and the persistence of parallel justice procedures at the community level;

The abstract nature of the concept of the rule of law for the majority of the population due to the prevalence of illegality which continues to constitute the rule.

224. Most legal judgements often come down against the woman.

225. Difficulties persist at the level of legal decisions taken in matters of succession. This is notably the case concerning the property succession rights of the widow in Chad, who appears in the eyes of certain tenants of customary norms to be the ‘object’ of a legal decision rather than the ‘subject’ of a legal right.

226. In a Muslim cultural context, real property is part of the inherited estate and the widow benefits from it. It should be pointed out, however, that the Chadian judge has not always been attentive to the interests of the widow.

227. This is the case in the examples which follow.

228. In the case *Widow A.C. vs. O.C.* (Law Records 450/99) of 8 October 1999, in which the Court of Appeal did not recognize the validity of the marital joint ownership of property and succession arrangement (donation to the other spouse if one of them dies). In this case, the widow had her parents-in-law brought before the judges in order to secure her right to the property as part of the estate inheritance of her deceased husband. But the Court of Appeal of N’Djamena declared that the whole estate to be settled included the property in question and that ‘in subscribing to an official marriage, the wedded couple had not thereby renounced their status in customary law... [and] that it is a question of caselaw precedence that succession settlements are subject to the customary law pertaining to the husband, in so far as such settlements are not contrary to public order’.

229. In the case *H.L. vs. Widow F.A.* (Law Records 209/98) of 24 April 1998, the Court of Appeal of N’Djamena invalidated a judgement of the First Instance Court in N’Djamena which had recognized the widow F.A.’s right over a property belonging to her deceased husband in accordance with the legal titles presented to the court. For the Court of Appeal, this property was not a part of the succession estate because the family council had already designated the heirs. In this way the Court of Appeal accorded primacy to the family council decision, which had decided to exclude this property from the succession estate in order to attribute it to other claimant heirs, over and against the rights of the widow.

230. In the case *M.G. vs. A.A.* (Law Records 583/99) of 3 December 1999, widow M.G. considered herself owner of a property offered to her by her husband after forty years of living together. On the death of her husband, however, the brothers of the deceased decided to sell the property, whilst recognizing the widow’s right to one eighth of the property’s value. The appeal of the latter before the Court of Appeal did not receive the slightest favourable response.

Article 3 Civil and political rights

Provisions of a legislative nature

The Constitution

231. The civil and political rights of women, such as provided for by the Convention, are taken into account in the Chadian

Constitution.

232. Article 12 refers to the fundamental human rights which are recognized as applying to all citizens and their exercise is guaranteed by the State in the forms provided for by the law.

Other laws

233. Act No. 17/PR/01 of 31 December 2001 concerning the general status of the civil service confirms, in the same way as do other laws, the principle of non-discrimination in the access of Chadians of both sexes to the civil service.

234. Act No. 19/PR/208 of 4 August 2009 concerning a charter for political parties

235. Title II on the creation and functioning of political parties, in its articles 11 and 12, recognizes every citizen's right to create a political party or to join a political party of his or her choice

236. Act No. 021/PR/2000 of 18 September 2000 concerning the Electoral Code, revised in 2008, previously referred to, carries the same provisions.

237. This Act, in article 3, recognizes for all Chadians, independently of their sex, the right to vote and be elected to decision-making posts.

238. Act No. 19/PR/95 concerning the adoption of the Policy on the Integration of Women in Development, adopted in 1995, aims at developing strategies for the promotion and capacity for assuming decision-making powers of Chadian women in the management of public affairs.

239. Act No. 003/PR/2000 of 16 February 2000 concerns the electoral system for the decentralized local and regional authorities.

240. The progress of women, their full development and their enjoyment of their fundamental rights and liberties, is dependent first and foremost on their exercise of their right to citizenship, that is to say, the right to vote and to be eligible for all elective or decision-making posts.

241. It also gives women the possibility of expressing themselves freely without constraint in the context of their participation in the management of public affairs. This is what emerges from article 3 of the Electoral Code cited above.

The difficulties faced by women in the quest for complete personal fulfilment

242. In family and matrimonial relations, a woman has no rights. She is dependent on her father or her husband. The moral and material control of the family is assured by the husband, particularly in a rural environment. The woman, as mother and wife, does the household work, brings up the children and does the water-carrying.

243. In cases of marital conflict (divorce), the woman loses her rights and cannot be compensated. It is always the husband who has the right to ask for divorce or even to pronounce it unilaterally (in the case of repudiation).

244. In the area of violence or discrimination, women and girls undergo daily violence linked to their social and legal status.

245. The right to decide as a fully-fledged citizen or to freely give her consent to marriage is not really a practicable option.

246. Dietary taboos, harmful traditional practices, such as excision, scarification, child marriage, the practice of levirate and sororate, are all obstacles to the effective implementation of the Convention. Women still accept these practices in most of the regions of Chad.

247. As far as public security is concerned, the fundamental rights of the majority of the Chadian population are often violated and trampled on; violations of civil and political rights (inhuman, cruel and degrading treatments, assassinations in both rural and urban settings) are common practices inflicted by agents of the State.

Violations of women's rights were committed by state security agents in front of the French Embassy on 11 June 2001 during a peaceful demonstration;

Arbitrary detentions and degrading prison conditions;

Ill treatment of women traders by municipal police in the market-place.

248. The cases referred to here are sufficiently edifying and testify to the acute nature of the problem. Those responsible for these acts enjoy complete impunity and continue to use illegal methods against the most deprived and vulnerable sections of the population.

249. The quasi-permanent nature of the problems linked to insecurity and impunity in Chad act somewhat as a brake on the implementation of the Convention and that of all the international conventions ratified by Chad on the subject of human rights. The cases of violence perpetrated by law-enforcement authorities are adequate testimony.

250. In fact, Chad is engaged in a difficult process of democratization and this explains the engagement of its armed forces in numerous conflicts which have had devastating effects, with considerable loss of human life, waves of refugees and displaced persons and multiple cases of rape and other violence towards women.

251. The army, which should be helping to guarantee the collective security of Chadians, is used sometimes by the men in power to clamp down on other communities, and sometimes it serves the interests of groups of opponents who are seeking to take over

power. Under such conditions, the Chadian army no longer appears to be there to help the intermingling of the different communities. It is transformed into several partisan forces that tend to be nothing but mono-ethnic military units.

Article 4 Measures of positive discrimination and special measures for women

Legislative measures

252. Beyond the Constitution, which condemns discrimination in all fields, there exists no specific legislation tending in this direction.

253. Article 14, paragraph 2, deals with the obligation of the State to ensure the protection of women's rights in all domains of private and public life. That implies that the Chadian State has a duty to take favourable measures to achieve women's sense of fulfilment.

254. This is why the State has adopted policies and programmes in favour of women in the following sectors.

The political sector

255. The draft bill for the imposition of quotas, drawn up in 1999, grants advantages to women at the level of decision-making posts in the political as well as the administrative sectors. But the Government is very slow in adopting it.

256. The appointment of women to decision-making posts and at the civil service level formerly reserved for the masculine junta, such as the General-Secretariat of the Ministries, the Vice-Presidency of the National Assembly and of the Economic, Social and Cultural Council, the prefectures and sub-prefectures and the town halls.

The educational sector

257. The particular commitment of the State in favour of girls and women has led to the adoption of measures of positive discrimination in favour of girls, notably in the recruitment and training of girls in vocational schools.

258. Moreover, in order to contribute to the improvement in the situation of girls, other accompanying measures were taken in 1994. These included:

Order No. 300/MEN/DG/94, the objective of which was to increase the school attendance rate of girls from 31 to 36 per cent in 1998 in all the places in Chad where the rate was below 30 per cent;

Order No. 290/MEN/SG/DGFA/2004 concerning the creation at the Ministry of National Education of a task force for boosting school enrolment, a unit which was elevated into a Directorate for the Promotion of Education of Girls by decree No. 414/PR/PM/MEN/07 of 17 May 2007.

The health sector

259. Act No. 006/PR/02 of 15 April 2002 concerning reproductive health, recognizes for men and for women the same rights in the matter of reproductive health. This Act lays down the principle that all persons can lead a responsible, satisfying and risk-free sexual life. Individuals as well as couples have the right to decide freely and with discernment the number of their children, the spacing of their births and should be given the necessary information in order to achieve this (articles 3, 4, 6, 7 and 8).

260. Abortion is henceforth authorized in order to safeguard the life of the pregnant woman. A married woman whose life could be at risk because of pregnancy can, with her written consent alone, benefit from an irreversible method of contraception (articles 14 and 15).

Difficulties in implementing measures of positive discrimination

261. Chadian society is of the patriarchal type with strongly engrained views on the abject status of women. The practice of the dowry which was instituted symbolically by society and paid by the husband or his family has evolved to become in certain cases a sort of price of acquisition and thus has led to the subjection of the woman to her husband and to the members of his family. In certain cultures when a woman dies very soon after her marriage or leaves very young children, her younger sister replaces her, hence the practice of sororate.

262. In the domain of productive activities, the tasks reserved for women are for the most part unpaid even though they take up all their time and energy.

263. The situation of women in rural areas, which account for close to 80 per cent of Chadian women, is still more difficult in the sense that they are mostly responsible for producing the subsistence crops. Most of the work is done manually, which takes much time and energy. The many activities such as water-carrying and wood collecting, etc. mean that girls are called upon at a very early age to help with domestic jobs.

Article 5 The modification of social and cultural patterns of behaviour

Legislative measures

The Constitution

264. Article 14, paragraph 2, of the Constitution places the State under the obligation to work for the elimination of all forms of discrimination against women and to guarantee the protection of their rights in all domains of public and private life.

Other legislative measures

265. Legislative measures to fight against certain harmful social and cultural practices existed well before the ratification of the Convention.

266. One such case is the Criminal Code of 1967 which prohibits social and cultural practices which discriminate against girls.

267. Article 273 prohibits indecent assault attempted or perpetrated with or without violence on the person of a child of either sex aged under 13. A convicted perpetrator is sentenced to two to ten years' imprisonment.

268. Article 274 punishes rape committed on a child of under 13.

269. The consummation of a customary-law marriage before the girl has reached the age of 13 is also prohibited under article 277 of the Criminal Code.

270. Article 279 punishes procuring for prostitution with a prison sentence of six months to two years and a fine from fifty thousand to one million CFA francs without prejudice to greater penalty.

Administrative measures

The fight against traditional practices harmful to women

Government action taken

271. In March 2007, Chad officially adopted the Regional Action Plan of the World Health Organization AFRO programme to accelerate the elimination of practices of female genital mutilation.

272. In December 2001, consultations took place with parliamentary deputies, health professionals, development partners and civil society organizations to discuss proposals for a bill on reproductive health.

273. In March 2002, an inquiry was held into the prevalence of female genital mutilation in the departments of Mandoul and of Logone oriental.

Actions of civil society organizations

274. The fight against harmful traditional practices, violence towards women, the practice of female genital mutilation, etc., all become favoured topics for action by the human rights' and women's associations.

275. In 1997, research was undertaken by the Chadian Association for Family Welfare (ASTBEF) on female initiation practices in the middle Chari region.

276. Harmful traditional practices on which the consensus-building workshop of reproductive health focused in 1999 included female genital mutilation, dietary taboos and violence against women. To these must be added early and forced marriages.

277. It emerges from numerous consultations that female genital mutilation is practiced in nine of the fourteen former prefectures of the country.

