

# Immigration and Refugee Board of Canada

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## Responses to Information Requests

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Responses to Information Requests (RIR) respond to focused Requests for Information that are submitted to the Research Directorate in the course of the refugee protection determination process. The database contains a seven-year archive of English and French RIRs. Earlier RIRs may be found on the UNHCR's [Refworld](#) website. Please note that some RIRs have attachments which are not electronically accessible. To obtain a PDF copy of an RIR attachment, please email the [Knowledge and Information Management Unit](#).

16 July 2014

### TCD104910.E

Chad: Situation of sexual minorities, including legislation; treatment by government and society, including in N'Djamena; state protection and support services (2011-July 2014)  
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

Information on the situation of sexual minorities in Chad was scarce among the sources consulted by the Research Directorate within the time constraints of this Response.

#### 1. Legislation

Sources state that male and female same-sex sexual relationships are legal in Chad (ILGA n.d.; LGBTnet n.d.a; *L'Express* 29 June 2013). However, the Canadian and British travel advice webpages for Chad indicate that "some" homosexual acts are illegal (Canada 23 June 2014; UK 8 July 2014). A webpage on sexual minority resources in Africa produced by Richard F. Ramsay, professor emeritus of social work at the University of Calgary, indicates that homosexual acts are legal in Chad according to the Penal Code of 1967 (Ramsay n.d.). The Chadian Penal Code of 1967 indicates the following:

[translation]

Article 271. Any act of indecent exposure committed publicly or in the presence of inadvertent witnesses is an affront to public decency and shall be punished by imprisonment for a term of three months to two years and a fine of 300 [about C\$7] to 100 000 francs [about C\$221].

Article 272. Any person who commits an act of indecency or against nature with a person of the same sex who is less than twenty-one years old shall be punished according to the provisions of the previous article, without prejudice to the more serious punishments according to the provisions of articles 273 to 278. (Chad 1967)

The US Department of State *Country Reports on Human Rights Practices for 2013* for Chad indicates that "[t]he law prohibits but does not define 'unnatural acts', and there was no evidence that the law was used against [LGBT] persons" (US 27 Feb. 2014, 24). However, another source reports that a gay couple was charged under Article 271 of the Penal Code (Yagg 28 Oct. 2013) (see Section 2).

LGBTnet, an information source on LGBT issues that has been developed by organizations such as the Danish Refugee Council and the Danish Family Planning Association (LGBTnet n.d.b), states that "same-sex couples and households headed by same-sex couples do not receive the same legal protections as opposite-sex couples [and that] there is no legal protection against discrimination based on sexual orientation" (ibid. n.d.a). Additional information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

#### 2. Treatment by Government and Society

Sources indicate that homosexuality is not "widely accepted" in Chad (Canada 23 June 2014; UK 8 July 2014). The Belgian government's travel advice webpage for Chad indicates that homosexuality is [translation] "little" accepted in Chad (Belgium 7 July 2014). Sources indicate that there are no known LGBT organizations in the country (LGBTnet n.d.a; US 27 Feb. 2014, 24). The US *Country Reports 2013* explains that this is in part "because most individuals were discreet about their sexual orientation due to social and cultural strictures against homosexuality" (ibid.). The abstract of a conference presentation at the XV International AIDS Conference produced by Alphonse Ngareyasse, a psychologist with the mental health program at the University of N'Djamena (Landmine and Cluster Munition Monitor n.d.), and by other authors, indicates that [h]omosexuality in Chad is considered as a taboo subject, an immoral practice, uncalled for. It is difficult to talk about it and to sense the realities bound to it. Practice illegally, homosexuality is systematically rejected. (Ngareyasse et al. 2004)

Sources report the detention of a gay couple after they celebrated their wedding in the city of Abéché at the end of September 2013 (RFI 31 Oct. 2013; US 27 Feb. 2014, 24; Yagg 28 Oct. 2013). Yagg, a news portal on LGBT issues, reports that the public prosecutor charged the couple under Article 271 of the Penal Code for "indecent" (ibid.). One week later, the couple was sentenced to two years in prison and a fine of 50,000 Central African Francs [about C\$111] (ibid.; RFI 31 Oct. 2013). However, a week after the sentence, the jail term was commuted to a suspended sentence that provoked an outcry in the city of Abéché (ibid.; Yagg 28 Oct. 2013). A Radio France internationale (RFI) article indicates that [translation] "religious councils, youth associations and feminist groups had petitioned authorities demanding punishment for the homosexuals on the basis of 'ignoble and anti-religious acts'" (RFI 31 Oct. 2013). The article further indicates that the local branch of the ruling party, the Patriotic Salvation Movement (Mouvement patriotique du salut, MPS), joined the protest by suspending the affiliation of one of its members accused of complicity with the gay couple (ibid.). The RFI article concludes by reporting that one of the gay men who had been arrested had to leave Abéché when he was released (ibid.). Additional information as well as information on state protection and support services available to sexual minorities could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

## References

Belgium. 7 July 2014. Affaires étrangères, Commerce extérieur et Coopération au Développement. "Conseil aux voyageurs Tchad."

