

# CHAD 2021 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Chad was by year's end controlled by a 15-member transitional military council. On April 19, the National Independent Electoral Commission announced Idriss Deby won a sixth presidential term. Observers considered the April election neither free nor fair due to bans of public gatherings, abuses by security forces against the opposition, disqualification of opposition candidates, and numerous irregularities on election day.

The National Army of Chad, National Gendarmerie, Chadian National Police, Chadian National Nomadic Guard, and National Security Agency are responsible for internal security. The armed forces report to the minister delegate to the president in charge of armed forces, veterans, and war victims. The National Police, National Nomadic Guard, and a specialized gendarmerie unit (the Detachment for the Protection of Humanitarian Workers and Refugees) report to the Ministry of Public Security and Immigration. The National Security Agency reports directly to the president of the Transitional Military Council. Civilian authorities at times did not maintain effective control of the security forces. There were credible reports that members of the security forces committed numerous abuses.

On April 20, President Idriss Deby died on the battlefield while confronting Libya-based rebels. Since Chad had not constituted a Senate, according to the constitution, the powers of the Senate should have devolved to the National Assembly, whose president and first vice president declined to take power. The newly established Transitional Military Council chose the former president's son, Army General Mahamat Idriss Deby, as its president. Deby then appointed a civilian transitional government.

Significant human rights issues included credible reports of: unlawful or arbitrary killings; extrajudicial killings by the government or on behalf of the government; forced disappearance by or on behalf of the government ;torture and cases of cruel, inhuman, or degrading treatment or punishment by the government or on behalf of

the government; harsh and life-threatening prison conditions; arbitrary arrest or detention; political prisoners or detainees; serious problems with the independence of the judiciary; arbitrary or unlawful interference with privacy; serious restrictions on free expression and media, including violence or threats of violence against journalists, unjustified arrests or prosecutions against journalists, censorship, and the existence of criminal libel laws; serious restrictions on internet freedom; substantial interference with the freedom of peaceful assembly and freedom of association, including overly restrictive laws on the organization, funding, or operation of nongovernmental and civil society organizations; inability of citizens to change their government peacefully through free and fair elections; serious and unreasonable restrictions on political participation; serious government corruption; lack of investigation of and accountability for gender-based violence, including but not limited to domestic or intimate partner violence, sexual violence, child, early, and forced marriage, female genital mutilation/cutting, and other harmful practices; trafficking in persons; crimes involving violence or threats of violence targeting members of ethnic minority groups; crimes involving violence or threats of violence targeting lesbian, gay, bisexual, transgender, queer, or intersex persons; and existence or use of laws criminalizing consensual same-sex sexual conduct between adults.

There were reports that authorities sought to combat widespread impunity by prosecuting or punishing some government officials who committed human rights abuses or participated in corruption.

Boko Haram and ISIS-West Africa killed numerous civilians and military personnel. At least one incident in Litri was investigated, but no prosecution had resulted as of year's end. The political-military group Front for Change and Concord in Chad engaged in armed hostilities with armed forces in April, leading to the death of at least five troops and then president Idriss Deby.

## **Section 1. Respect for the Integrity of the Person**

### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

There were several reports the government, or its agents, committed arbitrary and

unlawful killings. Human rights groups credibly accused security forces of killing with impunity. The Ministry of Justice and the National Commission on Human Rights (CNDH) investigate allegations of security force killings.

On February 28, a standoff with government forces at the home of presidential candidate Yaya Dillo resulted in the deaths of four members of Dillo's family (see section 1.f.).

Human Rights Watch (HRW) reported that at least seven individuals were killed nationwide when security forces used lethal force on demonstrators during protests against Transitional Military Council (CMT) rule on April 27 and 28 (see section 2.b., Freedom of Peaceful Assembly). CMT President Deby said on June 27 that authorities had opened an investigation. As of December no substantive progress had become public.

In May, Mahamat Nour Ibedou, the leader of the civil society organization Chadian Convention for the Defense of Human Rights (CTDDH), said that 27 prisoners from the Libya-based Front for Change and Concord in Chad (FACT) group had reportedly died after experiencing torture.

Boko Haram, the Nigerian militant terrorist group, and ISIS-West Africa killed numerous civilians and military personnel. In August, Reuters reported that suspected Boko Haram fighters killed 26 soldiers in a raid on Lake Chad's Tchoukou Telia island. In September, Voice of America reported that Boko Haram killed nine persons and set fire to the village of Kadjigoroum.

In 2020, 44 suspected Boko Haram prisoners died in a gendarmerie prison cell. The CNDH assessed they died from heat, overcrowding, and lack of adequate food and water (see section 1.c., Prison Conditions). As of December the government had yet to provide a substantive update related to investigations into these deaths or make public charges against the 14 remaining detainees.

Interethnic violence resulted in deaths (see section 6).

## **b. Disappearance**

There were reports of disappearances by or on behalf of government authorities.

The government made no efforts to prevent, investigate, and punish such acts.

The Libya-based FACT group accused government security forces of killing of its rebels, Ali Ibrahim and Wongoto Ngari Modeste, while they were in custody. The government had not reported any investigation into the allegations at year's end.

The family of Tom Erdimi, coleader of the Union of Resistance Forces rebel group, accused the government of being involved in his disappearance in 2020 in Egypt (see section 1.e., Bilateral Pressure).

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

The 2020 constitution and subsequent transitional charter prohibit torture and other cruel, inhuman, or degrading treatment or punishments, but human rights groups, the Les Transformateurs opposition party, and a group of lawyers led by Midaye Guerimbaye and Kenneloum Delphine credibly accused security forces of engaging in torture and other cruel, inhuman, or degrading treatment.

On April 4, Niger's National Human Rights Commission and the G5 Sahel Joint Force affirmed that Chadian soldiers engaged in the fight against jihadists in the Sahel were responsible for the rape of several women in Tera in the Tillaberi Region. One was allegedly a girl age 11. Authorities arrested two soldiers suspected of the crime and sent the two individuals to N'Djamena for further investigation.

In late April and May, HRW reported that security forces arrested more than 700 opposition protesters, several of whom reported mistreatment, including torture, in detention. HRW detailed police beatings of numerous protesters and other forms of mistreatment, including pouring urine into the cell of a detainee. Any steps to hold the perpetrators accountable remained unknown at year's end.

Impunity was a significant problem in the security forces due to corruption, poor discipline, and general impunity for wrongdoers able to leverage basic political connections. Institutions that investigated abuses included the Ministry of Justice and the CNDH. Authorities offered training in human rights to its security forces

through international partners, such as the United Nations and individual countries. The International Committee on the Red Cross (ICRC) stated in its 2020 annual report, the latest available, that the national army took steps to strengthen the integration of international humanitarian law principles into its doctrine, training, and operations.

### **Prison and Detention Center Conditions**

Conditions in the country's 41 prisons were harsh and potentially life threatening due to food shortages, gross overcrowding, physical abuse, and inadequate sanitary conditions and medical care. Such conditions presented major problems for juveniles or persons with disabilities. In addition to official prisons, there were reports that the National Security Agency held prisoners in unofficial detention centers.

**Physical Conditions:** Regional prisons were in states of disrepair, overcrowded, and without adequate protection for women and juveniles. While the government constructed some new facilities in the past decade, major increases in the prison population meant that overcrowding continued to be a problem. Authorities did not separate juveniles from adult male prisoners and sometimes held children with their inmate mothers. Authorities held pretrial detainees with convicted prisoners and did not always separate male and female prisoners. Prison guards, who were not regularly paid, sometimes released prisoners if bribed.

No estimate of deaths in prisons or detention centers was available. Local nongovernmental organizations (NGOs) and the ICRC reported potable water, food, sanitation, and health care were inadequate. Provisions for heating, ventilation, and lighting were inadequate or nonexistent. Inmates were vulnerable to diseases such as tuberculosis, COVID-19, and malaria. The law stipulates a doctor must visit each prison three times a week, but authorities did not permit this level of access. In some cases authorities denied detainees visits from doctors. The few prisons that had doctors lacked medical supplies. Detainees frequently relied upon family members for food, soap, medicine, and other supplies.