278. Following a regional meeting on harmful traditional practices, a national committee was set up to fight against the phenomenon in 1996 (CONACIAF). From then onwards, awareness-raising sessions to mobilize opinion for action were organized both on the national and the regional level. In 1997, the Chadian Association for Family Welfare (ASTBEF) initiated a campaign against female genital mutilation with the support of the United States Embassy at the end of a conference on legal barriers to reproductive health held in Cotonou in March 1997. This project led to a vast campaign aimed at the administrative, political, traditional and religious authorities.

279. The synergy created by all these activities led to the adoption and promulgation of the Act on Reproductive Health in 2002, in which several provisions prohibit the practice of excision (art.9).

280. The spread of vesicular-vaginal fistulas was also analysed over a five-year period in a project aimed at medical treatment for all those suffering from this complaint. In 2007, the presence of fistulas in Chadian women was estimated at 456 cases per year.

Difficulties encountered in attempts to change stereotypes

281. In spite of the actions carried out by public authorities, other partners and civil society organizations, the status of women remains fundamentally characterized by inequality of treatment. Almost all the prevalent customs proclaim the basic inferiority of women to men on all levels.

282. All the religions practiced in Chad recognize women's rights but, out of ignorance or through religious fanaticism, certain interpretations are biased.

283. Thus, the role of women is limited to procreation and care of the household. The education of young girls is marked by more

duties than rights whereas that of young boys is marked by rights.

284. Social and cultural inertia are also accompanied by the high level of women's illiteracy and their extreme poverty, rendering it difficult for them to claim their rights. The gender division of labour due to customary practice leads inexorably to the overloading of women through domestic work.

Article 6 Trafficking in women and their exploitation by prostitution

Legislative measures

The Constitution

285. Article 18 of the Constitution stipulates that "No one can be subjected to physical abuse or to degrading and humiliating treatment or torture".

286. Article 19 of the Constitution refers to good moral standards by condemning harmful practices inflicted on persons in the following terms: "Every individual has the right to the free development of his person with respect due to the rights of others, to good moral standards and to public order".

287. Chad, through national and international legal instruments, condemns trafficking in women and the exploitation of prostitution, both considered as forms of violence. It also fights against this scourge in cooperation with partner institutions (as an example, the fight against child trafficking thanks to a Chad-UNICEF cooperation agreement in 1998).

Other legislative measures

The Criminal Code of 1967

288. Article 279 of the Criminal Code stipulates that "shall be considered as a procurer for prostitution and punished by imprisonment of six months to two years and a fine of 50,000 to 1,000,000 Francs without prejudice to greater penalty, he or she:

- (1) who, in whatever manner, aids, assists or knowingly protects the prostitution of others or the practice of soliciting for prostitution;
- (2) who, under whatever form, shares in the proceeds of prostitution of another person or receives payments from a person habitually practicing prostitution;
- (3) who, knowingly living with a person habitually practicing prostitution, cannot show proof of sufficient personal resources to cover personal subsistence costs;
- (4) who hires, lures, or maintains, even with the person's consent, a person, even of adult age, with a view to prostitution, or delivers that person over to prostitution or to debauchery;
- (5) who acts as an intermediary, under whatever declared capacity, between persons practicing prostitution or debauchery and other individuals who exploit or remunerate the prostitution or the debauchery of others".

289. Chad is fully committed to the fight against trafficking in persons and particularly that of women and children with the support of partners such as UNICEF in the context of the regional fight in the Abuja agreements in 2006 and the ratification, on 10 August 2009, of the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

Article 7 Women in political and public life

Legislative measures

The Constitution

290. Article 12 of the Constitution recognizes the same rights for men and for women in the exercise of fundamental rights such as civil and political rights.

291. This stipulation is reinforced in article 13 which recognizes for both sexes the same rights and the same duties before the law.

292. On the political level, women are represented in the high offices of the Republic but the number of these does not reflect their numerical weight in the population.

293. Concerning the participation of women in political life in particular, discrimination is evident in the small number of women in the legislative body (17 per cent in 1996).

294. At the parliamentary level, the present legislature includes nine women deputies (six per cent) out of a total of 155 members of the National Assembly. The 1997-2002 legislature had two women deputies (two per cent) out of 120.

295. Women-ministers in the Government have counted for more than 10 per cent since 2006, whereas they only counted for 3.4 per cent of Government members in 2000. The Government of March 2010 includes nine women (of which five Secretaries of State) out of 42 ministers (21 per cent). This is the highest proportion recorded in the history of Chad.

296. In the higher ranks of the administration, there is one woman ambassador out of 24; two women prefects out of 222; three women sub-prefects; three women mayors in 2010; six women members of the Economic, Social and Cultural Council out of 30; two on the Electoral Commission in 2001 and still two in 2010.

297. The participation of women in politics and in the higher administration remains a small one, but their role is increasing.

298. Many women excel in the informal economic sectors or in less important positions such as social assistants, youth workers, office workers, or working for associations.

Concrete action taken

299. The Government has set up programmes and projects in accordance with article 2 of the Convention:

The Integration of Women in Development Programme (IFD)(1995);

The REPAFEM Project (1999);

The Gender Project (2001);

The Gender Equality and Equity Project (2006);

The Programme for the education and training of women from urban and rural backgrounds with a view to promoting the emergence of a female intelligentsia.

Difficulties encountered in implementing political and economic rights

300. These occur because it is difficult to visualize the impact that the Convention has on the legal, social and economic condition of women.

301. In Chad, women account for 50.7 per cent of the population (RGPH2) with a feeble and under-recognized social and cultural status and very limited economic power; 87 per cent of women are illiterate (UNPF Report of 1998). Thus they have enormous difficulties in gaining access to knowledge and to economic and political opportunities. Existing data do not often provide an in-depth and statistical analysis of the question. This is also due to the fact that there does not exist, at the national level, any organ for coordinating, monitoring or evaluating the implementation of international conventions which have been ratified by Chad.

Poor representation of women in decision-making processes

302. At the level of public administration, the stereotypes derived from customs and tradition continue to have a negative effect on women. Whatever her intellectual level and social class, a woman is above all else a woman and is considered as such by those around her. Those who occupy posts of responsibility often encounter difficulties in influencing decisions due to their very weak representative weight. The restricted schooling and consequent low level of education of girls limits in the long term their right to occupy certain posts of responsibility. And this is why the gender dimension was often forgotten, up to a recent period, when drawing up development programmes and projects.

303. To this negative perception of women can be added the lack of knowledge of the texts adopted at both the national and the international level by administrative authorities and by women themselves.

304. Other obstacles stand in the way of women's participation in the running of public affairs. These include:

Ethnic, regionalist and religious considerations which take on a quasi-sacred aura and affect the way citizens acquire a sense of responsibility. These factors do not permit each citizen, and particularly not a woman, to participate fully in national life on every level.

The silence of women in claiming their rights, faced with the many types of violence of which they are victims.

305. It should also be noted that the absence of a specific decree for implementing the Convention and the very limited publicity which the Government has given it, has not helped for it to be known in public administrative circles.

306. This failure to disseminate the information and thus to popularize the Convention means that the equality of the sexes which the Convention upholds is treated with suspicion and mistrust by those holding to customary practices.

Article 8 Women and their representation in international organizations

Legislative measures

307. There exists no specific policy for the promotion of access of women to posts in international organizations. But the political will does exist for this by virtue of the recognition of equality of rights for both sexes.

The Constitution

308. Article 13 of the Constitution affirms the principle of equal rights and duties for Chadians of both sexes. Access to decision-making posts at the international level is subject to the same conditions as at the national level.

Concrete measures

309. Up to 2007, there were two Chadian women occupying decision-making posts at the level of international organizations:

the Food and Agriculture Organization: in Mali;

the United Nations Development Programme: in Burkina Faso.

Article 9The right to nationality

Legislative measures

The Constitution

310. In accordance with the Convention, the Chadian Constitution treats the right to nationality without discrimination. Article 11 stipulates that “The conditions for acquiring and losing Chadian nationality are fixed by the law”.

Other laws

311. Ordinance No. 33/PG-INT of 14 August 1962, on the Chadian Nationality Code, defines nationality as “a link by legal prerogative which, since 11 August 1960, the date of the accession of Chad to international sovereignty, attaches individuals to the State”.

312. The absolute equality of men and women in the matter of nationality is embodied in article 17 of the Chadian Nationality Code. The acquisition of Chadian nationality through marriage is envisaged in exactly the same manner for men as for women, since a foreign husband of a Chadian woman can become a Chadian under the same conditions as a foreign woman who marries a Chadian man.

313. In the case of divorce, the Civil Code states that the personal effects of the divorce are not limited only to the freedom to start a new life, but that a partial modification of status must follow. These relate to the name and to the nationality of the person. In modern Chadian law, the nationality code is not clear on this problem. It has therefore to be admitted that the dissolution of a marriage does not have an effect on nationality. In any case, it should be recognized that the law is ambiguous on this question.

Article 10The right to education and vocational training

Legislative measures

The Constitution

314. The right to education is embodied for all Chadians in article 35, paragraph 1, of the Constitution which states that “all citizens have the right to instruction”. Article 35, paragraph 3, stipulates that “Basic education is obligatory”.

315. It is also incumbent on the Chadian State and on the decentralized local and regional authorities to create the conditions and the institutions which ensure and guarantee the education of children (article 36 of the Constitution).

Other legislative measures

316. Act No. 16/PR/06 of 13 March 2006 on the direction to be taken by the Chadian educational system stipulates in article 4 that “the right to education and training is recognized for all without distinction as to age, sex, regional, social, ethnic or religious origin”.

317. Education in general has proved to be an effective instrument of change so far as the status of women is concerned. There has been a marked increase in school enrolment, accompanied by an easier access for girls to attend school. That proves that the Government is committed to establishing equality between boys and girls at school.

Administrative measures

318. In general, Chad has made a big effort in the field of education. The right to education for all without distinction has been confirmed in all successive Chadian constitutions. This interest has also been manifest in Chad’s ratification of the different international conventions relating to children’s rights. Different national plans have prioritized education and training programmes aimed at ensuring gender equality at all levels.

319. Indeed, the right to education is retained by the Government as the fundamental element in establishing equity and equality between men and women. The literacy rate in 1997 was 45 per cent for men and 23 per cent for women, whereas by 2001, it was up to 53 per cent for men and 35.8 per cent for women. After three years, the literacy rate for men went up by 8 per cent whereas that of women showed a progression of 12.8 per cent.

320. The gross rate of primary school enrolment of girls increased from 32 per cent in 2005 to 78.8 per cent in 2008. The gross rate for the first years of secondary school went up from 10.5 per cent in 2004 to 17.7 per cent in 2007, and the gross rate for the upper secondary years from 4.2 per cent to 9.9 per cent in 2007.

Primary education

321. In the field of education, no restrictions are made between girls and boys. School attendance by girls has been a Government

priority (cf. Strategic Plan for Education-Training-Employment, 1990). The setting up in 1994 of a special Technical Task Force for Promoting the Schooling of Girls within the Ministry of National Education is proof of this.

322. School attendance by girls as a Chadian Government priority is outlined in the strategic plan document for Education-Training-Employment (1990). In 1994 the aforementioned task force was set up by administrative Order No. 300/MEN/DG/94 with the aim of increasing the rate of girl school enrolment from 31 per cent to 36 per cent in 1998 with special inspections to be carried out where the rate was less than or equal to 30 per cent. This notably contributed to raising awareness in the population of the notion that every young girl must be able to attend school.

323. Positive discrimination has been introduced by the Ministry of Education. At both the secondary and the primary level, school fees for girls have been lowered compared with those for boys.

