

Immigration and Refugee Board of Canada

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> Responses to Information Requests

Responses to Information Requests

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](#).

30 November 2015

TCD105364.FE

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indicates that the draft penal code was to go before the National Assembly for review in October 2014, but that it was withdrawn by the government (US 25 June 2015, 21).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

(US 25 June 2015, 21). The German radio station Deutsche Welle (DW) states that [translation] "[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

[1] The draft penal code would abolish the death penalty (AFP 19 Sept. 2014; EU 22 June 2015, 215) "almost entirely" (ibid.).

References

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

Agence France-Presse (AFP). 19 September 2014. "Le Tchad veut criminaliser l'homosexualité et abolir la peine de mort." <<http://www.zoodomail.com/spip.php?article8063>> [Accessed 19 Nov. 2015]

Belgium. 22 July 2015. Service public fédéral Affaires étrangères, Commerce extérieur et Coopération au développement. "Conseils aux voyageurs Tchad." <http://diplomatie.belgium.be/fr/Services/voyager_a_letranger/conseils_par_destination/afrique/tchad/ra_tsjaad.jsp> [Accessed 27 Nov. 2015]

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Deutsche Welle (DW). 24 September 2014. "Vers une criminalisation de l'homosexualité au Tchad." <<http://www.dw.com/fr/vers-une-criminalisation-de-lhomosexualit%C3%A9-au-tchad/a-17950995>> [Accessed 13 Nov. 2015]

European Union (EU). 22 June 2015. Council of the European Union. *EU Annual Report on Human Rights and Democracy in the World in 2014*. <<http://www.consilium.europa.eu/en/press/press-releases/2015/06/22-fac-human-rights-report/>> [Accessed 26 Nov. 2015]

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United Kingdom (UK). 16 September 2015. GOV.UK. "Foreign Travel Advice: Chad." <<https://www.gov.uk/foreign-travel-advice/chad>> [Accessed 27 Nov. 2015]

United States (US). 25 June 2015. Department of State. "Chad." *Country Reports on Human Rights Practices for 2014*. <www.state.gov/documents/organization/236554.pdf> [Accessed 13 Nov. 2015]

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.

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