In its *Freedom in the World 2021* report, Freedom House stated, "Opposition activists risk arrest and severe mistreatment while in detention."

**Administration:** Authorities did not investigate credible allegations of mistreatment. There was no mechanism for prisoners to submit complaints. There was no data available on prisoner access to the requirements of religious observance or practice. In April and May local human rights organizations reported that authorities sometimes did not allow prisoners and detainees access to visitors.

**Independent Monitoring:** The government permitted the ICRC to visit prisons, and the ICRC conducted such visits. In the first half of the year, the ICRC visited detainees in five places of detention – collectively holding approximately 4,195 persons – to check on their treatment and living conditions. According to its 2020 annual report, the latest available, the ICRC reported that at least four detention facilities lacked budgetary and human resources and experienced “systemic issues” in prison administration. The CNDH also conducted visits to detention facilities.

#### **d. Arbitrary Arrest or Detention**

The constitution and law prohibit arbitrary arrest and detention, but the government did not always observe these prohibitions. The law does not provide for the right of persons to challenge the lawfulness of their arrest or detention in court.

#### **Arrest Procedures and Treatment of Detainees**

Although the law requires a judge to sign and issue arrest warrants before arrests may take place, this did not always occur. By law detainees must be charged within 48 hours or released, unless the *procureur* (investigating magistrate) authorizes an extension of detention for investigative purposes. Nevertheless, authorities often did not make judicial determinations promptly. The law allows for bail and access to counsel, but there were cases in which authorities provided neither. While the law provides for legal counsel for indigent defendants and prompt access to family members, this rarely occurred, according to legal observers. Authorities occasionally held detainees incommunicado.

**Arbitrary Arrest:** According to local media, security forces arbitrarily arrested journalists, demonstrators, critics of the government, and other individuals. Freedom House reported, “Security forces routinely ignore constitutional

protections regarding search, seizure, and detention. Detained persons may be denied access to lawyers, notably those detained in connection with their involvement in antigovernment protests or activities. Many people suspected of committing crimes are held for lengthy periods without charge.”

Following demonstrations in N’Djamena in February and March, HRW reported that security forces arbitrarily arrested at least 112 opposition party members and supporters and civil society activists.

The ICRC followed up on allegations of arrest; through its efforts, 17 individuals were in prisons, and their families were informed of their detention. The group also helped authorities in some prisons to maintain registries and reminded them of their responsibility to notify families of their detained relative’s arrest, transfer, release, or death.

**Pretrial Detention:** Lengthy pretrial detention remained a problem, despite the minister of justice having visited prisons generally suspected of long pretrial detention occurrences early in the year and requested that they speed up justice. According to justice activists, in 2018 at least 20 to 25 percent of inmates were in long-term pretrial detention. According to a Ministry of Justice official, authorities sometimes held detainees without charge for years, particularly for felonies allegedly committed in the provinces, because the court system only had the capacity to try criminal cases in the capital. The length of detention sometimes equaled or exceeded the possible sentence for the alleged crime. Lengthy pretrial detention was exacerbated by an overworked judiciary susceptible to corruption. There were reports officials held detainees in police cells or in secret detention facilities.

**Detainee’s Ability to Challenge Lawfulness of Detention before a Court:** The law does not provide for the right of persons to challenge the lawfulness of their arrest or detention in court, or to obtain prompt release and compensation if found to have been unlawfully detained.

### **e. Denial of Fair Public Trial**

The constitution and law provide for an independent judiciary, but the judiciary was overburdened, corrupt, and subject to executive interference. According to

representatives of the bar association, members of the judiciary were not always impartial in civil matters, sometimes received death threats, or were demoted for not acquiescing to pressure from officials or otherwise coerced into manipulating decisions. Government personnel, particularly members of the military, often were able to avoid prosecution. Courts were generally weak and in some areas, nonexistent. Authorities did not always respect court orders. According to local media and civil society organizations, members of the Judicial Police, an office within the Ministry of Justice with arrest authority, did not always enforce domestic court orders against military personnel or members of their own ethnic groups.

A judicial oversight commission known as Inspection Generale du Ministere de la Justice (Inspector General of the Ministry of Justice) has the power to investigate judicial decisions and address suspected injustices. The CMT president appointed 11 members to the body in December, increasing executive control of the judiciary.

The constitution provides for a military court system composed of the Military Court and the High Military Court, which acts as an appellate court. There were no reports the government utilized the military court system for anyone other than members of defense and security forces. A military judicial authority also investigates some crimes.

### **Trial Procedures**

The constitution and law provide for the right to a fair and public trial, but the judiciary did not always enforce this right.

The law provides for a presumption of innocence, and for fair, timely, and public trials. Defendants have the right to be informed promptly and in detail of the charges against them and to be provided free interpretation. According to local media, however, these rights were seldom respected. Only criminal trials used juries, but not in politically sensitive cases. While defendants have the right to consult an attorney in a timely manner, this did not always occur. By law indigent persons have the right to legal counsel at public expense in all cases, although according to legal experts this seldom occurred. Human rights groups sometimes



provided free counsel to indigent clients. Defendants have the right to adequate time and facilities to prepare a defense and to be present at their trial. Defendants and their attorneys have the right to question witnesses and present witnesses and evidence. Defendants have the right not to be compelled to testify or confess guilt, but the government did not always respect these rights, according to lawyers. Defendants have the right to appeal court decisions.

The constitution recognizes local customary law in places where it is long established, provided it does not interfere with public order or constitutional provisions for equality of citizens. Courts tended to blend the French legal code with traditional practices. Local customs often superseded the law. Residents of rural areas and refugee and internally displaced persons (IDPs) camps often lacked access to formal judicial institutions, and legal reference texts were unavailable outside the capital or in Arabic. In minor civil cases, the population often relied on traditional courts presided over by village chiefs, canton chiefs, or sultans. Penalties in traditional courts sometimes depended on the clan affiliations of the victim and perpetrator. Decisions of traditional courts may be appealed to a formal court.

In some areas growing Islamic legal tradition influenced local practice and sometimes influenced legal interpretation. For example, local leaders may apply the Islamic concept of *diya*, which involves a payment to the family of a crime victim by the perpetrator or the perpetrator's family, a common practice in Muslim areas. Non-Muslim groups challenged the practice, asserting it was unconstitutional. In 2019 the government issued an interministerial order regulating the practice of *diya*, with the criminal code taking precedence in any conflict with *diya* practices. On October 15, religious leaders and traditional chiefs signed an agreement establishing the practice in the Christian-majority southern province of Mandoul, defining suggested compensation amounts, including for accidental and intentional deaths. The governor's attendance at the accord's signing lent tacit local government acceptance to the change. On October 22, the central government annulled this agreement, following criticism from the legal community.

## **Political Prisoners and Detainees**

The most recent estimate of the number of political prisoners was from 2018; at that time the NGO Citizen Action for the Integral Application of Amnesty in Chad assessed there were at least 72 political detainees. Citizen Action was unable to conduct a more recent study. Human rights organizations were not allowed access to these detainees.

On February 18, the criminal court sentenced human rights defender and president of the Chadian Organization for Human Rights, Baradine Berdei Targuio, to a fine and three years in prison for “breach of the constitutional order.” This followed seven months in incommunicado detention by the National Security Agency after being charged in August 2020 with breach of national security, illegal possession of weapons, assault, and battery. Media reported that two days prior to his arrest, Targuio made Facebook posts regarding the health of the president. Targuio was reportedly released from prison on June 10.