324. The enrolment and the continuing attendance of girls at school have also been encouraged by the Chad-UNICEF Cooperation Programmes, particularly since the beginning of the 1990s, following the Jomtien World Conference on Education for All (1989).

325. Today the emphasis placed on education for girls is clearly stated in the 'Education for All' National Action Plan for the years up to 2015, adopted by Chad in 2002, in which two of the fundamental objectives are formulated as follows:

(1) "To act so that between now and 2015, all children, in particular girls, children in difficulty and those belonging to ethnic minorities, should have access to quality primary school education that is free and obligatory and should remain in school for the full duration of the course;"

(2) "To eliminate the disparities between the sexes in primary and secondary education between now and 2015, paying particular attention to ensuring an access for girls which is both equitable and without restriction to a basic education of quality with the same opportunities for success."

326. The Support Programme for the Reform of the Chadian Educational System, in 2005-2006, supported by the World Bank, also includes specific objectives for the schooling of girls.

327. The Principal strategies adopted to promote school attendance for girls include :

Awareness-raising campaigns setting out the case for girls' education and mobilizing opinion among opinion-leaders, parents of pupils, and the girls themselves.

The training and skill reinforcement of teachers concerning gender issues, in cooperation with local women's organizations in running revenue-raising activities.

Alleviating the domestic burdens inflicted on girls and women through the allocation by women's groups of various tools and equipment: grinding mills, husking tools, carts and other hold-all carriers, plastic containers, etc.

Support for parents of girls attending school with financial help with equipment and textbooks.

Setting up a system for remedial lessons for girls with learning difficulties (tutorials).

Drilling operations so that schools may be equipped with a water standpipe, where possible.

Building separate boy/girl latrine facilities as a way of providing a more welcoming environment at school.

Monitoring and evaluation surveys both at the central level through the Technical Task force for the Promotion of Schooling for Girls and also through UNICEF as well as locally through committees set up at the sub-prefectoral level. These committees have been in place since 1995 to increase rates of schooling for girls in the zones where the rate was lower than 30 per cent.

Constraints

Keeping girls in school

328. Keeping girls in school remains a problem even in the specific intervention zones targeted by the special projects on schooling for girls.

329. Thus in 1999-2000, according to the statistics of the Ministry of National Education, girls represented 44.9 per cent of the total pupils on the roll in the first year of primary school (CP1) in public primary schools and only 25.7 per cent of total pupils in the top year of primary school (CM2). The example of Mao given below makes this quite explicit. Unfortunately, this is no exception, even if the drop in girl numbers in other inspected areas is less spectacular.

330. The table below illustrates the progressive yet drastic fall in year-on-year attendance of girl pupils (the table does not take into account those pupils who have to repeat a year).

Table 10

The change in numbers of a real cohort of primary girl pupils in Mao

<i>School Year</i>	<i>95/96 CP1</i>	<i>96/97 CP2</i>	<i>97/98 CE1</i>	<i>98/99 CE2</i>	<i>99/00 CM1</i>	<i>00/01 CM2</i>
Total numbers	2 280	1 197	532	338	185	67

331. The main commonly-attested obstacles to school attendance by girls, affecting their initial enrolment as much as their staying the course, are:

The extra burden of their working at the same time as being in full-time school (domestic chores and income-generating activities often to ensure family survival);

Early marriage, favoured in traditional societies, with the advantage of a dowry, together with the concern of the parents to preserve the virtue of their daughters by shielding them from the danger of sexual harassment by boys at school;

The prejudices held by certain parents against modern schools which, for them, sap the very foundations and the cultural practices of traditional society;

The unemployment that young school-leavers face, which takes the shine off the good perception that parents and children have of school;

The poverty of the families;

The long distance to travel to school and the lack of safety in getting there;

The physical environment of the school (rundown infrastructure and equipment; the lack of separate latrines for girls);

Parent dissatisfaction with the teachers;

The lack of proper textbooks;

Sexist prejudices purveyed by textbooks, teachers and boy-pupils.

General secondary education

332. In secondary education, the proportion of girls is 20.6 per cent in public-sector schools and 27.0 per cent in private-sector schools for the lower-secondary years, in 1999-2000. For the year 2001/2002, there was a total of 149,467 pupils in general secondary education, of which 30,603 were girls (21.43 per cent) all categories and disciplines taken together. Chad has only one all-girl secondary school which opened its doors in N'Djamena in 2000, with the specific aim of promoting schooling for girls at the secondary level, since we have observed that girls amount to about one quarter of the number of boys in secondary education.

333. At the Ministry of National Education, a division for female education has been created; it is placed under the authority of the Training and Teaching Skills Department and organizes courses in 12 Centres for Female Training.

334. In the field of training women to train others, the recruitment of women to the ENASS (National School for Social and Health Employees) is encouraged because women are considered better for working with the very young. At the Teacher Training College (*École Normale d'Instituteurs*) women have priority since the adoption of the quota measure which automatically reserves 30 per cent of places for women in order to restore a gender balance. The same principle applies in favouring girls' enrolment in public-sector schools. Their school fees are reduced compared with those for boys.

Technical education and vocational training

335. Technical education and vocation job-oriented training make up a whole group of institutions, structures and units, all with the responsibility of providing an interface between the school system and the world of work on the one hand, and providing professional qualifications for young persons and adults already in work, on the other. Several ministries are involved in this scheme, notably the Ministry of National Education, the Ministry of Culture, Youth and Sports, the Civil Service Ministry and Ministry of Work and Job Creation, the Ministry of Agriculture and the Ministry of Industry, Commerce and Craft Industries.

336. Within the Ministry of National Education, the institutions covering this field are as follows:

One technical and industrial education upper secondary school (*lycée*);

Two technical and commercial education upper secondary schools (*lycées*);

One technical education lower secondary school (*collège*);

14 apprenticeship centres (of which 10 are operational).

337. The total number of pupils in technical education upper and lower secondary schools was 2,009 in 1999 (1,539 in technical upper schools), of which 38.7 per cent were girls, a big majority of whom were to be found in the commercial options where they reached 66.6 per cent, close to the proportion in general secondary schools. The private technical education sector represented only 4.8 per cent of the total.

338. In the period 1999-2000, technical and vocational education trained 31.0 per cent of female primary teachers out of the total of 1,321 at the National Teacher-Training School and 11.3 per cent of women out of the 160 students at the Advanced Institute of Education Sciences (ISSED).

339. The Ministry for Social Action and the Family, with support from partners, set up in 1997 urban and peri-urban community

education centres in the UNICEF special intervention zones. The purpose of these centres is to free the girl from having to look after her little brothers/sisters so that she can go to school and also to free the mother by allowing her to go about her daily activities as well as following literacy classes.

340. The table below gives a gender breakdown of student numbers in technical establishments.

Table

The number of Girls in Technical and Vocational Upper-Secondary Schools

<i>School Year</i>	<i>Boys</i>	<i>Girls</i>	<i>Total</i>
2005-2006	1 902	1 353	3 255
2006-2007	2 059	1 345	3 404
2007-2008	2 057	1 395	3 452
2008 -2009	2 242	1 346	3 588
2009-2010	2 329	1 688	40 1 77

Source: DAPRO/MEN 2010 .

Literacy

341. Concerning literacy, national objectives specify that basic teaching should give priority to the female population. One of the special action plans drawn up by the Government is the creation of special literacy programmes for increasing the literacy rate of women to 60 per cent by 2010.

342. In 2007, there were already 2,697 literacy centres in the whole of Chad. In 2008|2009, 133,485 adult learners were enrolled, of which 69,520 were women. The total figures in 2000 were only 37,166.

343. Illiteracy is an important phenomenon. Women are the main victims of this, particularly in rural areas. The literacy campaigns put in place to stamp out chronic illiteracy throughout the country come up against certain difficulties, related to the following: (1) the doubling of the numbers of learners, including a high proportion of women; (2) the under-qualified level of literacy teachers and the unsuitability of the teaching material; (3) the inadequacy of the facilities and logistical support.

Higher education and scientific research

344. This sub-sector, comprising five universities, about ten university institutes and a few private institutions, is faced with four major problems:

- (1) The development of this level of education bears no relation to the capacities of the State and the employment market (numbers have gone from 2,356 in 1996 to 5,280 in 1999, an increase of 124 per cent);
- (2) The poor level of qualification of teachers and the difficulties of bringing them up to a national level due to the inexistence of appropriate structures;
- (3) The strong predominance of numbers in literary, legal and economic courses (82 per cent) compared with scientific courses (14.2 per cent);
- (4) Finally, the insufficiencies or absence of adequate teaching skills needed to assure a high-quality training.

345. In higher education, during the academic year 1999/2000, 6,765 students were enrolled, girls representing 14.2 per cent of these. The proportion of female staff is only 3 per cent of the professorial body. It should be remembered that in higher education there is no positive discrimination in favour of women.

Article 11 The right of women to employment

Legislative measures

The Constitution

346. Concerning discrimination in matters of employment, article 31 of the Chadian Constitution stipulates that "Access to public employment is guaranteed to all Chadians without any discrimination, subject to conditions specific to each job".

347. Moreover, article 32 stipulates that "the State recognizes the right to work of all its citizens".

348. Discrimination is specifically targeted in paragraph 3: "The right to work cannot be prejudiced by the person's origins, opinions, beliefs, sex or marital status".

Other laws

349. Other legislative measures cover in a general manner the question of non|discrimination as prescribed in the Convention. This is the case with the Labour Code of 1996 and the Act concerning the general status of the civil service.

The Labour Code of 1996

350. Act No. 038/PR/96 on the Labour Code replaces that of 1967, which is thereby abrogated. This new Act contains specific measures concerning the employment of women.

351. Article 6 of the Code prohibits employers from taking into consideration the criterion of gender concerning questions of recruitment and hiring, professional training, promotion, remuneration, granting of social benefits, questions of discipline, or the breaking or terminating of an employment contract.

352. The Act draws the attention of employers to the decisions to be taken concerning workers in consideration of their sex. This concerns decisions taken in matters of hiring, promotion, remuneration, benefits or termination of employment contract. This Act includes a form of positive discrimination in favour of women in its article 109 which stipulates that "In the case of a medically certified pathological state resulting either from pregnancy or from childbirth, the length of prenatal or postnatal leave can be increased, in each respective case, by three weeks".

353. During these medically certified periods, women have the right to free healthcare payable by the employer under the conditions covered by the current collective agreements as long as this care is not covered by the National Social Security Fund (CNSS) (article 110 of the Labour Code).

354. The woman has the right, during a period of fifteen months from the birth of the child, to daily rest periods for feeding the child. The total duration of these rest periods should not exceed one hour per work day and the time is considered and paid as work time (article 111).

355. Article 3 of Act No. 038/PR/96 of 11 December 1996 entitled Labour Code, stipulates that: "Is considered as a worker or wage-earner, whatever the sex or the nationality, any physical person who undertakes to place his professional activity, in return for remuneration, under the direction and the authority of a person called the employer".

356. Article 6 adds that: "subject to the express provisions of the present Code or of any other text of a legislative or regulatory nature protecting women and children, as well as texts concerning measures relating to the treatment of foreigners, no employer can take into consideration the sex, the age or the nationality of workers in matters concerning hiring, the carrying out and distribution of tasks, professional training, advancement and promotion, remuneration, awarding of benefits, discipline or breaking of a work contract."

357. Article 7 stipulates that "To avoid decisions covered under article 6, no employer can take into consideration membership or non-membership of a trade union, trade-union activity, the origins or the opinions, particularly religious and political, of a worker."

