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2009 Human Rights Report: Chad

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

2009 Country Reports on Human Rights Practices

March 11, 2010

Chad is a centralized republic with a population of approximately 10 million. In 2006 President Idriss Deby Itno, leader of the Patriotic Salvation Movement (MPS), was elected to a third term in what unofficial observers characterized as an orderly but seriously flawed election boycotted by the opposition. Deby has ruled the country since taking power in a 1990 coup. Political power remained concentrated in the hands of a northern oligarchy composed of the president's Zaghawa ethnic group and its allies. The executive branch dominated the legislature and judiciary. In May rebels crossed from Sudan into the east of the country and mounted an attack. On July 26, one of the main rebel factions, the National Movement (NM), signed a peace accord with the government. The government supported Sudanese rebels. Violent interethnic conflict and cross-border raids by Darfur-based militias continued, but on a smaller scale than in previous years. Banditry was a severe problem. An estimated 168,000 internally displaced persons (IDPs) remained in the country. Approximately 253,000 Sudanese refugees who had fled from violence in Darfur lived in camps along the border, and about 70,000 refugees from the neighboring Central African Republic (CAR) lived in the south. Civilian authorities did not maintain effective control of the security forces.

Human rights abuses included limitation of citizens' right to change their government; extrajudicial killings; politically motivated disappearances; torture, beatings, and rape by security forces; security force impunity; harsh and life-threatening prison conditions; arbitrary arrest and detention; incommunicado detention; lengthy pretrial detention; denial of fair public trial; executive interference in the judiciary; arbitrary interference with privacy, family, and correspondence; use of excessive force and other abuses in internal conflict, including killings and use of child soldiers; limits on freedom of speech, press, and assembly; widespread official corruption; obstruction of the work of nongovernmental organizations (NGOs); violence and societal discrimination against women, including the widespread practice of female genital mutilation (FGM); child abuse, abduction, and trafficking; ethnic-based discrimination; repression of union activity; forced labor; and exploitive child labor.

Rebel groups, ethnic-based militias, Darfur-based militias, and bandits committed numerous human rights abuses. These abuses included killing, abducting, injuring, and raping civilians; use of child soldiers; and attacks against humanitarian workers.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were reports that the government or its agents committed arbitrary or unlawful killings. Civilians were killed in connection with the conflict in the east (see section 1.g.). Security forces committed politically motivated killings. Killings were often committed by "men in uniform," and it was often not possible to determine whether perpetrators were members of the armed forces or police, and whether they were acting on official orders. The government generally did not prosecute or punish members of the security forces who committed killings.

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On July 27, five unidentified corpses were found buried outside of Pala. Local residents claimed that the Chadian National Army (ANT) was responsible for the killings. Judiciary police transferred the bodies to a hospital. Officials did not open an investigation into the case.

On December 14, in N'Djamena, a person in military uniform killed Regine Doumro following a dispute.

There were no developments regarding civilians killed during the February 2008 rebel attack on N'Djamena and the government counterattack.

In contrast to the previous year, there were no reports that Chadian soldiers killed civilians and burned villages in CAR in support of nomadic Peuhl who drive their cattle across land used by farmers. There were no developments regarding reports that in 2008 the Chadian military destroyed several villages in the area of Maitoukoulou, CAR.

There were no developments regarding the 2008 incident in which security force members used excessive force in response to a confrontation in Kouno during which supporters of Sheikh Ahmet Ismael Bichara reportedly attacked security forces. Approximately 72 persons were killed, including an estimated 68 supporters of Bichara and four gendarmes. Bichara remained detained without charge while his case was under investigation.

In contrast to the previous year, there were no reports that security forces killed demonstrators.

There were no developments regarding numerous reported 2007 security force killings.

Unexploded ordnance including landmines laid by government, rebel, and foreign forces resulted in deaths (see section 1.g.).

On January 24, local media reported that unknown assailants in N'Djamena killed Gani Nassour Betchi, sister of rebel leader Tom Erdimi.

Attacks by armed bandits continued to increase during the year. Armed bandits operated on many roads, assaulting, robbing, and killing travelers; some perpetrators were identified as active duty soldiers or deserters.

For example, On January 1, armed bandits killed Abdoulaye Djibrine between Riga and Ngouboua. Authorities did not investigate the case.

On January 27, between the towns of Radaye and Kindjirai, armed bandits stopped Al Ahdji Ousmane. He was beaten and injured. Other targets of banditry included employees of humanitarian organizations and NGOs (see section 1.g.).

There were developments in the July 2008 killing of college professor Tenebaye Oringar. Media reports indicated that authorities detained two persons in Sarh for the killing and that their cases were pending trial.

No reported action was taken against the bandits who perpetrated numerous other 2008 and 2007 attacks and killings.

Interethnic fighting killed persons.

On April 12, according to a local NGO, an interethnic conflict between the Gouria and the Djillah Maibouloua and Deguia communities in Bol resulted in 13 deaths. Authorities arrested suspects and detained them pending trial. The NGO reported that on June 6, interethnic conflict, also in the Lake Chad region, resulted in two deaths.

On November 11, in Kana District, interethnic conflict involving herders and farmers resulted in nine deaths, as well as many injuries. Authorities arrested some of perpetrators on both sides and transferred them to a prison in Moundou. At year's end they were still detained.

b. Disappearance

There continued to be reports of politically motivated disappearances and persons being held incommunicado during the year, particularly in relation to the ongoing conflict with rebels (see section 1.g.).

The whereabouts of Ibni Oumar Mahamat Saleh, one of three prominent opposition leaders arrested in February 2008, remained unknown; there were no arrests in connection with the case (see section 1.g.).

The kidnapping of children for ransom was a problem in the Mayo-Kebbi Ouest Region. Armed persons, both local and from neighboring countries, reportedly kidnapped children. Peuhl children were particularly at risk due to perceptions that their families were wealthier than other ethnic groups. According to a local NGO, from 2007 to 2009, 148 children were kidnapped, and the total ransom money paid was approximately 157 million CFA (\$330,000). During the same period, 114 children held by bandits were killed, most often as a result of shots fired between the bandits and security forces that intervened when parents were unwilling or unable to pay the ransom.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The constitution and law prohibit such practices; however, the government did not respect these provisions in practice. Members of the security forces tortured, beat, abused, and raped persons. Such practices also occurred in connection with the ongoing armed conflict. The government took no known action against security force members responsible for such abuse.

On March 19, military personnel in N'Djamena took Malloum Ousamane into custody; he was detained and tortured before being released four days later.

On March 26, a group of police in N'Djamena's District Five arrested 15-year-old Mahamat Nour Abrass. He was beaten and injured during detention. No action was taken against the policemen involved in his arrest.

On May 29, in N'Djamena, security agents kidnapped, detained, and tortured Yaya Erdimi, a relative of rebel leaders Tom and Timane Erdimi. He was later released.

Police, gendarmes, and ANT personnel raped women and girls.

On January 1, in Bol, military officer Moussa Kallih raped 11-year-old Zara Issa. Gendarmes arrested Kallih, and as of September he remained in detention.