Media suggested the September 2020 arrest of former oil minister Djerassem Le Bemadjel was politically motivated because of his ties to an opposition party (see section 4). On March 9, the Supreme Court released Le Bemadjel but did not dismiss the charges. According to his lawyer, “After this provisional release by the Supreme Court, the case will be transferred to the Public Prosecutor’s Office for the final indictments.” There were no updates to his case at year’s end.

**Amnesty:** On November 29, the CMT announced an amnesty for 296 rebels and political dissidents, including 39 individuals convicted of “harming state integrity or crimes of opinion,” according to international press reports.

## **Politically Motivated Reprisal against Individuals Located Outside the Country**

**Bilateral Pressure:** There were credible reports the government attempted to exert politically motivated pressure on Egypt in 2020. The International Crisis Group reported that the family of Tom Erdimi, coleader of the Union of Resistance Forces rebel group, accused Egyptian authorities of having arrested Erdimi in 2020 at the request of the Chadian government. The Chadian government, in response to the case, maintained that citizens arrested abroad are not the direct responsibility

of the government.

### **Civil Judicial Procedures and Remedies**

Lawsuits for human rights abuses may be brought before a criminal court, but compensation is addressed by a civil court. Administrative and judicial remedies, such as mediation, are available. Individuals may also submit cases to the African Court on Human and Peoples' Rights.

### **f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

Although the constitution provides for the right to privacy and inviolability of the home, the government did not always respect these rights. It was common practice for authorities to enter homes without judicial authorization and seize private property without due process. There were reports authorities blocked or filtered websites and social media platforms. There were also reports authorities punished family members for offenses allegedly committed by their relatives.

On February 28, a standoff between government forces and opposition politician and former rebel Yaya Dillo at his residence in N'Djamena resulted in several deaths. The day before, one day after Dillo presented his candidacy for president to the Supreme Court, the government sent judicial police to arrest Dillo pursuant to two charges: defamation against First Lady Hinda Deby and appropriation of three government vehicles issued during his tenure as Central African Economic and Monetary Community resident representative in the country. Dillo allegedly resisted arrest, prompting security forces to return at dawn on February 28. Dillo told Radio France International that members of the presidential guard, led by President Deby's son Mahamat Deby, attempted forced entry, resulting in a shootout that allegedly killed five members of his family, including his mother. On March 1, Foreign Minister Amine Abba Siddick and international media asserted that Dillo fled his residence the afternoon of February 28. Following President Deby's death on April 20, the government allowed Dillo to return to the country without further threat of arrest.

A government decree prohibits possession and use of satellite telephones. During

politically sensitive times, the government routinely blocked popular messaging applications, such as WhatsApp.

## **Section 2. Respect for Civil Liberties**

### **a. Freedom of Expression, Including for Members of the Press and Other Media**

The constitution provides for freedom of expression, including for members of the press and other media, but the government severely restricted this right. According to Freedom House, authorities used threats and prosecutions to curb freedom of expression for members of the press and other media.

**Freedom of Expression:** The law prohibits “inciting racial, ethnic, or religious hatred,” which is punishable by up to two years in prison and fines. Space for open and free private discussion existed but tended to be self-censored due to fear of reprisal from the state.

During an October search of the opposition Les Transformateurs party headquarters, security forces seized a Chadian national flag flying within the premises, despite no law prohibiting flying of the flag.

**Freedom of Expression for Members of the Press and Other Media, Including Online Media:** Independent media were active and attempted to express a variety of views; however, authorities placed severe restrictions on them. The government subsidized *Le Progres* – the only daily newspaper – and owned the biweekly newspaper *L’Info*. Government and opposition newspapers had limited readership outside the capital due to low literacy rates and lack of distribution in rural areas.

Radio remained a critical source of information throughout the country. The government owned the Chadian National Radio station. Private stations faced high licensing fees. The number of community radio stations that operated outside of government control continued to grow, and radio call-in programs broadcast views of callers that included criticism of the government.

**Violence and Harassment:** Authorities reportedly harassed, threatened, arrested, and assaulted journalists for critical reporting regarding the government. Local

media reported that journalists regularly faced arrest after publication of such reporting. Most were released quickly, but others were held in detention for weeks or months, and some severely mistreated, particularly when articles alleged government officials acted with impunity or criticized former president Deby or his associates. Journalists, as well as human rights defenders, reported being the victims of threats, harassment, and intimidation by anonymous individuals.

Local print and online news reported that on October 6, the governor of Tibesti Province physically assaulted a news cameraman, alleging that the cameraman lacked appropriate documentation required for access to Tibesti. The status of any investigation or accountability measures remained unclear.

**Censorship or Content Restrictions:** The government penalized those who published reports counter to government guidelines, sometimes by closing media outlets. According to Freedom House, private radio stations faced threat of closure for coverage critical of the government. Some journalists and publishers practiced self-censorship due to concerns regarding intimidation and arrest.

A member of the Union of Chadian Journalists said several newspapers suspended in 2020 were reauthorized in mid-January, but details regarding the number and names of these newspapers could not be obtained.

In February 2020 as it typically does in each election, the High Authority for Media and Broadcasting released a decree suspending all political programming on public and private networks until the April 2021 election. As rationale, officials cited a desire to maintain stability, noting networks lacked the technical and human resources to assure equitable network coverage for all political parties during a “sensitive” electoral period. Nevertheless, throughout the electoral period, state-owned radio and television outlets continued regularly broadcasting content in support of the ruling Patriotic Salvation Movement (MPS) party.

**Libel/Slander Laws:** Libel and slander are misdemeanors punishable by fines. Unlike in previous years, there were no reports of authorities having arrested or detained persons on charges of defamation. During the year there were no reports of government or individual public figures using libel or slander laws to restrict public discussion or retaliate against journalists or political opponents.

## **Internet Freedom**

The government restricted and disrupted access to the internet in many ways. It directly censored online content, such as Facebook; occasionally blocked sites and popular messaging applications, such as WhatsApp; and arrested activists for postings on social media. There was widespread speculation that the government monitored private online communications without appropriate legal authority.

The government cut internet service on both national mobile providers, Airtel and Moov (formerly Tigo), on a few occasions during the year. Service was restored after a brief suspension following the raid on presidential candidate Yaya Dillo's home in February (see section 1.f.). In contrast to previous years, the government did not restrict network access during the electoral period.

Breaking from previous practices, the government did not restrict social media and internet access during demonstrations occurring in August and September but did restrict access during two demonstrations in early October.

## **Academic Freedom and Cultural Events**

While no government restrictions on academic freedom are known to exist, self-censorship frequently curtailed genuine expression in academic environments. The government banned large gatherings, including cultural events, during a COVID-19 curfew, which was in effect from May 2020 to January.

## **b. Freedoms of Peaceful Assembly and Association**

The government limited freedoms of peaceful assembly and association.

### **Freedom of Peaceful Assembly**

Although the constitution and transitional charter provides for freedom of peaceful assembly “under conditions fixed by the law,” the government did not always respect this right.

The government regularly dictated the locations of opposition protests and civil society gatherings to limit their base of popular support. Authorities routinely banned gatherings and arrested organizers, and security forces used excessive force

against demonstrators. The law requires organizers to notify the Ministry of Public Security and Immigration five days in advance of demonstrations, although groups that provided advance notice did not always receive permission to assemble. The law also requires opposition political parties to meet complicated registration requirements for party gatherings.

Despite a blanket ban on all demonstrations from 2016 until July, a significant protest against CMT rule occurred on April 27, one week after the public announcement of President Idriss Deby's death. Protests against CMT rule and deviation from the constitution occurred in N'Djamena and several southern provincial capitals. Protesters in N'Djamena burned tires in multiple neighborhoods. Amnesty International reported that the protests "resulted in the deaths of at least five people, according to authorities. Many other people were also injured and arrested." There were allegations security forces used lethal force against demonstrators. Prosecutor General Youssef Tom announced that 711 protesters were arrested. Security forces held many in police custody for up to a week without a judicial hearing (see section 1.c.). Several local attorneys, a human rights organization, and a radio station reported that the demonstrators were all detained beyond the legal period of custody and did not have access to their lawyers or to doctors. Several national and international journalists were arrested during the protests, some of whom suffered intimidation while others had their images and videos deleted and their devices confiscated.

