

CHAD

A BRIEF ON NON-DISCRIMINATION, EQUALITY, CHILD MARRIAGE, CHILD AND ADULT LABOR, AND EDUCATION

(Articles 2, 3, 7, 10, 13, 18, and General Comments No. 5 and No. 18)

*Information for the Committee on Economic, Social, and Cultural Rights
69th Pre-Sessional Working Group, October 2021*

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INTRODUCTION

The WORLD Policy Analysis Center, based at the University of California, Los Angeles, captures quantitative policy data on more than 2,000 indicators that matter to equality, health, and well-being. We strive to improve the quantity and quality of globally comparative data available to policymakers, citizens, national governments, intergovernmental organizations, civil society, and researchers for all 193 UN member states. We submit the following brief in advance of the 69th Pre-Sessional Working Group of the Committee on Economic, Social, and Cultural Rights.

This brief will focus on the following five areas:

- 1. Equality and non-discrimination (Articles 2, General Comment No. 5)
- 2. Non-discrimination in work and employment (Article 7)
- 3. Child marriage (Articles 3 and 10)
- 4. Free and compulsory education (Article 13)
- 5. Child Labor (Article 10, General Comment No. 18)

We have collected and analyzed information on rights, laws, and policies in these areas for all 193 UN member states using a variety of sources, including primary national legal sources (e.g. original legislation and constitutions), national reports on policies and laws to the United Nations and official global and regional bodies, and secondary sources where clarification or corroboration of primary data is needed. Using a



rigorous double-coding process, we create original databases which distill thousands of pages of text to highlight the essential features of each right, law, or policy. These original databases are the reference for the following brief. When drafting each brief, we perform a series of additional verifications to ensure the data provided reflects the current constitutional and legal landscape of a country.

In this report we first provide a summary of our constitutional and legislative findings, as well as suggested questions for the Committee to ask Chad, and topics we hope the Committee will address in its concluding observations. This summary is followed by detailed constitutional and legislative excerpts documenting our findings. We hope the Committee will recommend that Chad address any gaps in consultation and collaboration with relevant stakeholders, including civil society organizations. We also recognize that while having strong laws and policies in place are necessary first steps, implementation is also of paramount importance. In areas where we have commended Chad for having provisions in place, we hope the Committee will recommend that Chad work with stakeholders to overcome any obstacles in implementing these provisions.

SUMMARY OF FINDINGS AND RECOMMENDATIONS

1. Equality and Non-Discrimination (Article 2, General Comment No. 5)

Based on our review of full-text national constitutions, Chad's constitution guarantees equality and prohibits all forms of discrimination based on origin, race, sex, religion, political opinion, and social position. However, some groups guaranteed equality and non-discrimination in the Covenant are not protected by constitutional provisions, including persons facing discrimination based on language, property status, birth status, and disability status.

We hope the Committee will:

- Recommend in its concluding observations that **Chad amend the constitution** to add explicit guarantees of equality and non-discrimination based on language, property status, birth status, and disability status, consistent with ICESCR commitments. These guarantees could be added to Article 14 of the constitution, which already guarantees non-discrimination based on other personal characteristics and statuses.

2. Non-Discrimination in Work and Employment (Article 7)

Based on our systematic review of national legislation, we find that Chad's Labor Code prohibits the discrimination of workers based on sex, nationality, origin, religion, and political affiliation. Specifically, these groups of workers are protected from discrimination in hiring and employment opportunities, remuneration, promotions, and terminations. **There are, however, several groups protected through the Covenant's commitments that are not included in these provisions**, including workers facing discrimination based on race, language, or social, property, birth, and disability status.

We hope the Committee will:

- In its list of issues, ask Chad: Can Chad outline any concrete, near-term plans to pass legislation that explicitly prohibits all forms of workplace discrimination based on race, language, and social, property, birth, and disability status?