358. Act No. 17/PR/01 of 31 December 2001, on the general status of the civil service, stipulates in article 5 that "access to public posts is open under equal rights without distinction of gender, religion, origin, race, political opinion or social position."

359. Moreover, article 10 of the same Act declares that "Freedom of opinion is recognized for civil servants. No discrimination can be made between civil servants on grounds of their sex or their opinions, whether these be political, union-based, philosophical or religious."

360. In the field of employment, there are no specific provisions applying to women. All the legislative and regulatory provisions are of a general nature, recognizing rights to work on the basis of equality between men and women. The same applies to the matter of remuneration.

361. The distribution of civil servants by category and by sex indicates that in 2004 women accounted for hardly 12 per cent of the staffing of the civil service and for only 6 per cent of those in category A, against 9.7 per cent in B, 19.7 per cent in C and 11.9 per cent in D. In the sector of intellectual and scientific professions, only 8 per cent are women.

Specific measures

362. Article 6 of the Labour Code forbids any employer from taking gender into consideration in matters of hiring, professional training, career advancement, remuneration, the awarding of benefits, discipline or termination of contract.

363. This Act introduces positive discrimination in favour of women in its article 109 in the following terms: "In the case of a medically certified pathological state resulting either from pregnancy or from childbirth, the length of prenatal or postnatal leave can be increased, in each respective case, by three weeks".

364. The Code insists on the employer's liability to cover the charges incurred by a pregnant woman in article 110: "During these medically certified periods, women have the right to free health care payable by the employer under the conditions covered by the current collective agreements as long as this care is not covered by the National Social Security Fund (CNSS)".

365. One should specifically note here the progress made in the Labour Code of 1996 in protecting women's rights in some of its provisions.

Maternity

366. The Labour Code protects the pregnant woman. Article 12 states that "it is forbidden for any employer to make a pregnant woman work in the four weeks preceding the estimated date of birth as also in the six weeks following the birth". The Code also gives the woman the right to suspend her work contract during a period which begins six weeks before the estimated date of birth and finishes eight weeks after birth. If the birth takes place before the estimated date, the woman can prolong the period of

suspension of her contract after birth to reach the 14 weeks to which she is entitled. If the birth takes place after the estimated date, the woman must resume work eight weeks after the birth.

367. If it is medically attested that the pregnancy or the birth led to pathologies, the length of the leave before and after the birth can be extended by three weeks before or after the birth. During this period the woman concerned has the right to free health care. The care is payable by the employer under the conditions covered by the current collective agreements as long as this care is not covered by the National Social Security Fund (CNSS).

368. Article 111 stipulates that during a period of fifteen months following the birth of the child the woman has the right to rest periods for feeding the child. The total duration of these rest periods should not exceed one hour per work day and the time is considered and paid as work time.

369. No employer can dismiss a woman during her pregnancy except in the case of a serious misdemeanour or in the case of an impossibility of continuing the contract. No dismissal is possible during the periods of prenatal and postnatal leave, whether a woman takes advantage of her right to a period of leave or not. In the case where these rules are violated, the woman has the right to a fixed sum of compensation equal to twelve months of salary. This compensation can be supplemented by other indemnities resulting from the dismissal.

370. A pregnant woman, or a woman in the fifteen months following the child's birth, can break the work contract without giving prior notice and without thereby having to pay any compensation. The employer who makes a pregnant woman work or who dismisses her when she is pregnant or during maternity leave after the child is born, is punished by a fine of between 147,000 and 294,000 CFA francs, and in case of a repeated offence, by a fine of 588,000 to 882,000 CFA francs.

371. Women have a right to non-working rest periods of a minimal duration of twelve consecutive hours. As well as maternity leave, women have a right to an annual vacation of four weeks. This duration can be increased through collective agreement in favour of mothers of a family.

Night work for women

372. The Labour Code protects women working at night. The hours considered as constituting night work cover the period from 10 p.m. to 5.00 a.m. Night work for women is banned in industry, except if the woman occupies a supervisory role or does not intervene in services which require a degree of manual labour or if she works in an establishment run by members of her family.

373. The working week for workers or employees of both sexes must not exceed 39 hours. In agricultural establishments, and others considered in the same category, time worked during the year must not exceed 2,400 hours.

374. In fact, no legal restrictions apply to women but three factors explain their underrepresentation in the workforce. These are: social and cultural factors, maternity questions, and questions of education.

375. On the question of remuneration, no data support the claim that women are discriminated against even if employers often consider their productive capacity to be low.

376. Article 246 of the Labour Code stipulates that "every employer is obliged to ensure equality of remuneration between employees, regardless of their origin, nationality, sex and age, for the same work done or for work of equal value".

377. Article 247 of the same Code stipulates that the different elements making up the remuneration must be established according to norms which are identical for men and for women, thus upholding the principle of non-discrimination. These provisions are in accordance with the Convention on Equal Pay adopted in 1951 by the International Labour Organization and ratified by Chad on 29 June 1966.

Article 12 The right to health and family planning

378. The fight against discrimination applies also to health care and access to medical services, including family planning. Chad has subscribed to several declarations, charters or international conventions, concerning health problems, notably relating to primary health care, to the Bamako Initiative and to the African Strategy for Sanitation Development.

379. Between 1998 and 2010, progress has been made in implementing the Convention in the health domain, in accordance with the recommendations in article 12.

Legislative measures

The Constitution

380. The right to health is recognized for every citizen in article 37, paragraph 2, of the Constitution in these terms: "The State and the regional and local authorities have the duty to look after the welfare of the family."

Other measures

381. Act No. 006/PR/2002 of 15 April 2002 on the promotion of reproductive health reinforces this right to health and fits in perfectly with the provisions in the Convention concerning women's health. Its special feature is to make couples free in matters of procreation and in the choice of the number of children (articles 4, 5 and 6). This means that the responsibility for reproductive health falls henceforth on the couple and not only on the husband as is the case in traditionalist collective mentality.

382. In its provisions, this Act recalls several important fundamental principles of human rights. In article 3, it stipulates that “all individuals are equal in rights and in dignity in the matter of reproductive health without any discrimination founded on age, sex, financial situation, religion, ethnic group, marital situation or other situation”.

383. This Act also recognizes the right of every individual to decide freely on questions concerning reproductive health, to choose freely not to marry or to marry and to found a family (article 5).

384. This Act, in article 9, explicitly condemns genital mutilation in the following terms: “Every person has the right not to be submitted to torture and to cruel, inhuman or degrading treatment of his or her body in general and of his or her reproductive organs in particular. All forms of violence such as female genital mutilation, early marriage, domestic rape and sexual abuse on the human person, are prohibited”.

385. Also, any individual who breaks this law henceforth incurs the sanctions prescribed in article 18 in these terms: “will be punished by imprisonment from five months to five years and a fine of from 100,000 CFA francs to 500,000 CFA francs or by only one of these penalties whosoever will have committed any of the offences stated in this Act, through practice, through writing, speaking, publicizing or other propaganda”.

386. Act No. 019/PR/2007 of 15 November 2007 concerning the fight against STD/HIV/AIDS and the protection of persons living with HIV/AIDS takes into account the groups of women and men who have become vulnerable because of the pandemic.

387. Act No. 19/PR/95 is concerned with the Policy Declaration on the Integration of Women in Development.

Concrete measures

Progress made in the field of reproductive health

388. As stressed previously, following the example of other countries, Chad has taken on board all the recommendations made in international conferences and has translated them into policies and programmes, notably in the field of sexual equality and rights to reproductive health. Two major steps taken by Chad in this field before the ratification of the Convention should be recorded here:

(1) The promulgation of Ordinance No. 008/PR/93 of January 1993 regulating the practice of contraception in Chad;

(2) The participation of Chad in the Cairo International Conference on Population and Development in September 1994.

389. To these two facts should be added:

1995: Participation in the Fourth World Conference on Women, Beijing;

1996: Participation of Chad in the Forum on the teaching of reproductive health in the schools and faculties of medicine in Central and Western Africa;

1997: The adoption of the Regional Strategy for Reproductive Health in Sun City, South Africa;

1997: The launching of the Regional Action Plan on accelerating the fight against, and the elimination of, the practice of female genital mutilation, as a strategy for reducing the female morbidity and mortality rate;

1998: The launching of the Regional Decade for Reproductive Health 1998-2007;

1999: The national consensus-building workshop on reproductive health in Chad and the adoption of the reproductive health concept and its priority components;

1999: The creation of the National Programme for Reproductive Health;

2003: The launching of consultations for drawing up a national policy on reproductive health, with appropriate norms and procedural protocol.

National health-care policy

390. The Ministry of Public Health, in collaboration with its partners, drew up and adopted on 4 May 2007 a new national health-care policy covering the period 2007-2015 to take into account the situation concerning women's health, the state of which is reported by the second Chad Demographic and Health Survey (EDST 2) in 2004 to have deteriorated.

391. The new national health-care policy has as its main objective “to enable the whole population to have access to basic services of good quality in order to accelerate the reduction in mortality and morbidity and thereby to contribute to attaining the Millennium Development Goals by the year 2015”. This policy has been developed on the basis of the overall vision of the National Growth and Poverty Reduction Paper, whilst at the same time meeting other commitments made by Chad in the field of health, notably the Millennium Development Goals fixed for 2015 and for which the National Strategy mentioned above constitutes the plan for implementation.

392. This new national health-care policy is accompanied by six policy orientation directives, the fourth of which is devoted exclusively to mother and child health, aiming at “the improvement of the provision of quality care for women and for children”. For its implementation, a road map for the reduction of the maternal and neonatal mortality rates has been drawn up with the following general objectives:

The reduction by three-quarters of the maternal mortality rate, i.e. from 1,099 to 275 deaths per 100,000 live births between now and 2015;

The reduction by two-thirds of the infant mortality rate, i.e. from 194 to 64 per 1,000 live births.

393. The following strategic guidelines have been drawn up:

Improving geographic accessibility to maternal, neonatal and child healthcare services;

Improving the availability and quality of maternal, neonatal and child healthcare services;

Promoting the increased utilization of maternal, neonatal and child healthcare services;

Improving the availability of information and the management of healthcare services.

With regard to these guidelines, specific measures have been taken by the national authorities at the highest level. These are:

Emergency obstetric care to become free of charge;

Preventative treatment for pregnant women with free distribution of ITNS (Insecticide-treated mosquito nets);

Availability of contraceptive products free of charge in public health centres.

394. The Government is supported in these actions by its partners, notably by the NGOs, the United Nations Population Fund, Religious Health Agencies and civil society organizations.

395. A number of documents have resulted from this national health-care policy concerning policies for particular health sectors or the following programmes and projects:

2008: Adoption of the national policy on reproductive health;

2009: Adoption of the national road map for the acceleration of the reduction of maternal, neonatal and infant mortality;

2008: Drawing up of the National Plan for Sanitary Development;

2008: Creation of a national reference centre for reproductive health and the treatment of fistulas;

2006: Creation of the division for reproductive health within the Ministry of Public Health;

2009: Construction of the mother and child Hospital.

396. A dangerous impediment to easy access to health services is the general poverty of the population. This is in addition to the fundamental obstacle constituted by the distances which separate communities from the health centres.

397. In December 1995, a sub-regional conference was held in N'Djamena on the population profiles in the Sahel. One of the purposes of the conference was to give every couple the means and the necessary information for them to make a free and informed choice concerning the spacing between and the number of their children.

398. Financed by the World Bank, this project is structured around three objectives: strengthening the operating capacities of the Ministry of Public Health at the central level; providing more assistance to the health services and programmes for nutrition and family welfare in the prefectures of Guéra and of the Tandjilé; providing support to the pharmaceutical sector.