On July 1, an 11-year-old girl reportedly was raped in Koumra by men in uniform.

On November 13, ANT soldiers kidnapped 10 girls who were attending a cultural event and raped them. The following day gendarmes freed the girls. No arrests were made in the case.

In trafficking and child labor-related cases, police reportedly resorted to extrajudicial actions against offenders, including beating them and imposing unofficial fines.

Prison and Detention Center Conditions

Prison conditions remained harsh and life threatening. Prisons were seriously overcrowded, had poor sanitation, and provided inadequate food, shelter, and medical facilities. As a result of inadequate record-keeping and management, many individuals remained in prison after completing their sentences or after courts had ordered their release.

Local human rights organizations continued to report on the existence of military prisons to which access was prohibited; they also reported on the existence of secret National Security Agency (ANS) and General Directorate of Security Services for National Institutions (DGSSIE) prisons. They also reported on secret prisons under the authority of the Ministry of the Environment.

There were continued reports of persons being detained in a Ministry of Interior facility in Koro Toro. A progovernment newspaper cited several cases of persons being sent to Koro Toro, and local media reported that the facility was maintained in a nontransparent manner. Ministry of Interior officials continued to prohibit access to the facility by local and international human rights organizations.

Although the law provides that a doctor must visit each prison three times a week, this provision was not respected.

The law authorizes forced labor in prison for some crimes.

Most of the estimated 1,000 prison inmates who escaped during the February 2008 rebel attack on N'Djamena remained at large.

Juvenile males were not always separated from adult male prisoners, and children were sometimes held with their inmate mothers. Pretrial detainees were held with convicted prisoners.

The government permitted the International Committee of the Red Cross (ICRC) to visit civilian prisons under the control of the Ministry of Justice on a regular basis, and during the year the ICRC conducted such visits. The government provided the Chadian Association for the Promotion and Defense of Human Rights (ATPDH) with a permanent authorization notice to visit civilian prisons at any time without advance notice. Other NGOs, including human rights groups, were required to obtain authorization from a court or from the director of prisons; such authorizations depended largely on the personal inclinations of those with authority to grant permission. Local NGOs were not allowed access to military prisons.

The government restricted the access of international monitors to Ministry of Interior and defense detention centers. The ICRC had difficulty identifying all detention centers under the control of the Ministry of Interior or the Presidency. The ICRC visited some official Ministry of Interior detention facilities but sometimes had difficulty gaining access. The government denied repeated requests by the ICRC for access to the Koro Toro detention facility. The ICRC sometimes visited detention facilities under the Ministry of Defense's control.

The prison oversight committee established in 2008 to monitor standards in Ministry of Justice detention centers was not active during the year.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention; however, security forces often violated these provisions.

Role of the Police and Security Apparatus

The ANT, gendarmerie, national police, nomadic guard (GNNT), DGSSIE, and ANS are responsible for internal security. The Integrated Security Detachment (DIS) is responsible for reducing insecurity in refugee camps and for protecting refugees and IDPs (see section 1.g.).

The ANT, gendarmerie, and GNNT report to the Ministry of Defense; the National Police report to the Ministry of Interior; the DGSSIE and ANS report to the president. Officers from President Deby's ethnic group and closely allied ethnic groups dominated the ANS. The DGSSIE's ethnic composition was mixed, but its officers were also primarily Zaghawas. Security force impunity and corruption were widespread.

The police force was centrally controlled, but exercising oversight, particularly outside N'Djamena, was difficult. Police generally enjoyed impunity. Police and gendarmes extorted payments from motorists. The police force was unable to effectively address internal security problems, including widespread banditry and arms proliferation.

The Environment Ministry worked with the gendarmerie, Ministry of the Interior, and other law enforcement entities to monitor violations of environmental protection statutes, including those related to the recently outlawed practice of cutting down trees and making and selling charcoal. The interagency group does not have authority to arrest or detain individuals; however, it did so, and it harassed persons in possession of charcoal, a practice that was not outlawed, by requiring bribes from them.

Arrest Procedures and Treatment While in Detention

Although the constitution and law require a judicial official to sign arrest warrants, the government often did not respect this requirement, and secret detentions occurred. Detainees were not promptly informed of charges, and judicial determinations were not made promptly. The law requires access to bail and counsel, but neither was regularly provided. Incommunicado detention was a problem, and there were reports that persons held incommunicado were tortured. The constitution and law state that legal counsel should be provided for indigent defendants and that defendants should be allowed prompt access to family members; however, in practice this usually did not occur.

Security forces arbitrarily arrested and reportedly tortured detainees, particularly those suspected of collaborating with rebels.

On August 27, gendarmes in Pala stopped and subsequently arrested and detained prominent businessman Mahamat Zen during a night patrol. Security forces reportedly accused him of associating with rebels because he was carrying a knife. Zen was later released; he stated that he had no such rebel affiliation.

In October security forces arbitrarily detained Koumande Barka, a civil servant, who was traveling between Kelo and N'Djamena with proper travel authorization. The security forces were reportedly seeking information regarding his brother, a member of the military. He was later released.

Security forces arrested and detained a political leader, as well as a civil society representative.

On March 11, the interagency group charged with combating poaching and environmental degradation arbitrarily arrested Mbairam Gedeon, a Moundou policeman, who was found to be in possession of charcoal. Possession of charcoal was not illegal. He was detained outside of N'Djamena, without charge, by the Ministry of Water and Forestry.

On June 9, the NGO Chadian League for Human Rights (LTDH) reported that the commandant of the gendarmerie in Kelo, Mahamat Hachim, arrested Bandal Tchatcha, a local human rights activist, for having made a radio report concerning police harassment of those in possession of charcoal who had not committed crimes. He was released after 48 hours.

On June 14, the interagency group charged with combating poaching and environmental degradation arrested and detained Ndjiladengar Ndendongarti, a delegate to the Lake Chad Basin Commission, for cutting down a live tree without obtaining prior permission. This crime does not carry a penalty of detention. He was released on July 27.

Lengthy pretrial detention remained a problem. Persons accused of crimes could be imprisoned for several years before being charged or tried, particularly those who were arrested in the provinces for felonies and transferred to prison in N'Djamena.

There were no reported developments in the numerous 2008 cases of arbitrary arrest and detention.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary; however, the judiciary was ineffective, underfunded, overburdened, vulnerable to intimidation and violence, and subject to executive interference. In practice government officials and other influential persons often enjoyed impunity. Members of the military continued to enjoy a particularly high degree of impunity. The Judiciary Police did not usually enforce domestic court orders against military members or persons of the Zaghawa ethnic group, to which the president belongs. However during the year, the two colonels of Zaghawa ethnicity that a court in October 2008 ordered to return property they had forcibly taken from landowner Moussa Pepe, complied with the order.

Members of the judiciary received death threats or faced demotion or removal from their positions for not acquiescing to pressure from officials. For example, on August 13, Brahim Abbo, a judge with the Court of Justice in Abeche, received death threats at his workplace.

