



## RESPONSES TO INFORMATION REQUESTS (RIRs)

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<b>The Board</b>		
About the Board		21 October 2004
Biographies	<b>TCD43071.FE</b>	
Employment	Chad: Methods for dissolving a marriage that was celebrated before a sheik and duly registered with the state; possibility that the paternal family of the bride (whose father is deceased) may obtain a customary divorce against the will of the married couple (the husband having been held up abroad) and of the maternal family of the bride (including the mother); protection and recourse available to the bride (2004)	
Legal and Policy References	Research Directorate, Immigration and Refugee Board, Ottawa	
Organization Chart		
Publications		
<b>Tribunal</b>		
Decisions	No information on the dissolution of a customary marriage duly registered with the state, on the influence that the bride's paternal family can have over such dissolution or on the bride's rights in that situation could be found among the sources consulted by the Research Directorate.	
Forms		
Immigration Appeal Division		
Immigration Division	However, the following information could be relevant. According to the Center for Reproductive Rights, because there is no family code, marriage in Chad is "governed by several texts that are sometimes contradictory," and by various customs and Islamic religious practices (2000, 103). According to a representative from the Chadian Association for Promotion and Defence of Human Rights (Association tchadienne pour la promotion et la défense des droits de l'homme, ATPDH), this [translation] "coexistence of modern, traditional and Muslim laws restricts the possibilities for women to exercise their rights" (ATPDH Sept. 2000).	
Refugee Protection Division		
Statistics		
<b>Research</b>		
Research Program		
National Documentation Packages	According to ordinance 6/67 of 21 March 1967, customs prevail in the Chadian judicial system and [translation] "in practice, the marriage contract, which is concluded by a notarial act, is ignored by the future couple" (ibid.). However, a commentary on decision number 179/02 of 26 April 2002 in the <i>Revue juridique tchadienne</i> indicated the following:	
Issue Papers and Country Fact Sheets		
Responses to Information Requests	[translation]	
Recent Research	Regarding the standing of civil marriage, this decision radically changes the position defended to date by Chadian jurisprudence. Concerning the argument . . . that "it is common knowledge that many Chadian citizens go to the civil registrar to make their customary marriage official, for administrative reasons, and that, without outwardly wanting to evade customary law, it will govern the couple's life, and the official marriage is simply a screen in the couple's civil life," the Court of Appeal adopted a clear position by affirming the predominance of civil marriage over customary marriage (n.d.).	
<b>Media Centre</b>		
News		
Information Sheets		
Media Relations		
<b>Proactive Disclosure</b>		
	Moreover, it should be noted that, according to the ATPDH, Chadian society is based on the patriarchal model (ATPDH Sept. 2000). Decisions regarding marriage	

are generally made by the male heads of both families, with or without the consent of the couple (ibid.). This information could not be corroborated among the sources consulted by the Research Directorate.

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.

#### References

Association tchadienne pour la promotion et la défense des droits de l'homme (ATPDH). September 2000. Djikolmbaye Tadjane. "Exclusions et droits de la femme: cas du Tchad." <<http://www.fidh.org/34congr/todjane.htm>> [Accessed 12 Oct. 2004]

Center for Reproductive Rights. 2000. *Women of the World: Francophone Africa*. "Chad." <<http://www.crlp.org/pdf/chad.pdf>> [Accessed 15 Oct. 2004]

*Revue juridique tchadienne*. n.d. No. 6. Djikolum Bénan Benjamin. "Commentaire de l'arrêt n° 179/02 du 26 avril 2002." <[http://www.cefod.org/Revuejuridique/Revue6/Commentairearret10\\_rjt6.htm](http://www.cefod.org/Revuejuridique/Revue6/Commentairearret10_rjt6.htm)> [Accessed 12 Oct. 2004]

#### Additional Sources Consulted

Attempts to contact the ATPDH and the Chadian League for Human Rights (Ligue tchadienne des droits de l'homme, LTDH) were unsuccessful.

**Internet sites, including:** Afrolnews, AllAfrica, Centre d'étude et de formation pour le développement (CEFOD), European Country of Origin Information Network, Famafrique, Freedom House, Human Rights Watch, *Ialtchad Presse*, International Federation of Human Rights, *Revue juridique tchadienne*, United States Department of State, Women Living Under Muslim Laws.

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