Beginning in July the government lifted the ban and authorized several protests and peaceful demonstrations, including those opposed to the ruling CMT.

On October 2, security forces dispersed a planned demonstration by the opposition coalition Wakit Tama before it began, due to the group planning to use a different route than was authorized by the government. HRW reported that state security forces injured 40 to 45 demonstrators, arrested several others, and used teargas canisters and rubber bullets against protesters. On October 4, Communications Minister Abdraman Khoulamallah said on state television that 12 members of the security forces were injured and 12 of their vehicles damaged by stones thrown by protesters. Police leadership, including police spokesperson, Paul Manga, denied claims that lethal weapons were used.

## **Freedom of Association**

The constitution and law provide for freedom of association, but the government on occasion did not respect this right. While the law requires the Ministry of Public Security and Immigration to provide prior authorization before an association, including a labor union, may be formed, there were no reports of the state enforcing the law. The law also allows for the immediate administrative dissolution of an association and permits authorities to monitor association funds. In 2018 authorities modified the regulation on NGOs to exert greater control over development and humanitarian activities, requiring and enforcing a provision that each NGO contribute 1 percent of its budget to the “functioning of the structures of the Ministry of Planning.” Following pushback from NGOs, the government discontinued enforcement of this provision.

Authorities denied recognition to some opposition political groups (see section 3, Political Parties and Political Participation).

### **c. Freedom of Religion**

See the Department of State’s *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

### **d. Freedom of Movement and the Right to Leave the Country**

Although the constitution and law provide for freedom of internal movement, foreign travel, emigration, and repatriation, the government occasionally limited these rights.

**In-country Movement:** Lack of security in the east, primarily due to armed banditry, occasionally hindered the ability of humanitarian organizations to provide services to refugees. In Lake Chad Province, government military operations and attacks by Boko Haram and ISIS-West Africa constrained the ability of humanitarian organizations to aid IDPs.

Citing security reasons, authorities enacted a daily curfew from 6 p.m. to 5 a.m. from April 20, 2021 to April 21, 2021, and from 8 p.m. until 5 a.m. from April 21 until May 2, 2021. The government also implemented a COVID-19-based curfew,



which it renewed every two weeks, from 7 p.m. to 6 a.m. starting on April 2, 2020, and ending on March 10.

**Foreign Travel:** Citing COVID-19 considerations, the government closed the country's only international airport, Hassan Djamous International Airport, from March 18, 2020, to August 1, 2020. It also closed the airport, along with the borders with Cameroon, Nigeria, Sudan, and Libya for one day following the death of then president Idriss Deby in April.

### **e. Status and Treatment of Internally Displaced Persons**

According to the International Organization for Migration, in September more than 457,000 persons were internally displaced in Lake Chad Province in the west. Attacks by armed nonstate groups, including Boko Haram and ISIS-West Africa, were responsible for most internal displacement in the province. There were also approximately 90,000 displaced citizens who returned from the Central African Republic (CAR) in the south as of September due to attacks by nonstate armed groups in intercommunal tensions in CAR.

### **f. Protection of Refugees**

The government cooperated with Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, or asylum seekers, as well as other persons of concern.

UNHCR confirmed reports that on August 15, violent intercommunal clashes in Cameroon between Shuwa Arab herders and Mousgoum fishermen concerning agricultural, fisheries, and pastoral resources resulted in the death of 45 individuals and a significant displacement of civilian population into the country. UNHCR estimated 11,000 persons fled from Cameroon to the country, with women and children accounting for more than 90 percent of the incoming refugees. UNHCR reported that communal clashes in December led to an estimated 50,000 additional refugees crossing over the border from Cameroon.

**Access to Asylum:** The law provides for asylum or refugee status. In December 2020 the country adopted its first-ever asylum law to provide refugees and asylum

seekers freedom of movement, the right to work, and access to health care, education, and justice. Implementation of the law was underway, but refugees were reportedly able to access identification documents and work permits.

**Abuse of Migrants, Refugees, and Stateless Persons:** Within refugee camps, like much of the country, authorities rarely prosecuted perpetrators of sexual violence. survivors often chose not to report sexual crimes. The judicial system did not provide consistent and predictable recourse or legal protection. To overcome these problems, UNHCR enlisted a local NGO to support refugees through the judicial process. The Detachment for the Protection of Humanitarian Workers and Refugees was unable to provide humanitarian escorts consistently but was generally effective in providing protection inside refugee camps.

**Durable Solutions:** COVID-19 continued to affect the ability of authorities to resettle refugees. As durable solutions became more difficult to achieve, UNHCR explored helping refugees secure protection by receiving admission to third countries.

### **Section 3. Freedom to Participate in the Political Process**

The constitution and law provide citizens with the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage, but the government limited this right. The executive branch dominated the other branches of government.

#### **Elections and Political Participation**

**Recent Elections:** The March 11-April 9 presidential election campaign culminated in elections on April 11. The political opposition had a highly limited space to operate in both before and during the election. Amnesty International reported pretrial detentions, systematic bans on gatherings, and attempts to prevent the free exchange of information leading up to the election.

In the leadup to the election, the government disallowed the candidacies of two major opposition figures, Yaya Dillo, citing an improper birth certificate, and Succes Masra, for his not having met the required minimum candidate age of 40 and the lack of government recognition of his political party. Other candidates,

citing unfair government behavior in favor of President Deby, voluntarily announced their withdrawal from the electoral process prior to the March 9 deadline for the publication of the final presidential candidate list by the Supreme Court. These voluntary withdrawals included Brice Mbaimon Guedmabye, Ngarledjy Yorongar, Mahamat Yosko, and Saleh Kebzabo. Nevertheless, the Supreme Court retained three of these candidates on the election day ballot, which some perceived as an effort to disperse the accumulation of votes behind any single opposition candidate.

Analysts viewed many of the remaining candidates as tacit supporters of Deby. Election observers reported low voter turnout and an overwhelming presence of ruling MPS party observers on election day. Election observers reported multiple irregularities, including improperly secured ballot boxes, polling sites in private spaces in violation of the law, voting authorities improperly accompanying some voters, poor staffing coverage by the National Independent Electoral Commission (CENI), campaigning within or near polling stations, police and military giving voters instructions on voting, missing voter registration lists, duplicate voting, underage voting, and improper transport of ballot boxes.

On April 19, the CENI announced Idriss Deby won the election with 79 percent of the vote. The sitting transitional government Prime Minister Albert Pahimi Padacke finished second with 10 percent of the vote. The CENI announced high turnout of 65 percent, although opposition figure Saleh Kebzabo took credit in media reports for his part in suppressing turnout by encouraging a boycott.

On the next day, President Idriss Deby died on the battlefield while commanding an army unit against Libya-based rebels advancing toward N'Djamena. Shortly after Deby's death, a 15-member CMT established itself, dissolved the country's constitution, and issued a transitional charter that outlined an 18-month mandate and transition back to a democratically elected civilian-led government.

Under the 2020 constitution, the Senate president stood to take charge of the country, with the Senate vice president standing next in line. The Senate, however, had not yet been constituted when Deby died. In this scenario, the constitution provided that the powers of the Senate should have devolved to the National Assembly. The CMT offered the presidency to the president of the National

Assembly, who declined. The first vice president also declined. The CMT thus named Deby's son, army general Mahamat Idriss Deby as CMT president and the de facto leader of the country.

On April 26, CMT President Deby appointed a civilian transitional government led by Prime Minister Albert Pahimi Padacke and a cabinet of ministers, but the transitional charter grants the CMT president the authority to dissolve the transitional government, which exists to "guide and execute the nation's policy defined by the CMT."