The provision of public family planning services

399. The various sources of information available concerning the extent of the use of birth-control methods by women aged between 15 and 49 converge in their conclusions. According to the Chadian Demographic and Health Survey (EDST), the percentage use grew from 1.2 to 3 per cent between the two surveys carried out in 1996 and 2004 but these rates reveal a clear disparity between urban and rural areas. In fact, birth control use reached 10 per cent in the urban environment (with 14 per cent in N'Djamena and 7 per cent in the other towns) as against 1 per cent in rural areas. The methods of contraception used most were the condom (36 per cent), the pill (35 per cent) and injections (32 per cent).

400. Several NGOs and private clinics have been very active in the field of family planning, among which the Chadian Association for Family Welfare (ASTBEF), an officially recognized national NGO. As part of the Reproductive Health/Welfare and Family/Social Security Project carried out jointly by the Government and ASTBEF, model clinics run by ASTBEF have been set up. For the moment, there exists an ASTBEF model clinic in N'Djamena and one in Moundou. These clinics offer a variety of services in the field of contraception and family planning.

401. Four contraceptive methods are proposed there. These are the pill, injectables (Depo-provera® and Noristerat®), condoms and spermicides.

402. The main obstacles to attendance at the ASTBEF clinics are illiteracy and reluctance for religious reasons. Because of their illiteracy, women often do not manage to respect the strict times for taking the pill.

403. This is the reason why the contraceptive method by injection is often requested. As for reluctance for religious reasons, this

essentially stems from a lack of information.

404. The level of instruction becomes a factor in favouring the use of contraceptives from the secondary level upwards. The percentage of women using a contraceptive method is 7.0 per cent among those who have had no instruction or who have had only a primary education (2.7 per cent and 7.5 per cent in the Chadian Demographic and Health Survey: EDST) and 18.6 per cent for women who have had secondary or higher education (24.3 per cent in the EDST).

405. The objective declared in the UNPF/Government/ASTBEF project is to develop reproductive health/family welfare units in health centres, in hospitals and in ASTBEF clinics. This objective aims to raise the rate of contraceptive use which is presently 3 per cent to 15 per cent by 2015.

406. The utilization of contraception at the present time has been mentioned by only 7.9 per cent of married women or those living as part of a couple. This proportion was only 4.1 per cent in 1997 at the time of the Chadian Demographic and Health Survey (EDST). The traditional methods (5.8 per cent) and particularly the Lactational Amenorrhea method, are the most widespread in Chad (2.6 per cent in the EDST). The proportion of women who use the Intra-Uterine Device, injections or condoms is practically nil (0.3 per cent). Only 2.0 per cent of married women or those living with a man are thought to use a modern contraceptive method (1.2 per cent in the Inquiry) and particularly the pill. This is a long way from reaching one of the objectives fixed by PRONAFET (the National Programme of Action for Chadian Children), namely a rate of modern contraceptive use of 10.0 per cent in the year 2002 (MPC, 1994, p.6).

407. The Chadian population has pronatalist attitudes which are related to the prestige and the satisfaction that comes from having many descendants. This explains why family planning issues are considered as taboo and synonymous with moral depravation.

Female genital mutilation

408. From the national inquiry into the practice of excision carried out in 1991 by the National Committee to Combat Harmful Traditional Practices (CONACIAF) with the support of UNICEF, it emerges that excision is practiced throughout almost all the national territory, with the exception of the BET, Kanem-Lac, Mayo Kebbi est and Mayo Kebbi ouest and Logone oriental.

409. According to the classification of the World Health Organization, the form of excision which is most practiced corresponds to types I and II, namely: I – the excision of the female prepuce (labia majora) with or without the partial or the total removal of the clitoris; II – the excision of the prepuce and of the clitoris and the partial or total removal of the labia minora.

410. The results of the second Chadian Demographic and Health Inquiry in 2004 reveals a national mutilation rate of 45 per cent with very great disparities between ethnic groups (0 to 5 per cent in the BET and Mayo Kebbi, 38 per cent in Sara country and 95 per cent in Ouaddaï).

411. From the health perspective, the results of this inquiry show that almost three quarters of women who have undergone excision have suffered at least one complication (65 per cent excessive bleeding, 57 per cent difficulties in urinating, 27 per cent swelling of the genital area, 14 per cent infections and 13 per cent problems of cicatrization).

Principal actors in the fight against excision

412. The institutions and organizations which have led campaigns in this matter are:

The United Nations Population Fund (UNPF). This Fund supports the national programme for reproductive health of ASTBEF and supports rural women's groups in their awareness-raising prevention programmes.

The Chadian Association for Family Welfare (ASTBEF) carries out campaigns through appealing to the administrative and legislative authorities to improve the legal situation as well as carrying out awareness-raising campaigns in the regions where the practice is prevalent.

The National Committee to Combat Harmful Traditional Practices (CONACIAF). This organization works in the same fields as ASTBEF through its decentralized presence in local areas.

The German Agency for Technical Cooperation (GTZ). This organization supports the women's organizations of Sarh through its own reproductive health project.

Access to health services

413. Generally, in Chad, the availability of health services is a major problem because of the dynamics of demographic growth.

414. The structure of the health system in Chad is pyramid-shaped and is organized on three levels (outlying, intermediary and central areas) with the district unit at the base (the operational level). In 2008, out of 1,051 district areas of responsibility, 326 were not functioning. And almost all of these are situated in rural sectors.

415. The basic medical data are the following:

4 hospital beds for 10,000 inhabitants;

Staffing ratios give 1 doctor for 27,471 inhabitants; 1 qualified midwife for 10,534 women of childbearing age.

416. There is a strong concentration of human and material means in the large urban centres. In 2007, 63 per cent of doctors and 64

per cent of nurses and midwives were practicing in N'Djamena, where less than 9 per cent of the population lives. In 2002, out of 55 district hospitals, only 24 offered complete emergency obstetric care.

417. A very unequal utilization of public health resources over the whole country is to be noted, with the rural population excluded on a massive scale. This raises one of the major problems of governance which the sector has to face.

418. The concentration of public facilities in the towns, and particularly in N'Djamena, goes hand in hand with the acute inadequacy of health care in the rural world. This phenomenon is reinforced by the total absence of interest of the private health sector for the rural world, particularly because of the absence of financial means for paying for it.

419. The governing authorities of the public sector are not in a position to make it possible to deploy their resources to take account of these vast inequalities, and this notably to the detriment of the rural world. This situation is aggravated by the strong resistance of qualified staff to being stationed outside the big towns.

420. The poverty of the population is the most dangerous impediment to health service access. This poverty is exacerbated by the fundamental obstacle of the distances which separate the communities from the health centres.

Access to drinking water

421. The overall rate of access to drinking water results from adding together the data for concessionary sectors with non-concessionary sectors and this indicates that in 2008 about 40 per cent of the Chadian population had access to a supply of clean water against 29 per cent in 2004, 31 per cent in 2005, 34 per cent in 2006 and 35 per cent in 2007. An inventory of the existence of stand pipes or other waterworks over the whole territory has not yet been carried out. Yet, it is only such an inventory of hydraulic stand pipes covering the whole territory which can give us an adequate knowledge of the true state of affairs.

422. The proportional access to drinking water of the urban and semi-urban population was of the order of 26 per cent in 2000. It has changed little since and is estimated to reach 28 per cent in 2010. There has been a major delay in providing the hydraulic equipment and infrastructures for these agglomerations.

423. In 1998, the situation improved noticeably. Graph No. 1 shows that poor households have practically no access to drinking water (only 0.12 per cent). They almost exclusively use water from traditional wells poorly protected against various forms of contamination or else they use water from marshland and stagnant ponds which they often share with animals. On the other hand, more than 62 per cent of the households that were not poor had access to drinking water. Yet, when one takes into account the fact that this water could be contaminated because of the different ways in which it is transported and collected, the proportion of non-poor households with drinking water becomes actually much more limited. The carrying of water both in rural and urban settings constitutes an enormous chore for women. They are forced to walk kilometres, in some places in search of water from ponds or from rivers.

424. Most of the epidemic diseases, such as typhoid fever or cholera, have their origin in poor quality drinking water. As a consequence it is the poor households that run a major risk of being affected by these diseases whereas they are the ones without sufficient financial means to be adequately treated.

HIV/AIDS

425. The inquiry into HIV prevalence rates in 2005 showed a rate of infection of 3.3 per cent. This rate is confirmed by the proportion of pregnant women between the ages of 15 and 49 who were infected in 2006, i.e. 4 per cent.

426. The general prevalence rate hides big disparities within the population, as revealed in this inquiry. It is the urban populations that are most hit by the pandemic: the infection rate reaches 7 per cent in towns, against 2.3 per cent in rural areas. N'Djamena is the most affected town: 8.3 per cent. In the regions, Logone oriental shows the highest rate (9.8 per cent) and Ouaddaï the smallest (1.2 per cent).

427. An analysis carried out between 2003 and 2009 at Bol, near Lake Chad, showed a strong progression of the phenomenon: the prevalence rate for pregnant women went up from 5 to 9.5 per cent.

428. Finally, we have disturbing information about one particular population at risk: a study carried out in 2009 among prostitutes shows that the general prevalence rate of this group reaches 20 per cent (25.5 per cent in N'Djamena, 27.5 per cent in Kelo).

429. According to the National Behavioural and HIV Prevalence Study, the data in the table below reveal that the HIV infection rate is higher among women (4.0 per cent) than among men (2.6 per cent). Women are one and a half times more prone to contract the infection than men. In other words, out of 5 who are HIV positive, 3 are women. Whatever the particular environmental location, HIV positivity remains higher in women. This situation could be explained in part by the fact that women are more exposed and more vulnerable than men to HIV infection. And it is indeed the case that social practices (coercive sexual relations, female dependency in the marriage relationship, the persistence of harmful traditional practices) are major factors exposing women to a greater risk of being infected by the AIDS virus compared with men.

430. The table below gives a breakdown of the prevalence of HIV/AIDS.

Table

Prevalence of HIV/AIDS by sex and by living environment (urban/rural)

<i>Rural/Urban</i>	<i>Sex</i>		<i>Female</i>		<i>Both M & F</i>	
	<i>Male</i>					
	<i>% HIV positive</i>	<i>Numbers</i>		<i>% HIV positive</i>	<i>Numbers</i>	<i>% HIV positive</i>
Urban	5.8	788		8.0	892	7.0
Rural	1.8	2 800		2.8	2 982	2.3
Together	2.6	3 588		4.0	3 874	3.3
						7 462

431. It is essential for people to know about means of prevention if the fight against the propagation of the virus is going to be effective. People were questioned about what could be done to avoid contracting the virus. Only 55 per cent of women replied that the risk of contracting HIV/AIDS could be limited by using a condom. 78 per cent of women replied that limiting sexual relations to one faithful and non-infected partner was a means of avoiding HIV/AIDS. Overall, 46 per cent of women mentioned these two means of prevention. Whatever variable was adopted, with the exception of age and the town of residence, no disparity was observed. In terms of age, it was noticeable that these two means of prevention were mentioned least often (only by 34 per cent) by young women aged 15 to 19 (48 per cent of the sample), compared with older women, notably those aged between 40 and 44 years (for which group 56 per cent cited these two means of prevention). The difference of marital status showed up some disparities. The proportion of those who knew the two means of avoiding contracting HIV/AIDS was lower among single women (38 per cent) and reached 48 per cent among those living in partnership. On the other hand, women living in Abéché were relatively more numerous to know these two methods (56 per cent). In considering the educational level, it appears women with a primary education (45 per cent) are proportionally less likely to mention the two means of reducing the risk of contracting HIV/AIDS. For women who have reached at least secondary level, this proportion is 50 per cent.