At the national level, a supreme court, constitutional court, and court of appeals exist; some of their members were appointed by the government rather than elected by citizens as required by law, which weakened judicial independence. The constitutionally mandated High Court of Justice can try high-ranking government officials whose cases are submitted by the National Assembly. Crimes committed by military members are to be tried by a military court; however, no such courts have been established and the criminal court of justice tried military offenders.

At the provincial level, there are appellate courts in Moundou, Sarh, and Abeche that began to function during the year in addition to those in N'Djamena. The Abeche Court of Appeals included four functioning tribunals in Faya, Mongo, Biltine, and Ati. Eight additional judges had duties in the various courts in the region.

The constitution and law mandate that the Superior Council of Magistrates recommend judicial nominees and sanction judges who commit improprieties; however, the government prevented any sanctions from being considered or carried out.

A five-judge judicial oversight commission has the power to conduct investigations of judicial decisions and address suspected miscarriages of justice. However, in contrast to the superior council, commission members are appointed by the president, which increased executive control over the judiciary and diminished the authority of the superior council. Parties to judicial cases can appeal to the commission.

Trial Procedures

Applicable law was sometimes confusing, as courts tended to blend the formal French-derived legal code with traditional practices, and customary law often superseded Napoleonic law in practice. Residents of rural areas often lacked access to formal judicial institutions, and legal reference texts were not available outside the capital. In most civil cases, the population relied on traditional courts presided over by village chiefs, canton chiefs, or sultans. However, decisions can be appealed to a formal court.

The law provides for a presumption of innocence; however, in practice many judges assumed a suspect's guilt, particularly in crimes involving rape or theft. Trials are public and use juries, except in politically sensitive cases. Defendants have the right to be present in court. They also have the right to consult an attorney in a timely manner; however, in practice detained persons were not always given access to counsel. The law states that indigents should be provided promptly with legal counsel, but this seldom occurred in practice. Human rights groups sought to improve this situation and sometimes provided free counsel themselves. Defendants, their lawyers, and judges are permitted by law to question witnesses. Defendants have the right to present witnesses and evidence on their own behalf. Defendants and their attorneys have access to government-held evidence relevant to their cases, except in politically sensitive cases. Defendants have the right to appeal decisions. The law extends these rights to all citizens.

Local leaders decide in a particular case whether to apply the Muslim concept of dia, which involves a payment to the family of a crime victim. The practice was common in northern Muslim areas. Non-Muslim groups, which supported implementation of a civil code, continued to challenge the use of the dia concept, arguing that it was unconstitutional. They accused the government of supporting dia practices by permitting the existence of local tribunals, some of which used Shari'a (Islamic law), unconnected with the Ministry of Justice.

On September 25, Mahamat Abdoulaye, president of the Development and Peace Movement for Chad (a party allied with the ruling MPS) was arrested and detained in the main prison of N'Djamena following allegations that he made contact with rebel leader Timane Erdimi. On November 9, Mahamat Abdoulaye was sentenced to three years in prison for treason. Local human rights groups claimed that contact with a rebel is insufficient grounds to find that an individual poses a danger to the state, and that as such Abdoulaye's conviction was unfair.

Political Prisoners and Detainees

There were reports that the government held political detainees during the year.

Civil Judicial Procedures and Remedies

The judiciary reportedly was not always independent or impartial in civil matters. There are administrative and judicial remedies available such as mediation for alleged wrongs.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The constitution states that individuals have the right to privacy, and that the home is inviolable. The constitution allows for freedom of communication, but allows for it to be restricted so as not to infringe on the rights of others, and to safeguard public order and good morals. The government conducted illegal searches and wiretaps and monitored private mail and e-mail. Security forces regularly stopped citizens and extorted money or confiscated belongings.

Home demolitions in N'Djamena, which began in 2008, continued into the year. A September report by Amnesty International stated that tens of thousands of persons had lost their homes since the demolitions began. Officials continued to state that the homes were illegally built on government-owned land that was needed for public works projects. Several persons charged that the homes were destroyed without due process, and took their cases to court. Many of the families had built on land without having title to it, but others reportedly had title. At year's end the court cases were pending.

The Ministry of Interior banned both the possession and use of satellite telephones. Military and police personnel searched for and confiscated satellite telephones.

There were occasions when police officers arrested family members of suspects.

g. Use of Excessive Force and Other Abuses in Internal Conflicts

During the year fighting in the east between the government and rebel groups continued and reportedly resulted in civilian deaths and the destruction of homes and property. From May 4 to 7, Chadian rebels mounted an attack, crossing from Sudan into the east of the country. Government forces pushed the rebels back into Sudan. In December fighting also occurred between government forces and rebels in the vicinity of Tisse, in the southeast.

Groups, both large and small, of rebels renounced their rebel associations during the year. The government permitted those who renounced their rebel associations to integrate into the ANT or civilian life without being arrested. On July 25, the government signed a peace agreement with the NM, a rebel group coalition led by Ahmat Hassaballah Soubiane. Soubiane was one of the 11 rebel leaders sentenced in absentia in August 2008 to life in prison; he was granted amnesty in December 2009. Between 2,000 and 3,000 rebels had returned to Chad by year's end.

A UN panel of experts found that the government continued to support the Justice and Equality Movement (JEM), a Sudanese rebel group. JEM vehicles and personnel continued to circulate in the east of Chad.

There were no developments regarding the numerous cases of abuse reported by the commission of inquiry to examine disappearances and other abuses that occurred from January 28 to February 8--the period before, during, and after the 2008 rebel attack on N'Djamena. In August 2008 the commission released a report that stated that 977 persons--including civilians, ANT personnel, and rebels--were killed, 1,758 injured, 34 raped, and 380 detained in N'Djamena and the provinces during that period. During the year the government established an additional subcommittee under the minister of justice to reexamine cases discussed in the commission's report. No related trials occurred during the year.

Although on a smaller scale than in previous years, interethnic conflict and cross-border raids by Darfur-based militias continued.

Banditry was a severe problem; it increased during the year and reduced the ability of humanitarian organizations to provide services. Vast areas along the border with Sudan were not protected by the government.

In 2007 the UN Security Council authorized the deployment of the European Union Force (EUFOR) and a UN Mission in the Central African Republic and Chad (MINURCAT) to protect civilians and promote human rights and the rule of law in eastern Chad and northeastern CAR. On March 15, EUFOR's mandate ended and all operational control was handed over to MINURCAT per UN Security Resolution 1861 of 2009. MINURCAT's mandate also includes supporting regional peace. As of September 30, MINURCAT was 55 percent deployed. MINURCAT had trained and deployed 850 DIS personnel as of September. The DIS are Chadian forces responsible for security in refugee camps, IDP sites, and key towns in the east.

Killings

Persons were reportedly killed during fighting between the government and rebels in the east.