<[http://diplomatie.belgium.be/fr/Services/voyager\\_a\\_letranger/conseils\\_par\\_destination/afrique/tchad/ra\\_tsjaad.jsp?referer=tcm:313-75156-64](http://diplomatie.belgium.be/fr/Services/voyager_a_letranger/conseils_par_destination/afrique/tchad/ra_tsjaad.jsp?referer=tcm:313-75156-64)> [Accessed 7 July 2014]

Canada. 23 June 2014. Department of Foreign Affairs, Trade and Development. "Chad."

<<http://travel.gc.ca/destinations/chad>> [Accessed 23 June 2014]

Chad. 1967. *Ordonnance 67-012 1967-06-09 PR/MJ portant promulgation d'un code pénal.*

<[http://www.vertic.org/media/National%20Legislation/Chad/TD\\_Code\\_Penal.pdf](http://www.vertic.org/media/National%20Legislation/Chad/TD_Code_Penal.pdf)> [Accessed 23 June 2014]

*L'Express*. 29 June 2013. Marie Le Douaran. "L'homophobie en Afrique subsaharienne, un fléau qui ne recule pas." <[http://www.lexpress.fr/actualite/monde/afrique/l-homophobie-en-afrique-subsaharienne-un-fleau-qui-ne-recule-pas\\_1262120.html](http://www.lexpress.fr/actualite/monde/afrique/l-homophobie-en-afrique-subsaharienne-un-fleau-qui-ne-recule-pas_1262120.html)> [Accessed 7 July 2014]

International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA). N.d. "Chad/ Law."

<<http://ilga.org/ilga/en/countries/CHAD/Law>> [Accessed 25 June 2014]

Landmine & Cluster Munition Monitor. N.d. "Chad." <<http://www.the-monitor.org/index.php/publications/display?url=lm/2001/chad/#fnB152>> [Accessed 8 July 2014]

LGBTnet. N.d.a. "Chad." <<http://www.lgbtnet.dk/countries/afrika/chad>> [Accessed 23 June 2014]

\_\_\_\_\_. N.d.b. "About LGBTnet." <<http://lgbtnet.dk/about-lgbtnet>> [Accessed 8 July 2014]

Ngareyasse, A. et al. 2004. "HIV/AIDS and Homosexuality in Chad: Case of Man Who Have Sex with Men in Prison." Paper presented at the XV International AIDS Conference, Bangkok, Thailand, 11-16 July 2004.

<<http://www.iasociety.org/Default.aspx?pageId=11&abstractId=2174123>> [Accessed 8 July 2014]

Radio France internationale (RFI). 31 October 2013. "Tchad : la population d'Abéché vent debout contre un couple d'homosexuels." <<http://www.rfi.fr/afrique/20131027-tchad-population-mobilise-contre-couple-homosexuel-abeche/>> [Accessed 8 July 2014]

Ramsay, Richard F., Faculty of Social Work, University of Calgary. N.d. "African Sexual Minorities & Gender Variant Resources: Central African Republic & Chad/Tchad." <<http://www.ucalgary.ca/sw/ramsay/africa/chad-central-african-republic.htm>> [Accessed 23 June 2014]

United Kingdom (UK). 8 July 2014. Foreign and Commonwealth Office. "Chad Travel Advice." <<https://www.gov.uk/foreign-travel-advice/chad>> [Accessed 23 June 2014]

United States (US). 27 February 2014. Department of State. "Chad." *Country Reports on Human Rights Practices for 2013*. <<http://www.state.gov/documents/organization/220308.pdf>> [Accessed 23 June 2014]

Yagg. 28 October 2013. "Tchad : deux hommes face à la justice pour avoir célébré leur union." <<http://yagg.com/2013/10/27/tchad-deux-hommes-face-a-la-justice-pour-avoir-celebre-leur-union/>> [Accessed 23 June 2014]

## Additional Sources Consulted

**Oral sources:** Attempts to contact the following organizations were unsuccessful within the time constraints of this Response: Department of Sociology, University of California, Irvine; Embassy of Chad in Washington, DC; Open Society Initiative for Southern Africa.

**Internet sites, including:** Africatime.com; Afrol News; AllAfrica.com; Amnesty International; Association de l'aide, de défense homosexuelle, pour l'égalité des orientations sexuelles; Austria – Austrian Centre for Country of Origin and Asylum Research and Documentation; Behind the Mask; Chad – Banque tchadienne de données juridiques, Présidence de la République du Tchad; Denmark – Danish Refugee Council; Droit.Afrique.com; ecoi.net; Factiva; Freedom House; GlobalGayz; Human Rights Watch; International AIDS Society; International Federation of Human Rights; International Gay and Lesbian Human Rights Commission; *Jeune Afrique*; JournalDuTchad.com; Lexadin; Medical Advocates/ADAP Fund; PinkNews; Reporters sans frontières; Tchadonline.com; United Kingdom – Home Office; United Nations – Refworld, UN Children's Fund, UN High Commissioner for Human Rights, UN Women, World Health Organization.

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