The transitional charter as of year's end guided the country's transition toward elections of a civilian leader in late 2022. In September, CMT President Deby appointed by presidential decree a transitional parliament, the National Transitional Council, composed of a majority loyal to the powerful MPS, to replace the National Assembly. The government began planning for a national dialogue, new constitution, and elections in 2022.

The most recent legislative elections took place in 2011, during which the ruling MPS won 118 of the National Assembly's 188 seats. Subsequent legislative elections were repeatedly postponed for lack of financing or planning.

**Political Parties and Political Participation:** There were 138 registered political parties, of which more than 100 were associated with the dominant MPS party. Changes to the law in 2018 complicated and increased the cost of party registration, outreach, and participation procedures. Opposition leaders attributed the changes to the government's attempt to limit dissent. The government severely restricted opposition protests and suspended all political programming on public and private networks until the April elections (see sections 2.a. and 2.b.).

Numerous laws disadvantage full political participation by citizens holding political views or allegiances out of alignment with the dominant MPS party. For example, opposition parties are legally barred from ownership of media outlets. The government enacted age limits on leadership of political parties, which many viewed as an effort to disqualify certain key opposition leaders. The dominant MPS party owned and enjoyed state-funded political programming on state-owned television and radio stations, which many saw as granting it an unfair political

advantage in a country where television and radio comprised the most effective public outreach tools. Others criticized the MPS party as leading the unfair drawing of voter districts in ways that directly benefitted the MPS. Officials affiliated with the MPS often used official vehicles for political campaigning, and there were reports that government employees were pressured to close their offices during campaign season to support MPS campaigning. Active membership in the MPS often conferred advantages for those wishing to hold high-level government positions. In addition, the MPS-led central government faced accusations of having appointed local and traditional chiefs in a way that rewarded allegiance to the MPS rather than respecting the traditional transmission of power via birth.

After previously refusing registration on administrative grounds, on June 8, the Minister of Territorial Administration and Decentralization signed the decree granting the opposition party Les Transformateurs the permission to operate.

**Participation of Women and Members of Minority Groups:** Political disenfranchisement in the country is typically *de facto*, rather than *de jure*.

The law mandates that leadership of all political parties must be at least 30 percent women. Women's political participation, however, was limited by many factors, including lack of access to economic resources and cultural norms that discourage their participation in public and professional life. The law also requires a minimum of 30 percent women in government institutions and elective offices. In April, Beassemnda Lydie was the first woman to run for president, placing third. Women also received appointments to the transitional parliament and the National Transitional Council, although observers noted that many were relatives of powerful men, casting doubt on their autonomy. While women comprised 33 percent of the council, there were no female members, despite several high-ranking potential women candidates in security institutions.

Government authorities often awarded political positions and formed alliances based largely on tribal and ethnic affiliations. Political parties and groups generally had readily identifiable regional or ethnic bases. Northerners, particularly members of the CMT president's Zaghawa ethnic group, were overrepresented in key institutions, including the military officer corps, elite military units, and presidential staff.

Widespread social discrimination against lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) individuals resulted in all but a tiny percentage choosing to live closeted for personal safety and to enjoy fuller social and political rights. Those choosing to live openly, at great personal risk, were often denied the opportunity to register to vote, which observers noted appeared to contravene the constitution, which affirms that suffrage is universal.

Persons with disabilities, while generally able to vote, faced major hurdles in achieving full political participation. Likewise, some laws prohibited persons with disabilities from serving in elected office. Observers noted these laws appeared in contravention of the constitutional right of all persons to work. In addition, the constitution mandates “good physical and mental health” for presidential candidacy, a provision many observers believed disallowed persons with disabilities from serving as president.

## **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for corruption by officials, but authorities did not implement the law effectively. There were numerous reports of government corruption during the year.

According to Freedom House’s *Freedom in The World 2021* report, corruption, bribery, and nepotism were “endemic” in the country, and prominent journalists, labor leaders, and religious figures faced harsh reprisals for speaking out concerning corruption, including arrest, prosecution, and exile.

**Corruption:** Freedom House reported that selective prosecutions of high-level officials were widely viewed as efforts to discredit those posing a threat to the former president or his allies. Judicial corruption hindered effective law enforcement and rule of law. Security forces routinely stopped citizens on pretexts of minor traffic violations to extort money or confiscate goods.

While widespread, corruption was most pervasive in government procurement, the awarding of licenses or concessions, dispute settlement, regulation enforcement, customs, and taxation. While the investigation by international journalists

continued in December, the October publication of the leaked “Pandora Papers” tax documents implicated Zakaria Deby Itno, a son of former president Idriss Deby and ambassador to the United Arab Emirates, in having owned shares in a Seychelles-based company along with a known arms dealer.

## **Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights**

Several domestic and international human rights groups operated in the country, investigating and publishing their findings on human rights cases. Government officials were sometimes cooperative and responsive to their views.

In August 2020 a court approved a request by a former member of the CTDDH to suspend Mahamat Nour Ibedou from his position as head of the organization. In December 2020 a new CTDDH general assembly was installed despite protests by sitting members of procedural violations. Observers believed the former member lacked standing to bring any legal action, the new general assembly lacked legitimacy, and authorities supported these actions to lessen the stature and capability of the CTDDH to investigate human rights problems. In May the Court of Appeals cancelled the order that suspended Ibedou from his post.

In late April and early May the headquarters of the Chadian League of Human Rights was encircled by police and military forces, preventing staff from entering their offices. These acts were denounced by the Observatory of International Federation of Human Rights.

**Government Human Rights Bodies:** To show solidarity with the human rights community, the Ministry of Justice and Human Rights cosponsored, made remarks at, and attended conferences, training sessions, and launches of campaigns officially hosted by local and international NGOs aimed at protecting human rights. Local NGOs reported the ministry functioned independently yet was of limited effectiveness, due partially to conflicts of interest with state security forces.

In February 2020 the CNDH became operational. The commission’s mandate is to advise the government on human rights, conduct investigations, assess prison

conditions, verify adequate protection against abuse and torture of prisoners, and provide recommendations to the government following investigations. Observers considered the CNDH to be substantially independent of the government and relatively effective.

## **Section 6. Discrimination and Societal Abuses**

### **Women**

**Rape and Domestic Violence:** Rape is punishable by eight to 30 years in prison. Nevertheless, rape – including rape of female refugees – was a problem. The law does not specifically address spousal rape, the gender of victims, or domestic violence. Police often detained alleged perpetrators, but rape cases were rarely tried. Authorities fined and released most rape suspects, according to local media. Communities sometimes compelled rape survivors to marry their attackers.

Although the law prohibits violence against women, gender-based violence was widespread. Police rarely intervened, and women had limited legal recourse. On June 21, the Chadian League for Women’s Rights and other women’s associations demonstrated in N’Djamena against rape and all forms of violence faced by women.

During the year the Ministry of Women, Family, and Childhood Protection worked to address gender-based violence. The ministry helped organize events against gender-based violence at universities and seminars throughout the country, and on November 25, it launched a 16-day campaign against the abuse. In December the ministry also inaugurated two hospital-based centers to address the psychosocial, medical, and social reintegration needs of survivors of gender-based violence. The ministry also took an active role in advocating for an update to the National Gender Strategy and held an event in December in support of this effort. The ministry had a leadership role in advocating for women’s rights via the G5 Sahel.

During the year local newspapers began reporting what many perceived as an increase in cases of gender-based violence. For example, on September 27, a man killed his former wife in southeastern Sila Province. In response, on September 29, CMT President Mahamat Deby responded to the wave of gender-based



violence, assuring that “these abject acts, contrary to our habits and customs, will not go unpunished.” The government did not provide further information on investigations or prosecutions following the September 29 announcement.

On April 4, Niger’s National Human Rights Commission and the G5 Sahel Joint Force affirmed that Chadian soldiers engaged in the fight against jihadists in the Sahel were responsible for the rapes of several women (see section 1.c.).