Human Rights Watch stated that there were reports that government forces committed extrajudicial killings of rebels, committed incidents of sexual assaults, and used child soldiers during and after fighting with rebels in Am Dam. According to Human Rights Watch, on May 7, ANT soldiers summarily executed at least nine rebels and government tanks killed civilians while crushing homes that government forces believed to contain rebels. Human Rights Watch also reported that on May 7, ANT soldiers reportedly sexually assaulted a girl and a woman in a neighboring village.

There were no developments in the cases of civilian deaths associated with the February 2008 rebel attacks and government counterattacks.

Security forces killed other persons in the east during the year, in addition to those reportedly killed during the fighting.

On March 22, a DIS commander in Farchana reportedly killed a civilian during a private dispute. Gendarmes arrested the officer, and he was charged with murder.

On June 8, three DGSSIE personnel in Goz Beida killed Denemadji Rachel following a dispute with her at her family's shop.

On June 11, Colonel Hissein Khalifa was reportedly killed by military personnel in Goz Beida following allegations that he was in contact with rebel leaders.

There were no reported developments regarding the 2008 or 2007 ethnic clashes.

On April 7, a French soldier serving with EUFOR shot and killed two other EUFOR soldiers and a MINURCAT soldier and later a Chadian civilian. Authorities arrested the soldier the same day, and he was sent back to France.

Abductions

In February Mianadji Job disappeared while travelling between N'Djamena and Abeche. His family asserted that the ANS kidnapped him as a result of allegations that he sought to join a rebel group. No investigation was undertaken to find him, although his case was reported to the Justice Ministry.

There were developments regarding Haroun Mahamat Abdoulaye, a sultan of Dar Tama. On July 20, authorities arrested Abdoulaye; he was released several months later. Abdoulaye was previously arrested in 2007 along with others alleged to have links to rebels and detained without charge.

There were no developments in the case of opposition leader Ibni Oumar Mahamat Saleh, whom security forces arrested in February 2008, and his whereabouts remained unknown.

The whereabouts of at least 135 rebels captured during the February 2008 attack on N'Djamena remained unknown at year's end.

Physical Abuse, Punishment, and Torture

Security forces tortured, beat, arrested, detained, and abused persons suspected of rebel activity or collaboration with rebels.

Unexploded ordnance including landmines laid by government, rebel, and foreign forces resulted in civilian deaths. For example, unexploded ordnance killed six children in Koukou Angarana and Goz Beida following the fighting in May; and on October 1, unexploded ordnance killed four children and injured another person in Kawa.

Government forces, organized groups, and bandits raped civilians. Female refugees and IDPs were subjected to rape (see section 2.d.).

The DIS included 87 women as of September. Humanitarian workers reported that having female security force members patrolling camps gave more confidence to female refugees to report gender-based violence.

Child Soldiers

The law prohibits the use of child soldiers; however, child soldiers were used by the ANT, Chadian rebel groups, the JEM, and other armed groups. There were reports that the DGSSIE also used child soldiers.

Armed groups from both Chad and Sudan, including JEM, recruited children from refugee camps along the eastern border.

The UN Children's Fund (UNICEF) reported the government took steps during the year to eliminate the use of child soldiers, but in some areas recruitment continued. During August and September, military officials, along with representatives of international organizations, visited security force installations in Abeche, N'Djamena, Moussoro, and Mongo to identify child soldiers and raise awareness regarding the prohibitions against their use.

The government transferred 240 child soldiers to UNICEF for reintegration and rehabilitation during the year. Most of the children were formerly associated with rebel groups. For example, on June 12, the government turned over to UNICEF approximately 80 child soldiers who were part of an estimated 200 rebels captured during the fighting in early May. The government cooperated with international efforts to provide rehabilitation services.

Other Conflict-related Abuses

Armed groups and bandits attacked humanitarian and human rights NGO workers, and during the year such attacks increased. Insecurity severely hindered the ability of humanitarian organizations to provide services, including food distribution, to refugees and IDPs. Humanitarian organizations temporarily suspended or limited activities due to insecurity.

During the May rebel attack, the UN suspended humanitarian services in several locations.

During the year humanitarian and human rights NGO vehicles were hijacked, numerous convoys were attacked and looted, and humanitarian offices were robbed. Humanitarian workers were killed during the year. Individuals in uniform demanded the payment of bribes from humanitarian workers in vehicles in exchange for safe passage. Armed men also abducted humanitarian NGO workers.

On August 4, armed men attacked a Medecins Sans Frontieres Holland compound and abducted one local and one international staff member. The local staff member escaped soon after. The assailants held his colleague until September 1.

On November 7, north of Ade, six armed men attacked a vehicle carrying members of the humanitarian NGO Solidarites. Driver Adoum Makaila died from his injuries.

On November 9, in Kawa, armed men abducted ICRC international staff member Laurent Maurice. He was still held at year's end.

Armed bandits also attacked government officials.

For example, on October 24, armed men killed Michel Mitna, head of the Guereda office of the government's National Commission for the Reception and Reinsertion of Refugees. He was returning from Kounoungo Camp. The bandits also injured Mitna's driver.

There were no developments regarding the 2008 killing of NGO Save the Children director Pascal Marlinge.

The overall number of IDPs decreased from 185,000 in August 2008 to 167,000 in January 2009. In September there were approximately 168,000 IDPs.

With less frequency than in previous years, attacks continued to occur throughout the east by janjaweed-like mounted raiders from Sudan, Chadian rebels, and Chadian ethnic militias, both Arab and non-Arab.

Chadians regularly moved to and from Sudan. The movements reflected seasonal migration but were also in response to insecurity.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution provides for freedom of opinion, expression, and of the press, but it allows for these to be restricted so as to not infringe on the rights of others, and to safeguard public order and good morals. The constitution prohibits propaganda of an ethnic, regionalist, or religious nature that affects national unity or the secular nature of the state; however, the government did not respect these rights in practice, and the February 2008 presidential decree that revised the press law to include additional restrictions on speech and the press remained in effect. Journalists and publishers practiced self-censorship.

The 2008 press law revisions include punishments that can include imprisonment for three to five years for articles whose purpose is to cause tribal, racial, or religious hatred. The revisions provide for increased penalties, including imprisonment, for defamation of the courts, security forces, and public administration. Offending the president is punishable by one to five years' imprisonment and/or a fine, as is publicly offending foreign high-level government officials. Conspiring with the enemy is punishable by up to three years' imprisonment and/or a fine. The revisions also include additional requirements for establishing a newspaper. Human rights organizations and newspapers criticized the restrictions. There were no reports the government enforced the law during the year.

Individuals who publicly criticized the government often faced reprisal (see section 1.d.). There were reports that the government attempted to control criticism by monitoring meetings of the political opposition and that the government attempted to intimidate its critics.

The government owned the newspaper *Info Tchad* and influenced another, *Le Progres*. Government-controlled media were subject to censorship but sometimes criticized the government. Independent print media often criticized the government.

