U.S. Department of State


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CHAD

Chad is governed by a transitional regime in which effective power is held by President Idriss Deby and his party, the Patriotic Salvation Movement (MPS). President Deby took power in a December 1990 coup and was confirmed as Chief of State by the Sovereign National Conference (CNS) of 1993. He won election against 14 other candidates in July under a Constitution adopted in a March 31 referendum and was inaugurated for a 5-year term on August 8. Elections for the Legislative Assembly were scheduled for January 1997 to replace a provisional parliament, the Higher Transitional Council (CST), created by the CNS. The Government is headed by a prime minister appointed by the President. Prime Minister Djimasta Koibla has held office since March 1995. An ineffective and overburdened judicial system is subject to official interference.

The army, gendarmerie, police, and intelligence services are responsible for internal security. Officers of the ethnic group of President Deby dominate the Rapid Intervention Force, formerly known as the Republican Guard, and the National Security Agency (ANS), a counterintelligence organization that has acted as an internal political police force. The security forces were more subject to effective control by the Government. The security forces continued to commit human rights abuses.

The economy is based on subsistence agriculture, herding and fishing. Annual per capita income is an estimated $130 to $190. Chad has little industry; the chief export is cotton. The Government relies heavily on external financial and technical assistance.
The human rights situation improved in several respects during the year, although serious problems remain in certain areas. There were reports of continued abuses of human rights by both government and rebel forces. However, there were no reports of the massacres and terror campaigns that occurred in previous years. The security forces continued to abuse both suspects and detainees and use arbitrary arrest, detention, and illegal searches. However, after major reforms by the Minister of the Armies, reports of major violations by the security forces decreased significantly. The Government did not prosecute security personnel reportedly responsible in earlier years for murder, rape, torture, arbitrary arrest and detention, and illegal search and seizure. Prison conditions remained harsh. The presidential election was marred by widespread and credible reports of fraud, vote-rigging, and irregularities by local officials, although no major incidents of violence were reported. These actions were contrary to internationally accepted standards for free and fair elections. The irregularities apparently did not alter the overall outcome.

The Government at times also imposed illegal limits on freedom of assembly and association, particularly on opponents meeting to advocate a boycott of the second round of the presidential vote, and on occasion limited the freedom of movement of opposition presidential candidates. The judicial system remained ineffective and subject to government interference, unable to provide citizens with prompt trials. Detainees occasionally spend years in pretrial detention. The Government engages in telephone surveillance without judicial authority. Discrimination against women is common; violence against women is also believed to be common. There were infringements on worker rights, including reported instances of forced labor in agricultural communities and the military forces.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing

On August 16, Bichara Digui, a businessmen and former political prisoner with ties to both the political and armed opposition, was shot to death in what appeared to be a premeditated execution-style killing. There were reports that his opponents in the Government ordered his death; other reports claimed that he had received death threats from a fellow businessman who had lost a court case to him. The killing is under investigation by the police, but the motive for the shooting remained unclear at year's end. The Government made no effort to prosecute members of the security forces for killings committed in previous years.

At least 20 extrajudicial killings of petty criminals by police occurred in November and December after adoption of a new law aimed at reducing street crime. The Government denied that it had ordered a shoot-to-kill policy aimed specifically at unarmed thieves but indicated that police would protect themselves when confronting armed criminals at crime scenes.

Two local human rights organizations reported, with credible supporting evidence, the public execution in Fianga on December 24 by security forces of nine criminal suspects, following a roundup of alleged thieves and highwaymen.

b. Disappearances

There were credible reports that several opposition party officials were abducted during the first round of the presidential campaign and later released.
c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution specifically prohibits torture and degrading or humiliating treatment; however, members of the security forces continued to commit some abuses. The Government took steps to halt acts of brutality by its security forces when President Deby appointed former Justice Minister Youssouf Togoimi Minister of the Armies in December 1995 in an effort to reform the military services. Deby and Togoimi made significant efforts to end military corruption and abuse. Human rights advocacy groups reported only scattered abuses by the military in 1996, and credit Togoimi's reform actions. These abuses included harassment, illegal searches, and seizures of cattle, crops, and food. The Government took no effective measures to punish perpetrators of abuses from previous years.

On July 3 in Bebedjia in Eastern Logone province, security forces arrested former presidential candidate Ngarlejy Yorongar without a warrant, took him to the Bebedjia jail, and beat him (see Section 1.d.).

The army sometimes harassed residents of villages for their supposed collaboration with rebels, including unauthorized searches. Soldiers in army garrisons in certain towns often do not speak the local language, and this at times resulted in friction with the local population.

Prison conditions are harsh throughout the country, characterized by appalling overcrowding, poor sanitation, inadequate food, shelter, and medical facilities, and mixing of male and female prisoners. The Government took no effective action to improve these conditions. Prisoners are almost totally dependent on their families for food and clothing. All prisons are in need of major repairs, and escapes are frequent.