**Female Genital Mutilation/Cutting (FGM/C):** The law prohibits FGM/C for girls and women, but the practice remained widespread, particularly in rural areas. According to 2019 data from UNICEF, the latest available, approximately 29 percent of girls and women ages 15 to 49 were survivors of FGM/C. The Ministry of Women and Early Childhood Protection is responsible for coordinating activities to combat FGM/C. By law FGM/C may be prosecuted as a form of assault, and charges may be brought against the parents of survivors, medical practitioners, or others involved. Nevertheless, lack of specific penalties hindered prosecution, and authorities prosecuted no cases during the year.

NGOs cited enduring local social norms and limited federal authority in rural areas as major impediments to progress. Observers denounced ineffective local officers and ministry officials, saying that despite local NGO efforts, such initiatives would not gain traction without government action. Observers reported that FGM/C continued to have the tacit support of local leaders and had become increasingly common over the past year, with impunity and political influence hindering its eradication.

**Sexual Harassment:** Sexual harassment, both verbal and physical, was widespread at all levels of society and typically targeted women. The law provides penalties for sexual harassment ranging from six months to three years in prison and fines. The government did not effectively enforce the law.

**Reproductive Rights:** There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Many persons lacked access to reproductive information or care, particularly in rural areas. Obstacles to contraception use included the lack of education, the limited supply of contraceptive products, and cultural paradigms. The government

provided some contraception products for free to the public through NGOs. The UN Population Fund (UNFPA) estimated only 24 percent of live births were attended by skilled health personnel between 2014 and 2019. The country had a severe shortage of health-care providers, including nurses, midwives, hospital staff, and specialists, such as obstetricians. Prenatal care remained limited, particularly in rural areas. The government provided limited access to sexual and reproductive health services for survivors of sexual violence due to capacity constraints. Emergency contraception was officially unavailable, including as part of the clinical management of rape.

UNFPA estimated that in 2017, the latest data available, the maternal mortality rate was 1,140 deaths per 100,000 live births. Factors contributing to maternal mortality included adolescent pregnancies, multiple closely spaced births, and lack of access to medical care.

UNICEF reported in 2013, the latest available, the adolescent birth rate was 179 per 1,000 adolescent women ages 15 to 19. The country's high adolescent birth rate was partially attributed to conservative cultural practices, traditional gender norms in both urban and rural areas, lack of birth control, and lack of access to family planning services.

Adolescent women reported barriers to access education due to menstruation or childbirth (see the Discrimination subsection for additional information). Peers and community members often shamed female students who become pregnant while studying, and some schools did not permit their attendance.

**Discrimination:** Although property and inheritance laws provide the same legal status and rights for women as for men, the government did not enforce the laws effectively. Inheritance, property, and housing practices frequently discriminated against women due to cultural and religious elements present in many communities. Women often could not inherit property from their father or husband. Additionally, local leaders settled most inheritance disputes in favor of men, according to traditional practice. Women seeking to rent a house often had to prove they were married, while men were able often to rent without a similar burden. Women requesting divorce from men often faced a process that took three times as long as men asking for the same. While access to financial resources

typically benefited men in child custody cases, some courts granted child custody to economically disadvantaged women who demonstrated a better ability to care for children over better-resourced men.

Women who did not enjoy access to the same resources as men often struggled to qualify for credit based on one's resources. Female entrepreneurs reported perceptions of slowness of administrative paperwork approval relative to male peers. Female entrepreneurs also pointed to a lack of understanding of their needs, since longstanding gender norms had also filled the ranks of local administrators with a male-heavy decision chain. There were legal restrictions to women's employment in occupations deemed dangerous, including mining, construction, and factories.

In some ethnic groups, when a woman menstruated she was not permitted to prepare food for men to eat because she was considered "unclean." Some religious groups prohibited a woman from praying during her menstrual period.

## **Systemic Racial or Ethnic Violence and Discrimination**

Both the constitution and transitional charter provide for the protection of "fundamental rights and freedoms" for all citizens and for legal equality regardless of race, origin, or religion. Members of the Zaghawa, the former president's ethnic group, occupied a disproportionate share of civilian and military posts, creating imbalances in access to opportunity and enforcement of laws guaranteeing equal protection for all.

## **Indigenous Peoples**

The Mbororo, a subgroup of the pastoral Fulani (*Peul*) people, are pastoralists who inhabit the central and southern part of the country but lacked official government recognition as an indigenous ethnic group. They constituted approximately 10 percent of the population, according to the International Work Group for Indigenous Affairs. A 2014 pastoral law limits access to transhumance (seasonal livestock grazing movements) and water resources on which Mbororo pastoralists depended, contributing to their social marginalization.

## Children

**Birth Registration:** Citizenship is derived from birth within the country's territory or from at least one parent. The registration process for male and female individuals was the same. Failure to register a birth via official channels, common in rural areas with low government presence, often resulted in later complications accessing government services and, sometimes, fines upon registration.

**Education:** Although primary education is tuition free, universal, and compulsory between ages six and 16, parents were required to pay for textbooks, except in some rural areas. Parents often were required to pay tuition for public secondary education. According to a UNESCO Institute for Statistics 2019 report, approximately 65 percent of girls enrolled in primary school, compared with 82 percent of boys. Similar gender disparities persisted through secondary school, where approximately 13 percent of girls enrolled, compared with 23 percent of boys.

An obstacle to education cited by human rights organizations was the problem of the *mouhadjirin*, migrant children who attended certain Islamic schools and whose teachers forced them to beg for food and money. There was no reliable estimate of the number of mouhadjirin.

Individuals with family and kinship ties to ruling elites from the Zaghawa ethnic group enjoyed disproportionate access to educational opportunities.

**Medical Care:** All children enjoy equal access to medical care before the law, but stigmatization of young pregnancies often dissuaded young women from seeking prenatal and other related care.

**Child, Early, and Forced Marriage:** The law sets the minimum age for marriage at 18 for men and women. According to UNICEF's 2019 data, approximately 24 percent of women ages 20 to 24 were married or in a union before age 15 and nearly 61 percent were married or in a union before age 18. The law precludes invoking the consent of the minor spouse to justify child marriage and prescribes sentences of five to 10 years' imprisonment and fines for persons convicted of perpetrating child marriage. The practice, however, was widespread, especially in northern areas where there were minimal government efforts to enforce the law

and resistance from local religious leaders who condoned the practice. According to the Chadian Women Lawyers' Association, girls sold or forced into child marriages were often forced by their husbands into domestic servitude and agricultural labor.

**Sexual Exploitation of Children:** The law prohibits the commercial sexual exploitation of children. The law specifically addresses the sale, offering, or use of children for commercial sexual exploitation, including child sex trafficking. The law prohibits sexual relations with children younger than age 14, even if married, but authorities rarely enforced the ban. The law criminalizes the use or offering of a child for the production of pornography; no cases of child pornography were reported during the year. Refugee children from CAR were particularly vulnerable to commercial sexual exploitation.

In May, three men were jailed on suspicion of raping a girl age 15 and leaving her on the street semiconscious. The alleged perpetrators, who were believed to be the sons of military generals, filmed the assault and posted the video on social media. Between 2019 and 2020, medical professionals in N'Djamena reported a sixfold upsurge in sexual assault on girls younger than age 18 toward the end of the rainy season, attributed to rising insecurity. UNICEF confirmed this increase in incidents of gender-based violence from 2019 to 2020, including physical assault, psychological violence, and denial of resources.

**Displaced Children:** Insecurity in the Lake Chad Basin limited the ability of humanitarian actors to understand this population more precisely. While exact figures were not available, there was no indication that the age distribution of IDPs differed systematically from the broader population distribution and therefore contained a substantial youthful portion.

**International Child Abductions:** The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

## **Anti-Semitism**

There was no known Jewish community in the country, and there were no reports of anti-Semitic acts.