The government deported a journalist and temporarily suspended publication of a newspaper owned by an opposition figure. On October 14, authorities deported the editor of *La Voix du Tchad*, Innocent Ebode, a Cameroonian. Authorities stated that he did not have a proper authorization to be in the country. However, it was also widely believed that he was deported in part as a result of a piece he wrote that included comments critical of President Deby. On December 3, the High Council for Communications (HCC) ordered *La Voix du Tchad* to cease publication because it was not licensed.

Radio remained the most important medium of mass communication. Government-owned Radiodiffusion Nationale Tchadienne had several branches. There were numerous private radio stations that broadcast throughout the country, many of them owned by religious organizations, including four stations affiliated with the Catholic NGO BELACD.

The licensing fee set by the HCC for a commercial radio station remained prohibitively high at approximately five million CFA (approximately \$11,000) per year, 10 times the fee for radio stations owned by nonprofit NGOs. The HCC monitored and censored the content of radio station programming.

The government owned and operated the only domestic television station but did not interfere with reception of channels originating outside the country.

The government censored the media by restricting content through laws and other mechanisms. Some journalists in rural areas reported that government officials warned them not to engage in any contentious political reporting. In addition,

some domestic journalists claimed the government restricted their ability to cover some events or visit certain locations and limited their access to high-ranking officials, restrictions the government did not impose on foreign journalists.

On May 14, in N'Djamena, a local journalism association convened local media professionals to discuss difficulties faced by journalists.

Internet Freedom

There were no government restrictions on access to the Internet; however, the government reportedly monitored e-mail. Although increasingly available to the public at Internet cafes, most persons could not afford Internet access. Lack of infrastructure limited public access elsewhere. According to International Telecommunication Union statistics for 2008, approximately 1.19 percent of the country's inhabitants used the Internet.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution provides for freedom of assembly but allows for it to be restricted so as not to infringe on the rights of others, and to safeguard public order and good morals. The government did not respect this right in practice. The law requires organizers of demonstrations to notify the government five days in advance.

On January 14, police reportedly broke up a protest against high costs of living and a government ban on the use of charcoal.

There were no developments regarding the violent dispersal of demonstrators in 2008 and 2007.

Freedom of Association

The constitution and law provide for freedom of association, but allow for it to be restricted so as not to infringe on the rights of others and to safeguard public order and good morals. The government respected this right in practice.

An ordinance requires prior authorization from the Ministry of Interior before an association, including a labor union, may be formed; however, there were no reports that the ordinance was enforced. The ordinance also allows for the immediate administrative dissolution of an association and permits authorities to monitor association funds.

c. Freedom of Religion

The law provides for religious freedom but allows for it to be restricted so as not to infringe on the rights of others, and to safeguard public order and good morals. The government continued to restrict some religious organizations and practices. The law also provides for a secular state; however, some policies favored Islam in practice. For example, a committee composed of members of the High Council for Islamic Affairs and the Directorate of Religious Affairs in the Ministry of Interior organized the Hajj and the Umra.

The 2007 ban on all forms of street-corner evangelization and preaching remained in effect.

The government continued to ban Al Mountada al Islami, the World Association for Muslim Youth, the Mecca Al-Moukarrama Charitable Foundation, and Al Haramain Charitable Foundation for promoting violence to further religious goals.

The Islamic religious group Faid al-Djaria remained banned on the grounds that its religious customs, including men and women singing and dancing together in religious ceremonies, were un-Islamic.

Societal Abuses and Discrimination

Although the different religious communities generally coexisted without problems, there were reports of tensions between the High Council for Islamic Affairs and fundamentalist elements within the Muslim community. During the year there were regular meetings between key religious leaders of all faiths to discuss peaceful collaboration among groups.

There was no known Jewish community and no reports of anti-Semitic acts.

For a more detailed discussion, see the 2009 International Religious Freedom Report at www.state.gov/g/drl/rls/irf.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

Although the constitution and law provide for freedom of movement, foreign travel, emigration, and repatriation, in practice the government imposed some limits on these rights.

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, and other persons of concern.

The Ministry of Territorial Administration required foreigners, including humanitarian agency personnel, to obtain authorization to travel to the eastern part of the country.

Security forces, bandits, and, to a lesser extent than in previous years, rebel groups continued to maintain roadblocks, extorting money from travelers, often beating them, and in some cases killing them.

The activities of armed bandits, herders involved in cross-border conflict over resources, and rebel groups along the border with CAR continued to hinder free movement in the region.

The law prohibits forced exile, and the government did not use it.

Internally Displaced Persons (IDPs)

The estimated overall number of IDPs decreased from 185,000 in August 2008 to 167,000 in January 2009. In September there were approximately 168,000 IDPs.

The government continued to allow IDPs access to humanitarian organizations and permitted them to accept assistance provided by these groups. Although UN and humanitarian organizations operated in the country during the year, lack of security lessened their ability to provide services to IDPs and refugees. The government did not attack IDPs or forcibly return or resettle them under dangerous conditions.

Protection of Refugees

The country is party to the 1951 Convention relating to the Status of Refugees, its 1967 Protocol, and the 1969 African Union Convention Governing the Specific Aspects of the Refugee Problem in Africa. The law, however, does not provide for the granting of asylum or refugee status in accordance with the 1951 convention and its 1967 protocol, but the government has established a system for providing protection to refugees.

In practice the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion.

In November the number of Sudanese refugees from Darfur in the country was 253,000; most of these refugees were located in 12 camps along the eastern border with Sudan. The number of refugees from CAR increased from 56,000 in June 2008 to about 70,000 in 2009. Most of those refugees lived in five camps in the south. Most new refugees from CAR that arrived during the year were located near Daha, in the southeast. There were also approximately 5,000 refugees of various nationalities living in urban areas.

Insecurity in the east, including rebel and bandit attacks, hindered the ability of humanitarian organizations to provide services to refugees. NGO workers traveling between camps were frequently victims of carjackings and armed robberies.

The UNHCR and its partner organizations continued to express concern regarding the potential for militarization of refugee camps by Sudanese and Chadian rebels, particularly camps located close to the border. The recruitment of some refugees, including children, into armed groups continued (see section 1.g.). Women were raped in and near refugee camps, including by ANT soldiers. Antirefugee sentiment among citizens living in refugee-affected areas was high, due to competition for local resources such as wood, water, and grazing land, and because Sudanese refugees received goods and services that were not available to the local population.

A September Amnesty International report documented cases of rape inside and outside of refugee camps that occurred both during the year and in previous years. Rapes were committed by ANT personnel, organized groups, bandits, and other refugees. Amnesty International received reports of rape and violence against refugees committed by staff of humanitarian organizations. According to Amnesty International, the NGO staff in the reported cases were removed from their jobs. A May report by the NGO Physicians for Human Rights also discussed cases of female Darfuri refugees being raped in Chad.

The DIS aided in protection of refugee and IDP camps in the east (see section 1.g.). UNICEF reported that the DIS investigated cases of adults who reportedly forced children into prostitution in refugee camps.

Information on whether the government provided temporary protection to individuals who may not qualify as refugees under the 1951 convention or the 1967 protocol was not available.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Although the constitution and law provide citizens with the right to change their government, the government continued to limit this right in practice. The executive branch dominated the other branches of government.