432. Concerning a third way of avoiding HIV/AIDS which consists of abstaining from sexual relations, at least eight women out of ten are of this opinion, especially young women aged 15 to 19 (84 per cent). The same applies to single women (85 per cent). In terms of town of residence, it is the women living in Abéché (98 per cent) who most frequently mentioned this solution.

Organizing the fight against HIV/AIDS

433. A certain number of structures have been put in place by the Government and the funding agencies to tackle this phenomenon. National programmes (PNLS, PPLS, PLNP) carried out with the assistance of development partners, notably the World Bank, the European Union, the institutions of the United Nations and certain NGOs working in the field, all contribute strongly to the fight to bring down morbidity and mortality rates.

434. These programmes include:

The setting up of a National Committee for the Fight against Aids (CNLS), the interministerial authority charged with ensuring coordination at the political level;

The Technical Commission for the Fight against Aids (CTLS), the technical organ charged with drawing up strategies for the prevention of and fight against Aids;

The creation of a coordinating committee for monitoring and assessment (multisectoral unit);

The National Programme to Combat Aids (PNLS), the executive organ for implementing the National Committee's policies;

UNAIDS which helped to draw up the strategic plan for 1999-2003;

The PNLS, for example, fixed as its objective the reduction in the rate of STI/HIV/AIDS through the multiplication of awareness campaigns aimed at changing people's behaviour, together with training and re-training health workers to encourage a much wider use of male and female condoms;

The setting up of AIDS-specialized action groups in all ministerial departments.

435. The table below gives a breakdown by zone and by age-group of the results of awareness-raising campaigns for women in the fight against AIDS.

Table 12

Percentage of women aged 15 to 49 knowing where they can take an AIDS test and percentage of those who have been tested

<i>Zones</i>	<i>Percentage of women knowing a place to be tested</i>	<i>Percentage of women having been tested</i>	<i>If tested, percentage having been informed of the result</i>	<i>Total number of women</i>
N'Djamena	26.1	3.1	82.4	676
Other Towns	16.2	1.5	66.7	775
Conurbations	20.8	2.2	76.9	1 451
Rural	5.0	0.4	18.2	4 453
15-19	8.2	0.2	70.6	1 156
20-24	10.4	1.5	64.7	979
25-29	9.0	0.9	32.4	1 124
30-34	10.6	1.1	80.0	824
35-39	8.5	1.1	47.8	748
40-44	6.7	0.4	34.4	534

45-49	7.2	1.1	42.0	539
No schooling	5.5	0.6	19.0	4 470
Primary	15.7	0.9	80.2	953
Secondary & sec +	34.3	5.7	90.9	305
Total	8.9	0.9	54.9	5 905

Source: EMIT, January 2001.

436. Very few women have had an AIDS test (0.9 per cent). Put in another way, the reduction by 80 per cent in the risk of foeto-placenta transmission in all HIV-positive women, the target fixed in the National Action Programme for Chadian Children (PROFANET) in 2002 (MPC, 1994, p.4), cannot become a reality in a context of such very low testing rates. The proportion remains very low regardless of urban or rural milieu. Even in N'Djamena, it is only 3.1 per cent. The proportion of women in rural areas having been tested is virtually nil (0.4 per cent). This very small number of women being tested for AIDS in a country which is predominantly rural suggests that the HIV rate indicated by available statistics is only the visible part of the iceberg. And yet 54.9 of women who took the test received the result. Nonetheless there are disparities between the milieu and the age groups in terms of proportion of those receiving the result. In terms of age, women in the 30 to 34 age group are relatively more likely to have received the result compared with the others and the level of education plays a role also. In fact, women aged 30 to 34 are relatively more likely than those in the other age groups to know the test result, followed respectively by adolescents (15 to 19) and those aged from 20 to 24. Finally, women who have had no schooling are less likely than more educated women to have taken a test and less likely to receive the result of their test.

Major constraints

437. In spite of all the efforts made, this is what is to be noted:

Quantitative as well as qualitative shortcomings at the personnel level;

Poor geographic health coverage (out of 1,051 responsibility zones, 326 are nonfunctional);

Reluctance of agents to serve in rural zones;

Persistence of poverty and traditional attitudes.

Article 13 The economic rights of women and their access to the means of production

Legislative measures

The Constitution

438. The carrying out of economic activities by women is guaranteed by the Constitution in article 12 which stipulates: "Liberties and fundamental rights are recognized and their exercise guaranteed to citizens under the conditions and forms provided by the Constitution and by law".

439. Article 58 of the Constitution stipulates that the State guarantees freedom of enterprise. This article reaffirms the position of the one above.

440. Women in Chad constitute a sizeable proportion of the work force in the informal and agro-pastoral sectors, where they represent about 86 per cent of the working population. They experience poverty in a disproportionate manner. In particular those who are in charge of a household make up 22 per cent of the total number of poor.

441. This state of affairs reinforces what is commonly said around the world about women: "poverty is a feminine word" or "poverty is synonymous with womanhood".

442. According to a Study of the Perception of Welfare and of Poverty carried out by UNPD in April 2000 in Chad, poverty manifests itself through an absence of income and of sufficient productive resources to ensure a viable means of existence, through bad health, through increased morbidity and mortality as a result of illness and social discrimination, etc. This shows that women have little or no control over decision-making or over the means of production. Their power is limited compared with that of men. And it is to compensate for this deficiency that government and development partners have set up projects and programmes in order to reduce the gap. In Chad, there is no specific text which governs women's right of access to credit and the means of production. On the legal level, they have the same rights as men.

Access to credit

443. It should be noted that women are at the centre of social and economic development. And this is why, being aware of the social inequalities of which they are victims, the State, plus the financial fundraisers as well as certain NGOs, all practice positive discrimination in granting women credit.

444. It should also be noted that the administrative authorization to undertake commercial activity instituted by Ordinance No. 006/PR/84 of 12 April 1984 concerning the status of traders is the first administrative document which the Ministry of Commerce, Industry and Crafts issues to any natural or legal person wishing to practice a trade in the Republic of Chad.

445. It would be helpful to determine the proportion of women formally carrying out commercial activities compared with the proportion of men.

446. The table below gives an indication of the developing situation of women.

Table 13

Chad national report on the implementation of the DAKAR platforms

<i>Year</i>	<i>Men</i>	<i>%</i>	<i>Women</i>	<i>%</i>	<i>Total</i>	<i>%</i>
2000	661	90.18	72	9.82	733	100
2001	874	93.08	65	6.92	939	100
2002	992	92.20	84	7.8	1 076	100
2003	478	90.02	53	9.98	531	100

Source: Chad national report on the implementation of the Dakar and Beijing platforms: January 2004.

447. The different data give adequate proof of the remarkable imbalance between the two sexes concerning business involvement.

448. Two major reasons can justify this imbalance:

1. A lack of information;
2. A lack of financial means.

449. It should be pointed out here that 97 per cent of women who obtained their authorization are classified in the categories E and F, that is to say retail traders and small retail traders, due to the fact that their business margins remain very limited (lack of resources, limited mobility, very limited access to training, weak managerial capabilities).

Specific action taken by the Government and financial partners

450. In collaboration with the UNPF and the African Development Bank, the Government has initiated and set up a series of projects for the Reduction of the Poverty of Women (REPAFEM projects) within the Ministry of Social Action with the objective of granting credit to female groups.

451. The same type of project at the regional level also exists at the Ministry of the Plan as part of the partnership between the Chadian Government and the European Union. This is a Micro Business Creation Project for which the role of women is an important dimension.

452. The Support Fund for Activities in matters of Population (FOSAP), which is one of the sections of the Population and the Fight against Aids Project (PPLS), benefits from the financial help of the United States Agency for International Development (USAID) via credit No. 2692 CD. This credit is intended to promote the development of small income-generating activities. These are microcredits intended for the underprivileged and for women who do not have access to normal banking credit facilities for lack of guarantees.

A Project launched by the Chad Government Division for the Promotion of Women with the support of the UNPF

453. The improvement of the condition of women is a very important aspect of population problems and programmes and sustainable development will not be achieved without the total participation and the equality of women.

454. In Chad, the essentially rural population (78 per cent of the total population) is made up of 52 per cent women. These represent an enormous potential workforce which is underused because of the deep-seated weight of tradition which means that very often women are marginalized and their rights flouted. They do not enjoy the fruits of their labour and the social status and the role which they have been allotted by society do not allow them to blossom and to participate in development as a full and active partner and beneficiary. The health of the population is precarious, and women and children are the first to be affected.

455. The UNPF, as the agency which aims at resolving population problems, in its assistance programme for Chad, has emphasized the need to improve the condition of women and has financed projects CHD/97/PO2 entitled "Support for the population sector and strategies for development", and specifically the project "Upgrading the socioeconomic status of women" CHD/98/PO4 as well as the "Gender" project CHD/00/PO7.

456. Through these projects, the UNPF is pursuing the objective of improving the quality of life of all sectors of the population as part of an integrated and harmonious social and economic development, involving especially the upgrading of the social and economic status of women.

457. These different projects have been carried out by the Directorate for the Promotion of Women of the Ministry for Social Action and the Family with the collaboration of the Division of Human Resources which is now the Directorate of Agricultural Education, Rural Training and Programmes in the Ministry of Agriculture.

458. The CHD/94/PO4 project began in December 1994 and ended in February 1997. The continuation of the activities of this project came under project CHD 98/PO2 which began in March 1997 and project CHD/9/PO4 which began in November 1998 and terminated in December 2000.

The case of the “Gender” project supported by the UNPF

459. The CHD/00/PO7 “Gender” project, presently underway, covers three years: 2001-2003.

460. The United Nations Population Fund in partnership with Chad supports the Ministry of Social Action, National Solidarity and the Family in reinforcing the economic potential of women. This support aims to reinforce women’s means of action especially in rural areas in order to improve their living standards and their status.

461. Under this project, two objectives are being pursued, namely:

Awareness-raising and continuing education of women concerning family welfare, the status and role of women in the community and the promotion of schooling for girls;

Financial and technical support for rural feminine groups by making credit available to reinforce their purchasing power through income-generating activities.

462. The project extends to 500 groups in more than 400 villages. According to the coordinator of the project, 213 women groups have benefited from credit in their villages.

463. What has happened is that the spectre of civil war, with its tragic effects on families, has led to the exodus of the men who have left either to seek exile or to seek work. The resulting precarious state in which the civil servants and military personnel live, a state of total insecurity aggravated by the closure of certain industrial units and the necessity for widows and orphans to assure their basic subsistence, has progressively led to a situation whereby women have become the pillars of the family with total commitment to covering all responsibilities.

Specific action taken by private institutions

The case of banking institutions granting credit facilities

464. The Financial Bank is the only banking institution which makes an attempt to favour the massive access of women to credit but this experience remains limited to the informal economic sector. This initiative must be backed up much more by government action for it should be noted here that the contribution of women to the country’s economic activities is of fundamental importance. And the effort is not only the result of a political desire to promote the interests of women but also due to the introduction into Chad of equipment and tools which alleviate the burdensome jobs, both domestic and agricultural (hydraulic pumps, mills, etc.). These mean that women can save time and energy to devote to income-generating activities.

465. In Chad, the access of women to modern credit, whatever the level of that credit, is a new phenomenon. Women do not always understand how credit works. They still remain attached to the traditional system of tontine which retains its social value. Women handle their share informally as they please, whereas the credits formally granted by organizations or institutions have precise conditions attached to them.