## **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

## **Persons with Disabilities**

Persons with disabilities could not access education, health services, public buildings and transportation on an equal basis with others. There are no specific laws that provide for equal access to public buildings, education, health services, the judicial system, or other state services. Schools, transportation, and other public buildings were overwhelmingly inaccessible to persons with disabilities. The government did not provide government information and communication in accessible formats.

The law prohibits discrimination against persons with disabilities, although it does not define disability. The government did not effectively enforce the law, according to the Chadian Disability Organization. Disability rights activists reported facing discrimination in access to transportation and participation in economic activity. In November persons with disabilities protested the government prohibition on tricycles, which are more popular in the country than wheelchairs, because many persons with disabilities had relied on them to cross the land border to Cameroon and to transport goods to generate income. Government officials claimed they had sought to address smuggling with this prohibition.

Despite legal protections against discrimination in employment for persons with disabilities, laws were not enforced, and employers discriminated against applicants. In the telecommunications sector, one applicant with a physical disability advanced through a multistep hiring process but was told during the in-person interview that the company would be unable to accommodate him and was subsequently not offered the position. Additionally, some government schools or positions required certificates of physical aptitude, often refusing employment to

anyone whose certificate noted any physical disability.

Children with physical disabilities may attend primary, secondary, and higher education institutions, but most schools lacked accommodations for students with physical disabilities. As a result, children with disabilities often dropped out after primary school, leading to much lower attendance at secondary and higher education institutions, compared with other children. The government supported separate schools for children with vision or mental disabilities, but such schools inadequate (see also section 3, Participation of Women and Members of Minority Groups).

### **HIV and AIDS Social Stigma**

The law provides individuals with HIV and AIDS the same rights as other persons and requires the government to provide information, education, and access to tests and treatment for HIV and AIDS, but authorities rarely complied with the law. According to the Chadian Women Lawyers' Association, women sometimes were accused of passing HIV to their husbands and were threatened by family members with judicial action or banishment. HIV-positive persons also faced social and employment discrimination. Due to the country's relatively low HIV prevalence rate of 1 percent, there were no reports of specific instances of HIV and AIDS-related employment discrimination during the year. Data from UNAIDS, however, suggested stigma against HIV and AIDS was prevalent within the population, with 47 percent of adults saying they would not buy fresh vegetables from a vendor known to have HIV or AIDS.

### **Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity**

The law criminalizes consensual same-sex sexual conduct between adults, with punishments ranging from three months' to two years' imprisonment and fines. The government did not actively enforce the law, but there were reports of police harassment against LGBTQI+ persons.

The law does not prohibit discrimination against LGBTQI+ persons in housing, employment, nationality laws, and access to government services.

LGBTQI+ persons faced steep cultural, social, and legal barriers to equal treatment and public acceptance. Many viewed same-sex sexual conduct as a sin, antithetical to local customs and African values. Acceptance of LGBTQI+ persons was minimal; many individuals hid their identity for self-protection, especially those living outside the capital. LGBTQI+ persons reported that the environment in the country was so intolerant that many of them only believed themselves comfortable publicly engaging on the topic after having made the decision to live outside of the country (see also section 3, Participation of Women and Members of Minority Groups).

### **Other Societal Violence or Discrimination**

The encroachment of herders into agricultural areas stoked tensions and led to impunity for those responsible for triggering clashes. Conflict between herders and farmers resulted in dozens of deaths and injuries, with 25 incidents reported during the year. The UN Office for the Coordination of Humanitarian Affairs reported that intercommunal conflicts had resulted in 309 deaths, 182 injuries, and 6,500 individuals displaced as of July. International media reported that clashes between herders and farmers killed at least 25 persons in August in Hadjer-Lamis Province outside N'Djamena and another 28 persons in September in the eastern province of Ouaddai. Observers noted that the true number of casualties often far exceeded what news outlets reported.

NGOs stated this conflict persisted due to growing human and cattle populations, competition regarding scarce resources, and judicial impunity for perpetrators of violence with political or economic connections to authorities. Climate change altered the routes and periods of livestock transhumance, since previously dry areas were fertile for fishing and agriculture, increasing the likelihood and incidence of conflict between communities with competing models of land use. In the southern Mayo-Kebbi region, the movement of large-scale livestock holdings by well connected Zaghawa herders into new areas increased the incidence of armed conflict.

On September 19, intercommunal violence in the eastern province of Ouaddai left 27 dead and four injured, according to Minister of Justice Mahamat Ahmat Alhabo, who traveled east to mediate and encourage dialogue.



## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law provides for the right of all workers, except members of the armed forces, to form and join independent unions of their choice. All unions must be authorized by the Ministry of Public Security and Immigration, which may order the dissolution of a union that does not comply with the law as determined by the ministry. The law provides for the right of workers to organize and bargain collectively. While there are no restrictions on collective bargaining, the law authorizes the government to intervene under certain circumstances. The law recognizes the right to strike but restricts the right of civil servants and employees of state enterprises to do so. The law requires a 72-hour notification before a strike. By law civil servants and employees of state enterprises must complete a mediation process before initiating a strike, but there is no specified timeline for this process. Civil servants who engage in strikes or resign in protest may be subjected to imprisonment and forced labor. Employees of several public entities classified as essential services, including postal workers, abattoir employees, and nine more categories, must continue to provide a certain level of services and may be “requisitioned” at the government’s discretion during a strike. The law permits imprisonment with hard labor for participation in an illegal strike. The law prohibits antiunion discrimination and explicitly covers all workers, including foreign and irregular workers. The law requires reinstatement of workers fired for union activity. Union members reported these protections were not always respected.

The government effectively allowed for limited freedom of association in labor relations and collective bargaining, although both were subject to delays, primarily due to administrative difficulties in convening key officials for negotiations. Penalties were commensurate with those for comparable offenses.

There were no reports of restrictions on collective bargaining or punishment of workers for participating in illegal strikes. More than 90 percent of employees in the formal sector belonged to unions. In the informal sector, which employed the vast majority of workers, most workers were self-employed and nonunionized, working as farmers or herders. State-owned enterprises dominated many sectors of

the formal economy, and the government remained the largest employer. Unions were officially independent of both the government and political parties, although some unions were unofficially linked through members' affiliation with political parties.

Following the June announcement that ExxonMobil would sell its assets in the country, approximately 300 employees went on strike for six weeks to demand better terms of separation upon Exxon's departure.

Beginning in summer, the national teacher's union went on strike, demanding unpaid compensation and calling for an improved learning environment at different universities throughout the country, including the southern city of Moundou, the eastern city of Abeche, and in the capital, N'Djamena. They also called for payment of salaries, bonuses, and overtime owed teachers.

## **b. Prohibition of Forced or Compulsory Labor**

The law criminalizes labor trafficking offenses, including forced labor. The Ministry of Justice's *Action Plan for 2019 Ordinance on Trafficking in Persons* focused on training members of the courts, local authorities, traditional and religious leaders, members of civil society, and members of enforcement agencies.

The law criminalizes "involuntary labor" or servitude using force, fraud, or coercion, although observers noted there are gaps in the law. These penalties were commensurate with those for comparable crimes. The government engaged in forced prison labor and may legally compel political prisoners to engage in forced labor. Prison officials subjected prisoners to forced labor on private projects, separate from the penalties provided for by the legal sentence imposed on the prisoners. Human rights NGOs reported that the use of forced prison labor was common.

The government did not effectively enforce the law. The government did not conduct adequate inspections. There were no reports of prosecutions. Forced labor, including forced child labor, occurred in the informal sector (see section 7.c.). Children and some adults in rural areas were exploited in forced labor in agriculture, industry, and services.