Elections and Political Participation

In 2006 President Deby, leader of the ruling MPS, was reelected to a third term in what unofficial observers characterized as an orderly but seriously flawed election that was boycotted by the opposition. The government had dismissed appeals from the opposition, civil society, religious groups, and some members of the international community to postpone elections and organize a national dialogue. Observers noted low voter participation, underage voting, multiple voting, and other irregularities.

In August 2007 the government and the opposition coalition signed an agreement that delayed communal and legislative elections, originally scheduled for 2005, until 2009; however, legislative elections did not take place during the year. There was progress in implementing other provisions of the 2007 agreement. The government and the political opposition

worked together and with the National Assembly to implement elements of the accord. This included conducting a population census, issuing a decree pertaining to the electoral code, adoption of new legislation on political parties, and the creation of an independent national electoral commission.

There were approximately 120 registered political parties at year's end. Political parties were subject to outside interference. During the year opposition leaders were subject to harassment, but unlike in the previous year none disappeared. Opposition political leaders accused the government of co-opting politicians to run as MPS members in local elections or to cross the aisle in the National Assembly, and alleged that the military intimidated party members who refused to cooperate. Parties allied with the government generally received favorable treatment. Northerners, particularly members of the Zaghawa ethnic group, including the Bideyat subclan to which the president belongs, continued to dominate the public sector and were overrepresented in key institutions of state power, including the military officer corps, elite military units, and the presidential staff.

There were 10 women in the 155-seat National Assembly. There were five women among 41 ministers in the cabinet.

Both the cabinet and the National Assembly had diverse ethnic representation.

Section 4 Official Corruption and Government Transparency

The law provides criminal penalties for corruption. Officials frequently engaged in corrupt practices. The World Bank's most recent Worldwide Governance Indicators reflected that corruption was a severe problem.

On August 26, the International Crisis Group released a report regarding the relationship between governance and revenues from the Chad-Cameroon oil pipeline project. According to the report, the government did not transparently award contracts for public works built with oil revenues, which increased corruption and cronyism. The report also stated that the government had gradually reduced the role of the College for the Control and Monitoring of Oil Resources, a committee established to involve civil society in the management of oil revenues.

The Ministry of Moralization is responsible for fighting corruption and carried out anticorruption seminars for government employees. During the year the ministry reported several cases of bribery, embezzlement, misappropriation, and financial mismanagement. This included 1.5 billion CFA (approximately \$3.2 million) in false contracts made by officials at the ministries of education and finance; 810 million CFA (\$1.7 million) missing from the National Office for Food Security; 244 million CFA (\$522,000) stolen from the regional treasury in Moundou; and 120 million CFA (\$257,000) embezzled from the municipality and regional treasury in Sarh.

On August 15, the Ministry of State Oversight stated that it had initiated 35 legal cases against 141 government officials charged with embezzlement and misappropriation of public funds during the year.

During the year the government dismissed several government agents from their jobs for corruption and embezzlement, including high-profile officials such as the director general of the National Social Insurance Fund (CNPS); the commercial director of CotonChad, the state-owned cotton company; and the chief officer of the Land Registry Office (Cadastre).

In August and September, authorities arrested and detained the following officials on suspicion of corruption: the financial oversight officer of the Ministry of Finance, the Treasury bursar, both the then-current and the former administrative, material, and financial directors at the Ministry of Education, the director general of CNPS, the chief officer of the Cadastre, and the former head of the HCC.

The College for the Control and Monitoring of Oil Resources published its report for 2008 on December 22, 2009. It identified deficiencies that included insufficient coordination between ministries and with local officials, lack of qualified personnel to implement and oversee poverty reduction projects, and the inability of the government to fully complete or to

provide sufficient resources for ongoing projects. The report thanked the Ministry of Morality, which includes the office of corruption, and the Ministry of Infrastructure and Transport for positive cooperation with the college in 2008. The government had taken no clear action on findings in the college's previous reports by year's end.

The law does not provide for public access to government information, although the government provided such access to government-employed journalists. The government makes its budget partially available to the public; however, it did not disclose a large portion of expenditures in the published budget. Independent media journalists stated that they were not given sufficient access to government information.

Section 5 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The government continued to obstruct the work of domestic human rights organizations.

On June 9, authorities arrested a human rights activist after he made a radio report critical of the police (see section 1.d.).

On October 23, unknown persons went to the home of LTDH president **Massalabaye Tenebaye**; he was not at home and they left. Between October 13 and 16, unknown persons also followed Tenebaye.

There were two principal local human rights organizations, the ATPDH and the LTDH. These and smaller human rights organizations worked together through an umbrella organization, the Association for Human Rights.

Government officials generally were accessible to human rights advocates but were often unresponsive or hostile to their findings. Nevertheless, such groups were able to investigate and publish their findings on human rights cases.

On October 27-28, the government held a human rights forum in Abeche. In August it held a similar forum in N'Djamena.

During the year unidentified assailants and armed bandits also attacked numerous NGO employees during the year, resulting in deaths and injuries (see section 1.g.). The lack of security in the east reduced the ability of humanitarian organizations to provide services.

Despite pressure from the government, human rights groups were outspoken in publicizing abuses through reports, press releases, and the print media, but only occasionally were they able to intervene successfully with authorities.

The government continued to obstruct the work of international human rights organizations, such as the NGO Human Rights Watch.

The government cooperated with international governmental organizations and permitted visits by UN representatives. Between February 3 and 9, the UN representative of the secretary general on the human rights of IDPs, Walter Kailin, visited the country. His report expressed concern regarding child recruitment and gender-based violence at IDP sites, and crimes committed with impunity against IDPs and humanitarian workers. The assistant secretary-general for rule of law and security institutions in the Department of Peacekeeping Operations (DPKO) Dmitry Titov also visited the country in February.

Section 6 Discrimination, Societal Abuses, and Trafficking in Persons

Although the constitution and law prohibit discrimination based on origin, race, gender, religion, political opinion, or social status, the government did not effectively enforce these provisions. The government favored its ethnic supporters and allies.

Women

Rape is prohibited and punishable by hard labor. Rape, including of female refugees, was a problem (see section 2.d.); no reliable data was available. The law does not specifically address spousal rape. Although police often arrested and detained perpetrators, rape cases usually were not tried and in most cases suspects were released.

Although the law prohibits violence against women, domestic violence, including spousal abuse, was common. Wives traditionally were subject to the authority of their husbands, and they had limited legal recourse against abuse. Although family or traditional authorities could provide assistance in such cases, police rarely intervened. Information on the number of abusers who were prosecuted, convicted, or punished was not available.

In some places girls and women may not visit the site where an initiation ceremony is to take place. If a woman or girl violates this prohibition, under traditional custom the village leaders can kill her, although there were no reports of this occurring during the year.

The law prohibits prostitution; however, it was prevalent in larger urban areas and in the south.

The law does not prohibit sexual harassment, and such harassment was a problem.

