Chad: Whether the draft penal code was adopted; the situation of sexual minorities, including their treatment by the government and society, especially in N'Djamena, state protection and support services (September 2014-November 2015)

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

1. Amendment of Penal Code

For further information on the draft penal code, see Response to Information Request TCD105026.

The US Department of State’s *Country Reports on Human Rights Practices for 2014* indicates that the draft penal code was to go before the National Assembly for review in October 2014, but that it was withdrawn by the government (US 25 June 2015, 21). The source adds that the draft was still pending at the end of 2014 (ibid.). Similarly, a report published on 22 June 2015 by the Council of the European Union (EU) states that the adoption of the new penal code was postponed to 2015 (EU 22 June 2015, 215). In November 2015, in a telephone interview with the Research Directorate, the Chairperson of the Action by Christians for the Abolition of Torture – Chad section (ACAT-Chad) [1] stated that [translation] “the new [penal] code was never adopted” (ACAT 18 Nov. 2015). Further information on the status of the draft could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

2. Situation of Sexual Minorities

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. For information on the situation of sexual minorities between 2011 and July 2014, see Response to Information Request TCD104910.

2.1 Legislation

According to the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA), same-sex sexual acts are legal in Chad (ILGA May 2015, 25). The Canadian government travel advisory website rather states that they are not prohibited (Canada 12 Nov. 2015). However, according to the equivalent British website, “some” sexual acts between same-sex persons are illegal (UK 16 Sept. 2015). *Country Reports 2014* states that “unnatural acts” are prohibited, but that they are not defined in the legislation (US 25 June 2015, 21).

2.2 Treatment

Sources state that homosexuality is not widely accepted in Chad (Belgium 22 July 2015; UK 16 Sept. 2015; Canada 12 Nov. 2015). According to *Country Reports 2014*, there are no LGBT organizations in Chad.
The German radio station Deutsche Welle (DW) states that “[in] Chad [...], same-sex couples must live in hiding” (DW 24 Sept. 2014). Country Reports 2014 states that “there were no reports of violence toward the LGBT community” in 2014 (US 25 June 2015). That same source adds however that authorities arrested some LGBT individuals during that same year (ibid.).

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.

Note


References

Action by Christians for the Abolition of Torture – Chad section (ACAT-Chad). 18 November 2015. Telephone interview with the national chairperson.


Additional Sources Consulted

Oral sources: Amnesty International; Association des femmes juristes du Tchad; Association pour la promotion des libertés fondamentales au Tchad; Association sociale des jeunes pour la défense des droits humains; Association tchadienne pour la promotion et la défense des droits de l’homme; Belgium – Commissariat général aux réfugiés et aux apatrides; Centre d’information et de liaison des ONG; Comité de suivi de l’appel à la paix et à la réconciliation nationale; Convention tchadienne pour la défense des droits de l’homme; Droits de l’homme sans frontières; France – Office français de protection des réfugiés et apatrides; Human Rights Watch; International Lesbian, Gay, Bisexual, Trans and Intersex Association; Ligue tchadienne des droits de l’homme; OutRight Action International; professor of sociology, University of California Irvine.

Internet sites, including: Africa Confidential; Africa Research Online; Agence tchadienne de presse et d’édition; Alwihda info; American University; Amnesty International; Association d’aide de défense
homosexuelle et pour l’égalité des orientations sexuelles; Belgium – Commissariat général aux réfugiés et apatrides, Service public fédéral intérieur; Chad – presidential portal; Convergence pour une émergence citoyenne au Tchad; Droits de l’homme sans frontières; ecoi.net; Equaldex; Erasing 76 Crimes; Euronews; Europa World Year Book; Fédération internationale des ligues des droits de l’homme; France – Embassy in Chad; GayLawNet; GlobalGayz; The Guardian; Haaretz; Human Rights Watch; Initiative Paix Tchad; Insight on Conflict; JournalduTchad.com; Khabartchad; Le Monde; Ourakcha; Overseas Development Institute; Pink News; Radio France internationale; Robert F. Kennedy Center for Justice & Human Rights; Spartacus International Gay Guide; Tchadactuel; Tchadonline; UN – Refworld.

Tips on how to use this search engine.

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