In coordination with the International Organization for Migration, in September the Ministry of Justice launched an interim interministerial committee to combat trafficking in persons, a problem closely related to compulsory child labor in areas where children are forced to look after livestock holdings. The committee issued standard operating procedures for the identification and referral of trafficking victims to medical care and in September conducted training sessions for security services, law enforcement, and civil society to implement the procedures. The committee began training law enforcement and judicial sector personnel immediately following the committee's launch.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The law does not prohibit all the worst forms of child labor. The law allows children age 16 and older to engage in some forms of hazardous work, and existing prohibitions on hazardous work do not apply to children in the informal sector. The labor code stipulates the minimum age for employment is 14. The law provides exceptions for light work in agriculture and domestic service at age 12. The legal minimum age for employment, a lack of schooling opportunities in some areas, and tribal initiation practices contributed to a general acceptance of working children if they were 14 or older, some of whom might have engaged in hazardous work. The minimum age for hazardous work is 18, but the law allows for children age 16 or older to engage in certain forms of hazardous work. The prohibition on children doing hazardous work does not apply to children in the informal sector. The minimum age for military recruitment is 18, and the minimum age for conscription is 20. The law prohibits the use of child soldiers.

The Child Protection Brigade of the National Police is responsible for enforcing criminal laws against child forced labor, commercial sexual exploitation, the recruitment and use of child soldiers, and use of children in illicit activities. The brigade coordinated with the Ministry of Women, Childhood Protection, and National Solidarity; the Ministry of Public Service, Employment, and Social Dialogue; and the Ministry of Justice to enforce criminal laws against child labor and hosted detachments from all three organizations to facilitate collaboration.

Child labor remained widespread, but authorities did not prosecute any cases, according to officials at the Ministry of Labor. Labor laws apply to work only in formal enterprises; there are no legal protections for children working in the informal sector. Penalties for violating child labor laws were not commensurate with those for comparable crimes. The law does not impose penalties “if the breach was the result of an error as to a child’s age, if the error was not the employer’s fault.” Police sometimes took extrajudicial action, such as arresting and detaining persons without a court warrant, against child labor offenders. Traditional leaders also sometimes meted out traditional punishments for offenses, such as ostracism, according to local human rights organizations.

While the government did not have a comprehensive plan to eliminate the worst forms of child labor, it worked with UNICEF and NGOs to increase public awareness of child labor. Efforts continued to educate parents and civil society on the dangers of child labor, particularly for child herders.

Children provided labor, often forced, in various sectors: agriculture (cultivating and harvesting crops, production of charcoal, herding livestock, fishing), industry (brick making, carpentry, gold mining), and services (domestic work, street vending, work in restaurants as servers and barmaids, garbage scavenging, begging, tailoring, auto repair). Local children were also found in forced cattle herding in Cameroon, the Central African Republic, and Nigeria. Child herders often lived in substandard conditions without access to school or proper nutrition. Their parents and herders generally agreed on an informal contract for the child’s labor that included a small monthly salary and a goat after six months or a cow at the end of a year. Local NGOs reported that compensation often was not paid. According to the Chadian Women Lawyers’ Association, girls sold or forced into child marriages were often forced by their husbands into domestic servitude and agricultural labor.

Also see the Department of Labor’s *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings>.

#### **d. Discrimination with Respect to Employment and Occupation**

The law and labor regulations prohibit employment or wage discrimination based

on race, color, religion, sex (including pregnancy), age, refugee status, national origin or citizenship, or membership in a union. There are no laws preventing employment discrimination based on disability, sexual orientation, gender identity, HIV-positive status, other communicable diseases, or social origin. There were legal restrictions on women's employment in occupations deemed hazardous, arduous, or "morally inappropriate" and in industries such as mining, construction, and factories. Women generally were not permitted to work at night, more than 12 hours a day, or in jobs that could present "moral or physical danger," which is not defined.

Workers may file discrimination complaints with the Directorate of Labor Inspection, which investigates and subsequently may mediate between workers and employers. If mediation fails, the case is forwarded to the labor court for a public hearing. The government did not effectively enforce these laws and regulations. The penalties by the labor court for discrimination were not commensurate with those for comparable violations. Persons with disabilities frequently experienced employment discrimination. Although the law prohibits discrimination based on citizenship, foreign citizens often had difficulty obtaining work permits, earned lower wages, and had poor working conditions. LGBTQI+ persons and HIV-positive persons reported facing social and employment discrimination in all industries and avoided revealing their sexual orientation or status.

## **e. Acceptable Conditions of Work**

**Wage and Hour Laws:** The law provides for a national minimum wage for all sectors of the economy, and the minimum wage was greater than the World Bank poverty rate. The law limits most employment to 39 hours per week, with overtime paid for additional hours. Agricultural work is limited to 2,400 hours per year, an average of 46 hours per week. All workers are entitled to uninterrupted rest periods of between 24 and 48 hours per week and paid annual holidays.

The Directorate of Labor Inspection of the Ministry of Labor has responsibility for the enforcement of the minimum wage and work hours, but the government did not effectively enforce the law. Many persons were paid less than the minimum wage, especially in the informal sector. The Ministry of Public Works employed an insufficient number of labor inspectors to enforce the law, especially in the large

artisanal gold mining sector in the north. Labor inspectors may refer cases to the Ministry of Justice and Human Rights for prosecution and have the authority to make unannounced inspections. The government did not provide adequate staffing or training, which, together with corruption, impeded effective enforcement. Authorities did not always respect legal protections for foreign and irregular workers. Penalties were not commensurate with violations.

Salary arrears remained a problem for some employees, most often in the education and health-care sectors that saw multiple strikes throughout the year. Workers did not always avail themselves of their rights concerning workhour limits, largely because they preferred the additional pay. Pursuant to International Monetary Fund recommendations, the government paid some wage arrears to private-sector contractors.

**Occupational Safety and Health:** The law mandates occupational safety and health (OSH) standards that are up to date and appropriate for main industries, but the government did not effectively enforce the law. Despite penalties existing for violation of OSH laws, enforcement often depended on the personal connections and financial resources of parties involved. Workers have the right to remove themselves from dangerous working conditions without jeopardy to their employment, but they generally did not do so. The law gives inspectors the authority to enforce the law and explicitly covers all workers, including foreign and informal workers.

The Directorate of Labor Inspection of the Ministry of Labor also has responsibility for the enforcement of the OSH standards. Multinational companies generally met the government's acceptable OSH standards. The civil service and local private companies occasionally disregarded OSH standards, while artisanal mining in the north remained a sector with scant enforcement of labor protections for juveniles and other vulnerable workers drawn to the region by the prospect of financial gain. In June the tunnel of an informal gold mine in the country's northern Miski region collapsed, killing 11 workers. A similar incident occurred in 2019, killing 52 workers, and accidents of smaller magnitude typically occurred several times per year. Governors and relevant ministries sent delegations in the wake of such incidents to encourage compliance with OSH regulations but failed to spur meaningful institutional reform. Local private companies and public

offices often had substandard conditions, including a lack of ventilation, fire protection, and OSH protection.

**Informal Sector:** The World Bank reported that almost 96 percent of workers were in the informal sector, and approximately 46 percent of total workers were self-employed with no social security insurance. According to the Household Consumption and Informal Sector survey conducted by the government every five years, most male informal workers were engaged in agriculture, and more than 85 percent of the rural population engaged in crop and livestock production. Informal workers in urban areas engaged in household manufacturing, services, or trade. The country's low population density limited market opportunities in both agriculture and nonagriculture sectors. Security conflicts in the Lake Chad region harmed informal sector livelihoods sustained by fishing and cross-border trade.

Informal workers who obtain work contracts from their employers are protected by the labor code, minimum wage law, and social security. The vast majority, however, who were self-employed and thus worked without a contract, did not benefit from wage, hour, and OSH laws and inspections. Nevertheless, the Ministry of Labor, through its Directorate of Labor Inspection, investigated claims of possible legal violations in both the formal and informal sectors. While they cannot prosecute, they can refer cases for prosecution to the labor division of the Ministry of Justice.