The Government permits some prison visits by human rights monitors such as the International Committee of the Red Cross.

d. Arbitrary Arrest, Detention, or Exile

The Constitution and the Penal Code prohibit arbitrary arrest. Arrest warrants must usually be signed by a judicial official. However, the Government did not always respect these requirements.

Ngarlejy Yorongar, for example, was arrested in July without a warrant, by a local official. He was charged--only after being detained beyond the legal limit--with illegal campaigning for opposition candidate Wadal Abdelkader Kamougue and with arms trafficking with guerrilla forces. He was later transferred to N'Djamena where the Prosecutor General and the Justice Minister ruled that the charges were groundless and ordered him released.

The Government did not use exile as a political weapon.

e. Denial of Fair Public Trial

The Constitution mandates an independent judiciary; however, the judiciary did not operate effectively, being underfunded, overburdened, and subject to official interference.

The national judicial system operates with courts located in provincial capitals. The N'Djamena Court of Appeals, the country's highest court, is supposed to conduct regular sessions in the provinces, but rarely does so. Applicable law can be confusing, as courts often tend to blend the formal French-derived legal code with traditional practices.
Official inaction and interference continued to plague the judiciary. Persons accused of crimes may have to endure up to several years of incarceration before being charged or tried, especially persons arrested for felonies in the provinces who often must await remand to the overcrowded and dangerous house of detention in N'Djamena. Salaries for justice officials are often low and in arrears. The Government has made reform of the judiciary a top priority.

The Military Code of Justice has not been enforced since the 1979-1980 Civil War, and courts-martial instituted early in the Deby Regime to try security personnel for crimes against civilians no longer operate. The remaining military magistrates now sit as civilian judges on the N'Djamena Court of Appeals.

People in rural areas usually do not have access to formal judicial institutions. In most civil cases they rely on traditional courts presided over by village chiefs, chefs de canton, or sultans. Decisions may be appealed to a formal court.

There are no reliable figures on political prisoners.

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

The Constitution provides for the right to privacy of home, correspondence, and other communications, as well as freedom from arbitrary search. The Penal Code requires that authorities conduct searches of homes only during daylight hours and with a legal warrant. In practice, security forces ignored these provisions and conducted extrajudicial searches at any time.

The Government engages in wiretapping without judicial authority.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution and Transitional Charter provide for freedom of speech and the press, and the Government generally respected these rights. The official media, consisting of a national radio network, a press agency, and an N'Djamena television station, are subject to both official and informal censorship. The official media also tend to give priority to government officials and events while providing lesser coverage of the opposition. The Higher Council on Communications, an independent institution mandated by the CNS, acts as an arbiter whose main function is to promote free access to the media. It has no power of enforcement but successfully promulgated rules for equal access for official political statements broadcast during the constitutional referendum and the presidential election.

There are a number of limited-circulation independent newspapers published in the capital, some of which are vociferously critical of government policies and leaders. The Government did not censor these newspapers. It likewise did not interfere with the distribution of opposition tracts and press releases, but state radio officials sometimes refused to broadcast opposition political statements, even when the candidates had bought and paid for radio broadcast rights.

Academic freedom is respected.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of association and assembly, and the Government generally
respected these rights in practice. Authorities routinely granted permits for political and nongovernmental organization (NGO) meetings and usually did not interfere with meetings or press conferences.

However, government forces were responsible for two serious abridgements of freedom of assembly. On June 28 and 29, forces directed by Secretary of State for Security Noudjalbaye Ngaryan prevented meetings of opposition political parties who were advocating a boycott of the second round of presidential elections. Police and gendarmes commanded by Secretary Noudjabaye also occupied the headquarters of the principal labor union in order to prevent a meeting called to discuss the boycott and revoked its legal charter for several weeks (see also Section 6.a.). Party and union officials reported that the security forces presented no court order authorizing them to prevent the meetings.

Opposition political parties also reported incidents of harassment by local officials during the election campaign. In one of the most violent incidents, a rally of presidential candidate Saleh Kebzabo in Kelo resulted in a riot allegedly instigated by the local officials. Several party members and officials were hospitalized as a result of injuries inflicted by the rioters, who also damaged or destroyed vehicles and equipment.

There are more than 60 registered political parties and several hundred NGO's. However, a confusion of laws governing NGO's enabled the Interior Ministry to threaten unions and human rights organizations with dissolution for alleged political activities during the election campaign (see Section 6.a.).

c. Freedom of Religion

The Constitution states that the state is secular. It also provides for freedom of religion. All faiths worship without government constraint.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights. However, several opposition presidential candidates reported that they were the object of government orders preventing them from traveling or leaving the country after the first round of presidential elections. In addition, Wadal Abdelkader Kamougue and Saleh Kebzabo, who finished second and third in the presidential vote, were both detained for several hours by security personnel at the N'Djamena airport at different times during the campaign and before being allowed to leave the country.