The case of the NGOs

466. These include NGOs such as VITA/PEP, SECADEV, OXFAM/INTERMON, INADES-FORMATION, ACCORD and others which contribute to the fight against women’s poverty.

467. The table below indicates the amounts allocated by the NGOs.

Table 14

Loans granted by NGOs

VITA/PEP

	<i>Years</i>				
	<i>1991</i>	<i>1995</i>	<i>1999</i>	<i>2000</i>	<i>2001</i>
Annual amount of credit granted	241 694 991 12%	1 060 829 495 43%	599 303 999 47%	398 777 000 36%	233 209 001 38%

% share of credit for women

SECADEV

	<i>Years</i>				
	<i>1991</i>	<i>1995</i>	<i>1999</i>	<i>2000</i>	<i>2001</i>
			45 725 575 (+/-) 35%	18 324 990 (+/-) 35%	14 639 715 (+/-) 35%

468. VITA/PEP is the very first institution specializing in microcredit to set up a base in Chad. The examination of the statistics of its development show a certain progression in the number and the amount of the credit, and also in the proportion of women benefiting from 1991 to 1999; but from that point on, there is a regular and continuous drop in these indicators. The Catholic Development Fund SECADEV on the other hand did not begin to grant credit until 1999. The proportion of women receiving credits remained the same over the three years.

The limits to the exercise of economic rights by women

469. The limitations of women's economic powers are clearly perceptible in terms of their access to means of production such as land and credit as well as other means. The weak economic power of women does not give them access to these means, because access to bank credit, for example, presupposes the possession of a guarantee or other security, such as a mortgage. There are only a dozen or so women entrepreneurs in Chad at the present time.

Article 14 Rural women

470. According to the provisions of this article, States must ensure that rural women participate in development and its ensuing advantages on the basis of gender equality; they should be granted equal treatment in land and agrarian reform and in rural development projects.

471. One must note, however, that social and cultural inertia fundamentally limit the chances of women gaining access to national resources, meaning access to land and other means of production. On top of this handicap, they often do not have at their disposal any substantial material possessions or durable goods to set against significant sums of credit.

Legislative measures

The Constitution

472. The afore-mentioned article 14 of the Constitution concerning equality applies also to the situation of rural women.

Government action

473. For some time, the Ministries of Agriculture and of Social Action and the Family have increasingly turned their attention to the situation of rural women.

474. Programmes for training and enhancing skills are getting started through institutions such as the National Office for Rural Development and the Centre for Training and Agricultural Production, which offer literacy and management training courses. With the help of development partners, the Government is now introducing appropriate technology in rural areas in order to lighten the heavy workload and thus facilitate paying school fees (mills for grinding millet and groundnuts, de-husking tools, etc.). The institutionalization of the Chadian National Women's Week and the creation by the Government of a Rural Women's Day have given rural women the chance to take part in debates and discussions relating to their specific problems: a way of recognizing and enhancing the role and the place of rural women in the life of the country.

475. Chadian women participate fully in the economic life of the country even if their efforts often go unrecognized. They represent 45.9 per cent of the labour pool in the agricultural sector. And it is this sector which requires better means of transport. Their work in rural zones necessitates constant travelling, varying from 2 to 5 km per day depending on the activities (fetching water and firewood, working in the fields, going to market, attending health centres, etc.).

476. Travelling to weekly markets is estimated to take up 10 per cent of their time. The means of transport used are carts or on animal-back (approximately 30 per cent) followed well behind by motor vehicles (11 per cent). The bicycle and the pirogue are also used, but only by about 2 per cent and 1 per cent, compared with men's use of these means. For 80 per cent of the population, the transport of agricultural produce is a major problem for it constitutes a major part of the work burden borne by the peasants, and by women in particular.

477. Unfortunately, when a family has the use of a means of transport, however rudimentary, it is exclusively used by the man since tasks assigned to women are, wrongly, considered as of secondary importance, and hence not a priority.

478. Efforts are being made through the Programme for Transport in Rural Areas, financed by the World Bank, to reduce existing injustices in the limited access of women to means of transport.

Support from the development NGOs

479. In recent times, the NGOs such as AFRICARE, ACCORD, APICA, etc. and certain individuals have installed production units for agricultural equipment in different regions of the country. Moreover, direct financial aid is being offered through easy credit facilities for buying animal-drawn carts and containers. Certain NGOs have even invested in constructing new country tracks to open up several cut-off villages.

480. In a similar way, NGOs such as VITA/PEP, INTERMON/OXFAM and SECADEV have made a big effort to provide the right sort of moral support to bring about a change of behaviour. And their impact in this respect can be measured by the effective changes that have occurred in women's habits in relation to their families and communities.

481. NGOs such as INADES-Training, INTERMON, ACCORD and SECADEV place a lot of emphasis on women's rights in their fields of intervention. From an early period, the gender dimension featured as central to their concerns.

482. Their initiatives are oriented towards reinforcing the organizational, material and financial capabilities of rural populations in the following ways:

Training and raising the awareness of the female rural population to questions of gender;

Training village coordinators;

Processing products and distributing them;

Helping women to save and to obtain credit for further income-generating activities.

483. At INADES-Training, for example, the programmes of the last two years and for the three years to come place emphasis on the rights associated with citizenship and on helping to boost women's power in three economic activities (shea butter, groundnut butter and the drying of perishable foodstuffs) at four levels:

Agricultural production;

The processing of agricultural products;

The commercialization of products;

The financial management and accountancy of small enterprises.

484. INADES commemorates International Women's Day and Rural Women's Day in conjunction with the Ministry of Social Action, National Solidarity and the Family.

485. The NGO Intermon/Oxfam comes to the aid of Chadian Associations and helps mixed as well as women's groups. In its work, it uses the gender approach to work with women's organizations to help them take control of social and economic areas of activity which were formerly considered to be masculine domains.

486. It particularly stresses increasing the legal know-how as well as the economic competence of women to increase their self-confidence and positive behaviour.

487. It is the same process followed by ACCORD and SECADEV, who work on giving more social and economic power to women's rural organizations on the basis of gender equality. With this in mind, they organize awareness-raising sessions and discussions in the community to encourage dialogue.

488. Development NGOs work in accordance with the provisions in the Convention and their impact is visible in rural areas. Women are now often discussing and acting without a feeling of inferiority in rural groups and organizations.

The right to property

489. Act No. 24 of 22 July 1967 which is still in force concerns landed property and customary rights. In the text of this Act, reference is made to the procedures for contesting property rights through the registration process. Only land and permanent buildings are subject to registration by the registrar of landed property. According to article 4 of the law, only proprietors and co-proprietors can be issued a landed title document. The text does not make a distinction between the sexes. Strictly speaking there are no texts specifically referring to women and their right to property.

490. In practice, the situation varies, and is changing. In urban areas it is easier for women to acquire large properties than in rural areas. The situation depends, however, on the financial power of women and this applies even in villages. So women are organizing themselves in groups in order to acquire property.

Article 15 Civil rights and equality before the law

491. In becoming a party to the Convention, Chad has taken appropriate measures to eliminate discrimination against women in their relations with men before the law.

Legislative measures

The Constitution

492. The equality of men and women before the law is expressly established in the Chadian 1966 Constitution (Art. 13 and 14).

493. It should be added, however, that, while waiting for the adoption of the draft code on the person and the family, the civil rights of women are in the meantime far from uniform in practice.

The question of equity and equality

494. In terms of legislation, in this instance the question of equity and of equality is not where the problem lies.

495. Where the problem is posed acutely is at the level of control exercised by women over resources and income. 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 of management over the income of his wife, which is going to serve for the household's upkeep or even for the marriage of the husband with a new wife, and only rarely does the income serve for the personal fulfilment of the woman at home.

496. The total under-valuing of their role and of their work keeps rural women in a situation of being totally dominated. After working in the fields, they have to prepare the meal, carry the water, care for the children and the husband. "The quality of a woman can be measured by the time she works and by the redness of her hands" says an old adage known in a good many Chadian communities.

497. The Criminal Code of 1967 provided for penalties to punish acts of violence committed against women.

498. Family, domestic, moral or physical forms of violence committed against women are sanctioned pursuant to articles in the Criminal Code which punish attacks on physical and moral integrity, breaches of ethics and public morality, as also attacks on the integrity and the unity of the family. Thus, pursuant to article 277 of the Criminal Code, the consummation of a marriage with a young girl before she has attained the age of 13 is considered tantamount to rape and is punished as such.

499. Article 253 of the Criminal Code treats the practice of female excision and sexual mutilation as equivalent to other violence against the person incurring unfitness to work of more than 20 days and these offences are punished with 1 to 5 years imprisonment and a fine of 100,000 CFA francs.

Civil society

500. The development of associations and their dynamism reveal a degree of maturity acquired by the community life of civil society and these community-based organizations have helped to foster among the general population an awareness of international and national legal instruments concerning the promotion and the protection of the rights of Chadian women and children.

501. Civil society organizations generally do great work in promoting the rights and freedoms of citizens. These include human rights associations, non-governmental organizations, trade unions, religious and professional organizations, women's organizations, etc.

502. Their actions, taken individually as well as collectively through the network of associations or social platforms, are having a decisive effect on public attitudes, in spite of the lack of official statistics which would give a clearer idea of the real impact in terms of changing behaviour and mentalities throughout the population. Such statistics would give us a clearer idea, for example, of what is the real position of people on the subject of forced marriages, domestic violence linked to beatings and questions of inheritance, in short the role and the place of women in a society in the process of radical transformation.

The associations for the defence of human rights

503. Associations for the defence and promotion of human rights in Chad were created at the time of the start of the democratic process in 1990: the Chadian League for Human Rights, the Chadian Association for the Promotion of Human Rights, The Chadian Association for Non-violence, Chad Non Violence, the Association for the Promotion and the Defence of Fundamental Freedoms in Chad, the Network of Human Rights Associations, CIVITAS-CHAD, etc.

504. These associations carry out an enormous amount of work in promoting the rights and freedoms of citizens. They expose human rights violations and issue periodic reports on arrests, detentions, extrajudicial executions, the situation of political prisoners, the situation of street children and the condition of women.

505. Apart from their work in lobbying, these associations are very conscious of the fact that they must mobilize the population so that it should learn to protect and to defend its own rights and freedoms. To this effect, they have organized, throughout the country, training and awareness sessions on questions of human rights, democracy, elections, peaceful conflict resolution (for example between farmers and herdsmen), mediation, etc. The quality of their work has made them the unavoidable spokespersons to be consulted by the financial donors on all sensitive questions such as the structural adjustment programme or the development of the oil industry.

506. In particular, the following training programmes are to be noted:

Civic training of the population by the collective of Human Rights Associations and the associated NGOs in 9 prefectures in 1996;

The training of human rights militants to act as observers in the presidential and legislative elections in 1996 and in 2001;

The Chadian League for Human Rights (LTDH) organized 8 training and awareness sessions on women's rights between 1997 and 2000;

The Chadian Human Rights Association (ATPDH) did the same with a dozen awareness, training and information sessions for the general public.

507. One of these organizations, CIVITAS-Chad, has specialized in the area of civic education. It has just set up a programme for civic and moral education to be part of the national curriculum for primary and secondary schools. At present it is working with the Ministry of National Education to implement this programme which, it should be stressed, is the first of its type in Chad.

508. In order to increase their effectiveness, these human rights organizations have formed networks for working together for common action; they are behind the initiative to create a free radio station called "Radio FM Freedom". This radio station has as its primary objective the dissemination of information, training, culture and education.