The law provides for the right of couples and individuals to decide freely and responsibly the number and spacing of their children, as well as to have access to information regarding birth control methods. However, many persons lacked access to medical care, particularly those in rural areas. Couples lacked access to contraception, and only 14 percent of childbirths were assisted professionally. The ratio of midwives to women of childbearing age was one to 14,800. Ten percent of married women in N'Djamena used contraceptives during the year. Five percent of women in towns and 0.4 percent of women in the countryside used contraception. Women were equally diagnosed and treated for sexual transmitted infections, including HIV, treatment for which was free.

Discrimination against women and exploitation of women were widespread. Although property and inheritance laws do not discriminate against women, local leaders adjudicated most inheritance cases in favor of men, according to traditional practice. The Ministry of Social Action and Women is responsible for addressing gender-related issues. Women did not have equal opportunities for education and training, making it difficult for them to compete for formal sector jobs. Women experienced economic discrimination in access to employment, credit, and pay equity for substantially similar work, and in owning or managing businesses due to cultural norms that favored men.

The law states that persons of the required legal age have the right, in accordance with the law, customs, and mores, to decide whether to be married. The law does not address polygyny, but husbands may opt at any time to declare a marriage polygynous. If a husband takes a second wife, the first wife has the right to request that her marriage be dissolved, but she must repay her bride price and other marriage-related expenses.

The government, with assistance from the UN, launched an awareness raising campaign to combat gender-based violence. This included raising awareness regarding rape, sexual harassment, female genital mutilation (FGM), discrimination against women, and early marriage.

Children

The law provides for citizenship to be derived by birth within the country's territory and from ones' parents; however, in practice children born to refugees from Sudan were not always considered citizens. Children born to refugees from CAR were generally granted Chadian citizenship. The government did not register all births immediately.

By law education is universal and free, and primary education is compulsory between the ages of six and 11; however, in practice parents were required to pay tuition to public schools beyond the primary level. Parents were required to pay for

textbooks, except in some rural areas. Parent-teacher associations hired and paid approximately half of teachers, without government reimbursement. Schools did not exist in many locations. Most children did not complete primary education. Educational opportunities for girls were even more limited than for boys. Girls' enrollment in primary school was lower than that of boys. Most children did not attend secondary school, where enrollment of girls was lower than that of boys.

Several human rights organizations reported on the problem of the mouhadjirin, children who attended certain Islamic schools and whom their teachers forced to beg for food and money. There was no reliable estimate of the number of mouhadjirin.

Children who were refugees or IDPs had limited access to services such as education and health care, although refugee access to such services and care sometimes exceeded that of surrounding Chadian populations.

Child abuse remained a problem.

The law prohibits the practice of female genital mutilation (FGM); however, FGM was widespread, particularly in rural areas. According to a 2004 report by the governmental National Institute of Statistics, Economic, and Demographic Studies, 45 percent of females had undergone excision. According to the survey, 70 percent of Muslim females and 30 percent of Christian females were subjected to FGM. The practice was especially prevalent among ethnic groups in the east and south. All three types of FGM were practiced. The least common but most dangerous and severe type, infibulation, was confined largely to the region on the eastern border with Sudan. FGM usually was performed prior to puberty as a rite of passage.

FGM could be prosecuted as a form of assault, and charges could be brought against the parents of FGM victims, medical practitioners, or others involved in the action. However, prosecution was hindered by the lack of specific penalty provisions in the penal code. There were no reports that any such suits were brought during the year. The Ministry of Social Action and Family was responsible for coordinating activities to combat FGM. The government, with assistance from the UN, conducted public awareness campaigns to discourage the practice of FGM and highlight its dangers as part of its efforts to combat gender-based violence. UNICEF reported that the campaign encouraged persons to speak out against FGM and other forms of abuse against women and girls.

Although the law prohibits sexual relations with a girl younger than 14, even if she is married, the ban was rarely enforced. Families arranged marriages for girls as young as 12 or 13; the minimum legal age for engagements is 11. The law prohibits forced marriages of anyone younger than age 18 and provides for imprisonment of six months to two years and a fine of 50,000 to 500,000 CFA (\$107-1,171). However, forced marriage of girls was a serious problem, including among refugees. The custom of buying and selling child brides continued to be widespread. Girls that objected to being forcibly married often suffered physical assaults by their family members and their husband. Many young wives were forced to work long hours for their husbands in the fields or home.

The government and other armed groups continued to use child soldiers (see section 1.g.).

Armed bandits kidnapped children to obtain ransom in the Mayo-Kebbi Ouest Region (see section 1.b.).

Trafficking in Persons

The law does not specifically prohibit trafficking in persons; however, traffickers could be prosecuted under statutes prohibiting child abduction, sale of children, child labor, forced labor, and commercial sexual exploitation. Children were trafficked to, from, and through the country, as well as internally. Cross-border trafficking was not as common as internal trafficking.

Children were trafficked for forced labor and commercial sexual exploitation. The majority of child victims were trafficked within the country for domestic servitude, forced begging, forced labor in cattle herding, fishing and street vending, and commercial sexual exploitation. Children from Cameroon and CAR were trafficked for commercial sexual exploitation to the country's oil-producing regions. Chadian children were trafficked to Cameroon, CAR, and Nigeria for cattle herding.

Girls sold or forced into child marriages were forced by their husbands into domestic servitude and agricultural labor.

The majority of child trafficking occurred with parental consent; parents gave children to relatives or an intermediary in exchange for typically false promises of an education or apprenticeship for the child, or for cattle or a small payment for the parents.

Armed groups recruited children, sometimes forcibly. The government took some steps to eliminate the use of child soldiers in the army (see section 1.g.).

UNICEF reported that the DIS investigated cases of adults who reportedly forced children into prostitution in refugee camps. Armed bandits kidnapped children to obtain ransom in the Mayo-Kebbi Ouest Region (see section 1.b.).

There were no reported developments regarding the June 2008 case of village chiefs arrested for selling children to herders or the July 2008 report that 108 children were being held by herders in Hahimtoki village.

Police reportedly resorted to extrajudicial actions against traffickers and child labor offenders, including beating them and imposing unofficial fines.

The Department of State's annual *Trafficking in Persons Report* can be found at www.state.gov/g/tip.

Persons with Disabilities

The law prohibits discrimination against persons with disabilities, and the government enforced this prohibition. There were no laws or programs to ensure access to buildings for persons with disabilities. The government operated a few education, employment, or therapy programs for such persons. The government, in conjunction with NGOs, continued to sponsor an annual day of activities to raise awareness of the rights of persons with disabilities. The Ministry of Social Action and Family is responsible for protecting the rights of persons with disabilities.

National/Racial/Ethnic Minorities

There are approximately 200 ethnic groups, many of which are concentrated regionally. They speak 128 distinct primary languages. Although most ethnic groups were affiliated with one of two regional and cultural traditions--Arabs and Muslims in the north, center, and east; and Christian or animist groups in the south--internal migrations in response to urbanization and desertification resulted in the integration of these groups in some areas.