The Government does not require special permission for travel in most areas. However, armed bandits operate on many roads, exposing travelers to assault, robbery, and murder; many bandits have been identified as soldiers and deserters. Despite government efforts to clear the country's main routes of illegal roadblocks, elements of the security forces, guerrillas, and bandits continue to maintain them, extorting money from travelers.

Chadian refugees are free to repatriate, although several thousand remain in the Central African Republic, Niger, Nigeria, and Cameroon.

The Government cooperates with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations assisting refugees. There were no reports of forced expulsion of those having a valid claim to refugee status. The country currently provides first asylum for refugees and has done so in past years. The Government has informally granted refugee and asylee status to persons and has allowed them to remain for resettlement.
The Government adheres to the 1951 U.N. Convention on Refugees and the 1967 protocol relating to their status. However, these accords were never ratified by Parliament and therefore do not carry force in local law. No official national structure has been created to deal with refugee affairs other than the repatriation committees, which focus solely on citizens returning from other countries. Since August 1993, however, the Government has registered refugees in N'djamena and sent their applications for refugee status to the UNHCR Central African Headquarters in Kinshasa, Zaire. If the application is accepted, then in principle the refugee will be enrolled in a 6-month care maintenance program, which includes a monthly subsistence allowance, medical care, and assistance in finding work. This program is funded by a local NGO.

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

The March constitutional referendum and the July presidential election, both authorized by the Constitution, were the first national votes held in many years and the first under President Deby. The presidential election was marred by widespread and credible reports of fraud, vote-rigging, and irregularities by local officials, although no major incidents of violence were reported. These actions were contrary to internationally accepted standards for free and fair elections. The irregularities apparently did not alter the overall outcome.

The Constitution accords immunity to both the President and members of the National Assembly and includes no provision for recall. Local officials will continue to be appointed by the national Government until local elections in 1997.

Few women held senior leadership positions, although several served as Cabinet ministers; there were 4 women in the 52-member CST, which was disbanded late in the year.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Human rights organizations operate with few overt restrictions, investigating and publishing their findings on human rights cases. Government officials are often accessible but generally unresponsive or hostile to the findings of these organizations.

Human rights NGO's gained recognition under the Deby regime and participate in key governmental institutions. They are courageous, if often partisan, in publicizing abuses through reports and press releases but only occasionally are able to intervene successfully with authorities. All are dominated by opponents of the Government, impairing their credibility. Two governmental bodies, the National Human Rights Commission and the Human Rights Committee of the CST, are also active.

The Government did not prohibit investigations by international human rights organizations. In April the United Nations Human Rights Commission considered a case against Chad under the confidential 1503 Procedure. The Commission voted to consider moving the case to the public process next year if there was no improvement in the human rights situation.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution provides for equal rights for all citizens, regardless of origin, race, religion, political opinion, or social status. In practice, cultural traditions maintain women in a subordinate status, and the Government favors its ethnic supporters and allies.
Women

While no statistics are available, domestic violence against women is believed to be common. By tradition, wives are subject to the authority of their husbands and have only limited legal recourse against abuse. Family or traditional authorities may act in such cases, but police rarely intervene.

Neither government nor advocacy groups have been able to redress discrimination against women. There are, however, a number of women's advocacy groups that are working to this end. Women do not have equal opportunities for education and training, making it difficult for them to compete for the few formal sector jobs. Property and inheritance laws do not discriminate against women, but traditional practice favors men. Exploitation of women is especially pervasive in rural areas, where women do most of the agricultural labor and are discouraged from formal schooling.

Children

The Government has demonstrated little commitment to children's rights and welfare. It has not committed adequate funding to public education and medical care. Educational opportunities for girls are limited. About as many girls as boys are enrolled in primary school, but the percentage of girls enrolled in secondary school is extremely low, primarily because of early marriage. Although the law prohibits sex with a girl under the age of 14, even if married, this law is rarely enforced and families arrange marriages for girls as young as 11 or 12 years of age, sometimes forcibly, for the financial gain of a dowry. Many are then obligated to work long hours of physical labor for their husbands in fields or homes.

Female genital mutilation (FGM), which is widely condemned by international health experts as damaging to both physical and psychological health, is widespread and deeply rooted in tradition. Advocated by women as well as by men, the practice is strongest among ethnic groups in the east and south. It is usually performed prior to puberty as a rite of passage, an occasion many families use to profit from gifts from their communities. Opposition to its elimination is strong. Several female officials of the Health Ministry have unsuccessfully attempted to develop a public education program to change attitudes toward FGM. A number of women's groups are active in promoting change, but few are effective.