- If Chad does not have concrete, near-term plans in place, recommend in its concluding observations that Chad pass and implement legislation that explicitly prohibits discrimination on the basis of all groups covered in Article 2 and General Comment 5 of the ICESCR, particularly in the following aspects of employment:
 - Employment opportunities and hiring
 - Equal remuneration for work of equal value
 - Career advancement, including promotions and demotions
 - Continuance of employment or terminations
- We also hope the Committee will recommend that this legislation includes effective enforcement mechanisms, such as protection from retaliation after reporting incidents of workplace discrimination.

3. Child Marriage (Articles 3, 10)

Based on our review, Chad establishes 18 years as the minimum age of marriage for boys. However, **girls are legally allowed to be married at the age of 15, creating a gender disparity of three years in the minimum age of marriage.**

We hope the Committee will:

- In its list of issues, ask Chad: Can Chad outline any concrete, near-term plans to pass legislation that eliminates the gender disparity in the minimum age of marriage by raising the minimum age of marriage for girls to 18?
 - If Chad cannot outline near-term plans to do so, recommend in its concluding observations that Chad pass and implement legislation that eliminates gender disparities in the law by raising the minimum age of marriage to 18 for girls.

4. Free and Compulsory Education (Article 13)

Children in Chad are guaranteed 10 years of free and compulsory basic education through the age of 16, which includes the primary and lower secondary levels. **Despite these legislative guarantees, 2019 data from the UNICEF Data Warehouse estimates that approximately 35% of girls and 17% of boys are not attending primary school, and more than half of children (70% of girls and 55% of boys), are not attending lower secondary school.**

We hope the Committee will:

- In its list of issues, ask Chad:
 - Can Chad demonstrate how legal guarantees of free and compulsory primary and lower secondary education are being implemented equally for all children?
 - Can Chad outline the obstacles faced by children who remain out of school?
- Recommend in its concluding observations that Chad take concrete steps towards advancing educational guarantees fully and effectively.



5. Child Labor (Article 10, General Comment No. 18)

Based on our review, laws in Chad prohibit children under the age of 12 from engaging in any work, and children under the age of 14 may only be employed in certain positions. However, despite restrictions on nightly work which guarantee at least 12 hours of nightly rest for all children under the age of 18, we found no restrictions that limit children’s daily work hours. The lack of such limitations may interfere with children’s attendance in free and compulsory basic education through the age of 16. Further, all children under the age of 18 are generally prohibited from engaging in a specified list of hazardous works, but **children between the ages of 16 and 18 are allowed engage in other narrowly specified work that may be considered hazardous or harmful.**

We hope the Committee will:

- Recommend in its concluding observations that Chad amend its labor laws to prohibit the employment of children under the age of 16, consistent with General Comment No. 18. Doing so would also harmonize the current labor and education laws, guaranteeing children the opportunity to complete compulsory basic education.
- In its list of issues, ask Chad: Does Chad have concrete, near-term plans in place to amend the labor laws to prohibit children under the age of 18 from engaging in all types of hazardous or harmful work?
 - If Chad does not have concrete, near term plans in place, recommend in its concluding observations that Chad amend its laws to prohibit children under the age of 18 from engaging in any type of hazardous or harmful work.

DETAIL OF CONSTITUTIONAL AND LEGISLATIVE FINDINGS

1. Equality and Non-Discrimination (Article 2, General Comment No. 5)

Article 2 (2) of The Covenant states that:

The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Furthermore, General Comment No. 5, explicitly addresses non-discrimination of persons with disabilities by stating:

[...] the requirement contained in article 2 (2) of the Covenant that the rights “enunciated ... will be exercised without discrimination of any kind” based on certain specified grounds “or other status” clearly applies to discrimination on the grounds of disability.

Constitutions state the values of a country, describe the rights of people living within the country, and profoundly influence norms and practice. In nearly all countries, constitutions take precedence over other sources of law—making them critical tools for delineating and implementing equal rights. New constitutions and new rights guaranteed in constitutions can be used to overturn discriminatory laws as well as to legislate non-discrimination guarantees. Moreover, constitutions can offer protection against policy and legal changes during periods of social and political shifts that may seek to undermine equal rights. For these reasons and



others, as the foundational document setting out the rights of all human beings in a country, a constitution and the rights contained therein are essential to realizing equal rights.

