



RESPONSES TO INFORMATION REQUESTS (RIRs)

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The Legal Context

Under national law *01/PCE/CEDNACVG/91* adopted in January 1991, eighteen years is the minimum age for recruitment into the armed forces and twenty years is the minimum age for conscription (UN 3 July 2007, Para. 22; see also Coalition to Stop the Use of Child Soldiers 2008, 92).

According to Duezoumbe Daniel Passalet, the head of a Chadian human rights group called Droits de l'Homme Sans Frontières (DHSF), under Article 51 of the Chadian constitution, conscription is allowed only if the country is facing an external threat and not when the country is experiencing an internal rebellion (UN 14 Dec. 2007; see also Coalition to Stop the Use of Child Soldiers 2008, 92). The text of Article 51 of the Constitution reads:

[Translation]

The defence [...] of the integrity of the national territory is every Chadian's duty. Military service is compulsory. The conditions for carrying out this duty are determined by law. (Chad 14 Apr. 1996 [amended version sanctioned on 6 June 2005], Art. 51)

According to Duezoumbe Daniel Passalet, who has since been driven into exile (UN 24 Mar. 2008; News 24 20 Feb. 2008), the forced recruitment of civilians without prior notice, also referred to as "impressment" or "press ganging," is "totally illegal" (UN 14 Dec. 2007).

Forcible Recruitment of Civilians

In December 2007, Integrated Regional Information Networks (IRIN) reported on the forced recruitment of civilians, including those below the age of eighteen years (UN 14 Dec. 2007; see also Waging Peace 20 Dec. 2007). Several people who were quoted by IRIN mentioned raids by army units in places where youth gather, including a 22-year-old eyewitness who described his escape from a raid which took place inside a cinema in the capital city of N'djamena (UN 14 Dec. 2007). Although 90 percent of the Chadian army was reported to be located in the east in December 2007 (UN 11 Dec. 2007; Waging Peace 20 Dec. 2007), other raids by the Chadian

military were reported in the capital N'djamena and in towns and villages across the country (UN 14 Dec. 2007).

Human Rights Watch (HRW) reports that in autumn 2006, in the Borkou-Ennedi-Tibetsi region of northern Chad, the government recruited large numbers of civilians "en masse," including children as young as fourteen (HRW July 2007, 20). There were also reports that the Chadian government had either participated in or at least facilitated the recruitment of refugees by the Sudanese Liberation Army (SLA) from the Breidjing and Treguine refugee camps in eastern Chad (HRW June 2006, 13, 19 and 20; Coalition to Stop the Use of Child Soldiers 2008, 93). Furthermore, the UN Security Council noted acts of forcible recruitment in refugee camps in eastern Chad with "[a] level of complicity" among various parties including local Chadian authorities (UN 3 July 2007, Para. 30).

A spokesman for the Chadian government denied that the army had authorization to forcibly recruit civilians and encouraged victims to present themselves to nearby civilian authorities (UN 14 Dec. 2007; Waging Peace 20 Dec. 2007); however, sources who spoke with IRIN doubted that any soldiers who had been forcibly recruited would dare desert their post and come forward (UN 14 Dec. 2007). In a United Nations (UN) Security Council document dated 3 July 2007, it was noted that "the cohesion of the Chadian National Army chain of command and the level of discipline of troops is questionable" and therefore the degree to which government policy orders are obeyed is not clear (UN 3 July 2007, Para. 24).

Forcible Recruitment of Children

Chad is a signatory to the Optional Protocol to the *Convention on the Rights of the Child on the Involvement of Children in Armed Conflict*, which prohibits the use of youth under the age of eighteen years from directly participating in armed hostilities (UN 12 Feb. 2002, Art. 1; HRW July 2007, 34 and 35; Coalition to Stop the Use of Child Soldiers 2008, 92). Despite having ratified the Protocol on 28 August 2002 (UN 9 Apr. 2008), Chad is identified by the United States (US) Center for Defense Information as one of eight countries where the government recruits and uses child soldiers (US 11 Mar. 2008). This information is corroborated by a UN Security Council document dated 3 July 2007, which makes reference to the widespread forced recruitment of children by armed forces and groups, particularly in the east (see also AI 2008, 91) where an increase in the phenomenon was observed in 2006 and 2007 (UN 3 July 2007, Para. 18). A report dated 26 December 2007 indicates that since November 2007, an increase in hostilities between government and rebel forces has led to more allegations of children being forcibly recruited by the Chadian army (UN 26 Dec. 2007). This information could not be corroborated among the sources consulted by the Research Directorate within the time constraints of this Response.

In a March 2007 interview with Human Rights Watch (HRW), a Brigadier General of the Chadian National Army acknowledged that the army had forcibly recruited boys between twelve and fifteen years of age (HRW July 2007, 19). The Brigadier General added that child recruitment primarily occurs in the Salamat and Ouaddai regions of eastern Chad and in the Wadi Fira region in the northeast (ibid.; Coalition to Stop the Use of Child Soldiers 2008, 93). A UN Security Council document dated 24 September 2007 indicated that the Chadian Minister of Defence had acknowledged the illegal recruitment of children into the Chadian Army by local commanders (Para. 11.a). In November 2007, the UN Office of the Special Representative of the Secretary-General for Children and Armed Conflict reported that approximately 400 child soldiers were discovered at a government training centre in Mongo in south central Chad (UN 13 Nov. 2007; see also Coalition to Stop the Use of Child Soldiers 2008, 93). In addition, in December 2007, IRIN reported that the DHSF had received reports of raids conducted by the army on private homes during which children were taken (UN 14 Dec. 2007).

Information on forced recruitment by government forces in Chad after 1

January 2008 was unavailable among the sources consulted by the Research Directorate. A 20 February 2008 article indicated that human rights campaigners had been driven into hiding or exile and that "[nobody] is there to do the work or monitor the situation" (News 24 20 Feb. 2008).

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 additional sources consulted in researching this Information Request.

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Additional Sources Consulted

Oral sources: The Office Manager from the Coalition to Stop the Use of Child Soldiers was unable to provide more current information other than that included in the Child Soldiers Global Report 2008 which is available on the Internet. Attempts to contact the head of Droits de l'Homme Sans Frontières (DHSF) were unsuccessful. Human Rights Watch did not respond within the time constraints of this Response.

Internet sources, including: Caring for Kaela, Child Rights Information Network (CRIN), Factiva, Genocide Intervention Network, Global Policy Forum, Human Security Gateway, Net News Publisher, ReliefWeb, The Veritas Foundation.

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