People with Disabilities

There is no official discrimination against disabled persons. However, the Government operates few therapy, education, or employment programs for people with disabilities, and no laws mandate access to buildings for them.

National/Racial/Ethnic Minorities

Ethnicity continues to influence government appointments and political alliances. There are approximately 200 ethnic groups from two general traditions: Arab and Saharan/Sahelian zone Muslims in the north, center and east, and Sudanian zone Christian or animist peoples in the south. Rivalries among these many groups have caused civil tensions and conflicts for decades.

Section 6 Worker Rights

a. The Right of Association
The Constitution recognizes freedom of association and union membership as well as the right to strike. All employees, except members of the military, are free to join or form unions. Unions must receive authorization from the Government in order to operate legally. However, few workers belong to unions: most are subsistence cultivators or herders. The main labor organization is the Federation of Chadian Unions (UST), and its major constituent union is the Teachers’ Union of Chad (SET). Neither has ties to the Government. A number of minor federations and unions, including the Free Confederation of Chadian Workers, also operate, some with ties to government officials.

The Government generally respected the right to organize and strike. However, armed police and gendarmes occupied UST offices for 2 days to prevent a meeting called to discuss a boycott of the second-round presidential vote. The Government revoked the union's charter on July 2 for alleged illegal political activity, but it reinstated it on July 31 following an international outcry, including a complaint filed with the International Labor Organization (ILO) by the International Confederation of Free Trade Unions, protesting suspension on that basis. The UST also had filed legal actions against the Government in the courts for similar attempts in 1993 and 1995 to suspend it and occupy its headquarters.

Isolated strikes over unpaid salaries by teachers and health workers occurred in several areas of the country, a marked improvement from previous years which were characterized by widespread strikes.

Unions may affiliate with international bodies.

b. The Right to Organize and Bargain Collectively

The Constitution and the Labor Code contain only general provisions on the rights of labor and do not specifically protect collective bargaining. The Labor Code requires the Government to set minimum-wage standards and permits unions to bargain collectively, but it empowers the Government to intervene in the bargaining process under certain circumstances. The Government again failed to submit a draft labor code prepared in 1988 with ILO assistance for consideration by the CST.

The law does not specifically prohibit antiunion discrimination, and there is no formal mechanism for resolving such complaints. Three top union officials in Biltine Prefecture, Bakari Aoudou and Nadjingar Djimodundoudje of UST and Lokal Yokassi of SET were suspended from their jobs and expelled from the province at the behest of government officials in 1995, and have not been reinstated nor permitted to return.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits slavery and forced labor. However, the ILO maintained that several provisions of both pre- and post-independence legislation may permit forced labor under certain circumstances and has urged the government to take actions to repeal them. There is no evidence of the practice in the formal economy, but there have been reports of isolated instances among rural farming or herding communities and in military installations in the north. Human rights associations also indicate that the military routinely compels soldiers to perform forced labor at isolated outposts as punishment.

d. Minimum Age for Employment of Children

The Labor Code stipulates that the minimum age for employment in the formal sector is 14 years. The
Government does not enforce the law, but in practice children are rarely employed except in agriculture and herding. The Minister of the Armies stated publicly that the Government is attempting to muster out the approximately 600 underage soldiers currently serving in the armed forces.

e. Acceptable Conditions of Work

The Labor Code requires the Government to set minimum wages. Although a 1994 Social Pact set the minimum wage at a range of $42 to $50 (cfa 21,000 to cfa 25,000) per month, most wages are insufficient to support a worker and family. Nearly all private sector and state-owned firms had applied the new standards by the end of 1995, but public sector wages remain below standard since the Government failed to submit legislation to implement them for its employees.

The Government record on salary payments improved significantly. Structural adjustment assistance from international institutions enabled it to pay most of its employees regularly and usually on time. Salary arrears to civil servants outside the capital, a problem in a country with few financial institutions, have been reduced to approximately 2 months from the previous 6 months. However, arrears to government employees from previous years remain unpaid. Moreover, some members of the military received only subsistence payments for most of the year. Many state employees must work second jobs, raise their own food crops, or rely on family for support.

The law limits most nonagricultural work to 48 hours per week, with overtime paid for supplementary hours, and agricultural work limited to 2,400 hours per year. All workers are entitled to 24 consecutive hours of rest per week, although in practice this is rarely enforced.

The Labor Code mandates occupational health and safety standards and inspectors with the authority to enforce them. These standards are rarely respected in practice, and the UST has alleged before the ILO that the labor inspection services are not allocated the funds necessary to perform their duties. In principle, workers can remove themselves from dangerous working conditions, but in practice they cannot without endangering their employment.

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