Trade unions

509. Workers unions have played a big role, since 1991, in consolidating human rights and democracy in Chad. At the present time there are several union confederations, of which the three most important are: the Union of Chadian Trade Unions (UST), the Free Confederation of Workers in Chad (CLTT) and the Chadian Teachers Union (SET). The civic training of their members is regularly carried out, in N'Djamena, as in the rest of the country, through seminars, workshops or other training sessions.

510. Their main themes concern the national and international instruments for defending workers, the rights and duties of the citizen, democracy, elections, the work of women and child labour, problems of retirement, etc.

511. Several factors tend to weaken Chadian trade unions, notably the following: administrative or political difficulties which they

come up against; attempts, often of a clumsy nature, to appropriate their ideas; the insufficiency, and even penury, of their resources, the growth of unemployment or the destruction of production tools (often looted or pilfered); the lack of support from civil servants (noticeable since the State has made the effort to pay their salaries regularly, at least in the capital); the mistrust of workers who tend to think, rightly or wrongly, that the union structures are not serving them as well as they should, etc.

Women's associations

512. Women represent 50.7 per cent of the Chadian population. Many are organized in associations of an economic, social or cultural character. Their importance in agricultural production or commercial activity is glaringly obvious.

513. But their high level of illiteracy is a considerable hindrance to their actions. The proportion of women who campaign for democracy and women's rights is very small. Those who show real commitment are essentially recruited among the intellectuals. One should particularly cite the Association of Women Jurists in Chad (AFJT) which is distinguished for its systematic work in favour of the promotion of women's and children's rights, by its organization of seminars and lecture/discussions, and by its service of offering legal advice, etc. The AFJT concentrates on research activities and the training and education of women about their rights. It offers an ideal framework for giving legal advice to women, organizing seminars on subjects linked to good governance such as "women and the elective function", "violence towards women". From 1999 to 2002 it gave legal assistance to women who were victims of conjugal and family violence. In this way seventy-five cases were brought before local courts. Among the problems raised were questions of alimony, damages, malicious wounding and inheritance disputes.

514. Women's associations are noted for the dynamism and commitment which characterize some of them. As examples one can cite the Union of Women's Groups in the Informal Sector (SAID-AL-AWINE), the Union of Women for Peace (UFEP), the Women's Council for Education and Peace CFEP) the Mutual Providence Association for Women in the Informal sector (MUFESI), the National Committee of Working Women, the FORET-FAWE Association and the Forum of Chadian Educators, concerned with girls' education.

515. At the present time, the number of women's associations and groups stands at around 1,007, more than a hundred of which are affiliated to the Women's Associations Liaison Unit (CELIAF). Several are organized in networks to be more effective.

Networks of associations for the protection and defence of women's rights

516. Most of the women's organizations work in affiliated networks, aware that such affiliation will help them to fight for their members' interests and living standards. Among the main networks is the Women's Associations Liaison Unit (CELIAF) which was created in 1996 with the following objectives:

To create a space for exchange and reflection between women's associations;

To collect and make available in easily understood form important national and international documents relating to women's rights;

To coordinate reflections on women's contribution to development strategies;

To build a data bank which is available and accessible to women's organizations.

517. Today, it affiliates 400 women's associations and groups and has 13,000 women members. It is structured into 9 regional branches which work directly with the rank and file members.

518. To attain its objectives, CELIAF organizes information and women awareness campaigns and concentrates on providing technical and organizational support for its affiliated members, acting as a listening post as well as offering assistance, explaining difficult legal texts relating to women, pleading their cause and actively contributing to the formulation of the country's policies and programmes.

519. Thirteen Arabic-speaking Women's Associations are grouped together in the Union of Arabic-speaking Women's Associations (UAFAT). The aim of the Union is to coordinate the activities of its member-organizations. A particular effort is made by this association to call for the translation into Arabic of all documents relating to women.

520. The Organization of Christian Women in the Entente (OFCE) promotes women's development through practical training activities, for example making local products such as jam, tomato concentrate, etc.

521. The Association of African Women in the Communication Professions, in the Chad section, aim to give expression to the Beijing resolutions on the role of the press in promoting women's rights. The association aims to:

Facilitate women's access to information about their rights;

Fight against the spread of negative and stereotyped images of women in the media;

Work with all means of communication with a view to promoting equity and equality of opportunity and women's rights.

522. Generally speaking, all women's associations tend towards a single and same objective which is the defence of women's rights, their education and their training with the aim of involving women at the heart of development.

523. One of the characteristic traits of associations in Chadian civil society is their amalgamation into networks of affiliated organizations. For example, there are the Network of Women in the Sahel, the Network of Women for Peace, the Network of Women for Central Africa, the Network of African Women in the Communication Professions, the Network of Women Ministers

and Parliamentarians, the Network of Parliamentarians for population and development, or yet another, the League of Civil Society Defence Associations, which, by the number of associations which are members of it, constitutes at the present time the largest network on the Chadian Civil Society landscape.

524. It was precisely this Defence League whose rise to prominence was linked in large measure to the negotiation of the oil development project. In fact, it was in the context of these negotiations, and by using their skills of advocacy to voice their concerns and defend their point of view on what was at stake and what risks were linked with the oil project, that a number of involved associations took the initiative of setting up a coordinated defence league.

525. Essentially oriented towards using their skills of advocacy in the public arena, the Defence League aims above all at gaining wide support and consent for a given policy. It was with this in mind that 51 delegates representing diverse organizations in civil society (NGOs, Human Rights Organizations, unions, rural organizations, women's associations, OANET whose president is a woman, etc.) held a general constituent assembly in N'Djamena on 3 and 4 June 1999 in order to create the Chadian Civil Defence League.

Article 16 Equality in marriage and family law

The Constitution

526. By proclaiming legal equality between men and women in articles 13 and 14, the Chadian Constitution thereby guarantees to couples in their marriage relationship a shared responsibility in all domains of life.

Other measures

The Civil Code of 1958

527. While waiting for the enactment of the Chadian draft code on the person and the family, the rights of women in marriage are governed by the French Civil Code still in force and inherited from the colonial period of 1958 and the Ordinance 03/INJ of 2 June 1961 regulating the civil status of individuals in Chad.

Ordinance 03/INJ of 2 June 1961 on registration of civil status of individuals

528. Article 11 of this Ordinance requires the Registrar to make sure that stipulations concerning minimum age and the free consent of the spouses have been respected, before registering the marriage declarations.

529. Concerning the basic conditions of marriage, article 144 of the Civil Code stipulates that "a man before reaching the age of 18, and a woman before reaching the age of 15, cannot contract a marriage".

530. Concerning the conditions governing the form of marriage, it is monogamy which is recognized and valid in modern law, polygamy not being recognized by the Civil Code of 1958 applicable in Chad.

531. In fact article 147 of the Civil Code stipulates that "one cannot contract a second marriage without the dissolution of the first one".

532. Article 11, paragraph 6, of the 1961 Ordinance recognizes the right of the woman to demand the dissolution of the marriage if the spouses renounced polygamy when the marriage was celebrated.

533. Article 11, paragraph 6, stipulates that "the couple can declare that the husband renounces polygamy and in the case that this clause is violated, the marriage can be broken at the request of the wife with or without the reimbursement of the dowry".

534. Article 11, paragraph 6, refers to the right of the woman to exercise her option of entering a monogamous marriage.

535. Concerning the dissolution of a marriage, the Civil Code of 1958 provides for a legal divorce through fault or by mutual consent and contains provisions which protect women's rights concerning the division of possessions and the custody of children.

536. The draft code on the person and the family is a text inspired by the Convention and aims to reinforce the protection of women in the civil, political and economic domain. The bill proposes to raise the minimum age of marriage for a girl to 17.

537. This draft code has raised the status and role of women in terms of authority over the family by stressing that "the married couple assume together the same responsibilities during the marriage and in family relations."

538. The draft code on the person and the family recognizes the full legal capacity of the married woman to execute legal deeds and to go to court to defend her rights. It should be stressed, however, that this bill is still not passed into law.

The inheritance rights of women

539. In customary and animist law, the widow's right to inheritance is not recognized. In certain places, not only is she excluded from succession but is treated as part of the possessions to be handed on. Muslim law entitles her to one eighth when she claims inheritance along with other heirs, or one quarter when she is the only heir.

540. On the other hand, a man, in parallel circumstances, has a right to one quarter, or one half, depending on the case.

541. Concerning the inheritance rights of women, the Convention in article 16 considers family relations in general on the basis of gender equality. This provision is reflected in article 743 of the draft code on the person and the family, which stipulates that "the

surviving spouse against whom there has not been an enforceable decree of marital separation has prior claims to the succession even when there exist relatives in the terms specified in article 738.”

542. The draft code on the person and the family protects the inheritance rights of women because it permits married women to claim succession in the presence of legitimate children and the parents of the deceased.

543. The offence of abandoning the family is also punishable in the Criminal Code. The husband is condemned to pay alimony or maintenance to his wife when he refuses to honour his commitment.

Marital disputes and conflicts

544. Concerning the dissolution of marriage, article 289 of the draft code on the person and the family stipulates that “divorce can be pronounced, either at the joint request of the couple, or on the demand of one of the spouses and the acceptance by the other”. On the question of inheritance, equality between girls and boys is decreed by the Civil Code of 1958 and the interests of women are protected. The custody of the child is given to one of the parents after a social inquiry and taking into account the prime interest of the child.

545. The Code of civil and military pensions is also favourable to the widow, and the practice of levirate is forbidden.

III. Conclusion

546. Chad has ratified various international conventions relating to human rights. It has even modified its own legislation in order to comply with the said conventions. Administrative and legal measures, even though insufficient, have at least brought the beginning of a solution to problems specific to women. The will to change has been shown to exist but it is still difficult at the present time to furnish comparative data covering the years 1995 to 2010 because of the absence of a structural procedure for monitoring and coordinating progress made at the national level in favour of women through the implementation of the Convention. To this difficulty can be added the diversity and disparity of the actions undertaken by the various bodies and individuals involved throughout this period. These disparities hinder any real assessment of their impact.

547. It should, however, be pointed out that considerable effort is still needed in areas where existing national texts need revising or new legislative and regulatory texts need to be adopted, with a view to further harmonization with the Convention. Such action would allow the Government to avoid certain contradictions which remain *de facto* or *de jure* regarding the provisions of the Convention.

548. Great efforts have been made in the field of education and the schooling of girls in recent years, and these have brought convincing results.

549. The strong participation rate of women as candidates in the various electoral consultations in 1997 and in 2002 should also be noted.

550. Customary practices are moving towards recognizing more freedom and equality between men and women. But it has to be admitted that the penetration of modern law and of the Convention into people’s habits and attitudes is rather a slow process.

551. The implementation of the Convention remains a problem, particularly for the following reasons:

The absence of a national follow-up committee for assessing and monitoring the implementation of the Convention;

The low level of awareness of the various commitments made by the Chadian State, displayed by a considerable part of the population and by the political, administrative and judicial authorities;

The persistence of laws which are contrary to the provisions of the Convention;

The general difficulty of harmonizing domestic legal texts with international legal instruments.

552. The following points persist and remain in all their complexity. There remains a sense of the personal dependency of married women, of their own perception of their role, of discrimination over inheritance rights involving girls and women, and the continuation of violence which is considered normal practice and which does not therefore deserve to be made public.

553. All this is made worse by the fact that women do not make much use of their rights (that is, those who know what their rights are). These are problems which deserve to be taken seriously by the Government if it wishes to honour its commitments vis-à-vis the Convention. Joint efforts need to be made by Government, by society and by women themselves if adequate solutions are to be found to overcome these different obstacles.