Societal discrimination continued to be practiced routinely by members of virtually all ethnic groups and was evident in patterns of employment, especially across the North-South divide. The law prohibits government discrimination on the basis of ethnicity, although in practice ethnicity continued to influence government appointments and political alliances. Political parties and groups generally had readily identifiable regional or ethnic bases.

Interethnic violence continued, particularly in the east and south (see section 1.g.).

Clashes between herders and sedentary populations and other interethnic violence that often concerned land use continued to be a serious problem.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

There were no known lesbian, gay, bisexual, and transgender (LGBT) organizations. There was societal discrimination based on sexual orientation. There were no government or civil society efforts to address discrimination based on sexual orientation or gender identity.

Other Societal Violence or Discrimination

The law provides for persons with HIV/AIDS to have the same rights as those without HIV/AIDS and obligates the government to provide information, education, and access to tests and treatment for persons with HIV/AIDS; however, societal discrimination continued to be practiced against persons living with HIV/AIDS.

Section 7 Worker Rights

a. The Right of Association

The law allows all employees except members of the armed forces to form or join unions of their choice without excessive requirements, but the authorization of the Ministry of Interior is required. However, there were no reports that the authorization requirement was enforced. The Ministry of Interior can also order the immediate administrative dissolution of a union.

In the formal sector, more than 90 percent of employees belonged to unions; however, the great majority of workers were self-employed, nonunionized, unpaid, subsistence cultivators or herders. The government, which owned enterprises that dominated many sectors of the formal economy, remained the largest employer.

The law recognizes the right to strike but restricts the right of civil servants and employees of state enterprises to do so. Civil servants and employees of state enterprises must complete a mediation process and must notify the government before striking. Employees of several public entities deemed essential must continue to provide a certain level of services. A 2008 International Trade Union Confederation report stated that the law prolonged the period before a strike can occur, and that the definition of essential services was overly broad. The law permits imprisonment with forced labor as punishment for participation in illegal strikes, but no such punishment was imposed during the year.

During the year four Government National Radio (RNT) journalists were not paid their monthly salaries and were relocated to less prestigious positions outside the capital following their participation in a strike.

On August 19, the minister of civil service issued an order to move the head of the Civil Service Workers Union and his deputy to positions outside the capital. The union linked this decision to a March strike for salary increases and better workplace conditions. The union threatened to go on strike again if the minister did not cancel the decision to transfer. At year's end the union head and deputy had not been moved.

On October 13, Michel Barka, president of the Chad Trade Union, was followed by several vehicles, and then threatened with a gun.

b. The Right to Organize and Bargain Collectively

The law allows unions to organize and bargain collectively, and the government protected these rights. Although there are no restrictions on collective bargaining, the law authorizes the government to intervene under certain circumstances.

There were no reports of restrictions on collective bargaining during the year.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The constitution states that persons cannot be held as slaves or in servitude, and the law prohibits forced or compulsory labor, including by children; however, forced labor, particularly forced child labor, occurred in the informal sector. There continued also to be reports of forced labor practices in the formal economy and isolated instances of local authorities demanding forced labor by both children and adults in the rural sector.

The law permits imprisonment with forced labor for participation in illegal strikes.

Children were subjected to forced labor and commercial sexual exploitation. The majority of forced child laborers were subjected to domestic servitude, forced begging, forced labor in cattle herding, fishing and street vending, or commercial sexual exploitation. Children from Cameroon and CAR were trafficked and subjected to commercial sexual exploitation in the country's oil-producing regions. Chadian children were trafficked to Cameroon, CAR, and Nigeria for forced cattle herding. Girls sold or forced into child marriages were forced by their husbands into domestic servitude and agricultural labor. Children were also recruited, sometimes forcibly, into armed groups (see section 6, Children and Trafficking in Persons).

In January local human rights groups and the media reported that a military officer abducted Ndessedibaye Neloumra and Nanalta Clement from Sarh and transferred them to the North for forced labor. They were tortured and injured before being released.

d. Prohibition of Child Labor and Minimum Age for Employment

The labor code stipulates that the minimum age for employment is 14, except that children may work as apprentices beginning at age 13. However, the government did not enforce the law. Child labor, including forced child labor, was a serious problem. The minimum employment age is not consistent with the compulsory education age.

An estimated 20 percent of children between the ages of six and 18 worked in exploitive labor in the urban informal sector, according to a study published in 2005 by the NGO Human Rights Without Borders. Children throughout the country worked in agriculture and herding. They also were employed in the commercial sector, particularly in the capital, as street vendors, manual laborers, and helpers in small shops. Children worked as domestic servants, mainly in the capital.

A 2005 UNICEF-government survey of child domestics in N'Djamena noted that 62 percent were boys, 24 percent were between eight and 14 years of age, 68 percent were between 15 and 17, and 86 percent were illiterate. Local human rights organizations reported an increase in the number of child domestic workers during the year.

During the year a local NGO in Koumra reportedly rescued 150 children whose families had sold them to work as herders in the southern departments of Mandoul and Moyen Chari.

Children who attended certain Islamic schools were sometimes forced by their teachers to beg for food and money.

Some young girls were forced into marriages by their families and then compelled to work in their husbands' fields or homes while they were still too young to do so safely.

Government forces and rebel groups used child soldiers (see section 1.g.).

UNICEF reported that the DIS investigated cases of adults who reportedly forced children into prostitution in refugee camps.

The Office of Labor Inspection is responsible for enforcement of child labor laws and policies. As in previous years, the office reportedly had no funding to carry out field work and investigations. On August 21, the National School of

Administration and Magistracy graduated its first-ever class of labor inspectors. Twenty-eight students participated in the program.

Police reportedly used extrajudicial actions against traffickers and child labor offenders, including beating them and imposing unofficial fines.

The government did not have a comprehensive plan to eliminate the worst forms of child labor; however, the government continued to work with UNICEF and NGOs to increase public awareness of child labor. In addition, the campaign to educate parents and civil society on the dangers of child labor, particularly for child herders, continued.

e. Acceptable Conditions of Work

The labor code requires the government to set minimum wages, and the minimum wage at year's end was 28,000 CFA (\$60) per month; however, this standard was generally ignored. The minimum wage did not provide a decent standard of living for a worker and family, although wage levels were raised during the year. Nearly all private sector and state-owned firms paid at least the minimum wage, but it was largely ignored in the vast informal sector. Salary arrears remained a problem, although less so than in previous years. The law limits most employment to 39 hours per week, with overtime paid for supplementary hours. Agricultural work was limited to 2,400 hours per year, an average of 46 hours per week. All workers were entitled to an unbroken 48-hour rest period per week; however, these rights rarely were enforced.

The labor code mandates occupational health and safety standards and gives inspectors the authority to enforce them; however, these standards were generally ignored in the private sector and in the civil service.

Workers had the right to remove themselves from dangerous working conditions; however, in practice they could not leave without jeopardizing their employment. The labor code explicitly protects all workers, including foreign and illegal workers, but the protections provided were not always respected in practice.