We reviewed full text constitutions for all 193 UN member states available from official government sources to determine whether the constitution took any approach to equality across the grounds listed in Article 2.2 and General Comment No. 5 of the Covenant by prohibiting discrimination based on each specific status, guaranteeing equal rights, guaranteeing equality before the law, or guaranteeing overall equality or equal opportunities.

CHAD'S CONSTITUTIONAL PROVISIONS: MISSING EXPLICIT GUARANTEES OF EQUALITY AND NON-DISCRIMINATION

Based on our review, Article 14 of Chad's constitution guarantees equality and prohibits all forms of discrimination based on origin, race, sex, religion, political opinion, and social position.

Constitution of Chad

Article 14

L'Etat assure à tous l'égalité devant la loi sans distinction d'origine, de race, de sexe, de religion, d'opinion politique ou de position sociale. Il a le devoir de veiller à l'élimination de toutes les formes de discrimination à l'égard de la femme et d'assurer la protection de ses droits dans tous les domaines de la vie privée et publique.

However, some groups guaranteed equality and non-discrimination in the Covenant are not protected by constitutional provisions, including persons facing discrimination based on language, property status, birth status, and disability status.

2. Work and Employment (Article 7)

In addition to Article 2(2) and General Comment No. 5 of the Covenant, which guarantees equal rights regardless of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, and disability status, Article 7 of the Covenant outlines a number of specific measures States Parties shall undertake in order to eliminate discrimination in the field of employment:

The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular:

(a) Remuneration which provides all workers, as a minimum, with:

(i) Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work;

(ii) A decent living for themselves and their families in accordance with the provisions of the present Covenant;

(b) Safe and healthy working conditions;

(c) Equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence;



We systematically reviewed national labor codes, penal codes, equal opportunity, anti-discrimination legislation and other relevant legislation available through the International Labour Organization's NATLEX database for all 193 UN member states to determine whether national legislation prohibited discrimination in employment across four areas covered by the Covenant:

- Employment opportunities or hiring
- Equal remuneration for work of equal value
- Promotions and demotions
- Dismissals or terminations

For each area, we assessed whether there were explicit prohibitions from discrimination across the grounds listed in Article 2.2 and General Comment No. 5 of the Covenant.

CHAD'S LEGISLATIVE PROVISIONS: LIMITED PROTECTIONS FROM WORKPLACE DISCRIMINATION

Based on our systematic review of national legislation, we find that Articles 6, 7, and 246 of Chad's Labour Code prohibit the discrimination of workers based on sex, nationality, origin, religion, and political affiliation. Specifically, these groups of workers are protected from discrimination in hiring and employment opportunities, remuneration, promotions, and terminations.

Code du Travail

Art.6.- Sous réserve des dispositions expresses du présent code, ou de tout autre texte de nature législative ou réglementaire protégeant les femmes et les enfants ainsi que des dispositions relatives à la condition des étrangers, aucun employeur ne peut prendre en considération le sexe, l'âge ou la nationalité des travailleurs pour arrêter ses décisions en ce qui concerne notamment l'embauchage, la conduite et la répartition du travail, la formation professionnelle, l'avancement, la promotion, la rémunération, l'octroi d'avantages sociaux, la discipline ou la rupture du contrat de travail.

Art.7.- Aucun employeur ne peut, pour arrêter les décisions prévues à l'article précédent, prendre en considération l'appartenance ou la non appartenance à un syndicat, l'activité syndicale, l'origine ou les opinions, notamment religieuses et politiques, du travailleur.

Art.246.- Tout employeur est tenu d'assurer, pour un même travail ou un travail de valeur égale, l'égalité de rémunération entre les salariés, quels que soient leur origine, leur nationalité, leur sexe et leur âge, dans les conditions prévues au présent titre.

There are, however, several groups protected through the Covenant's commitments that are not included in these provisions, including workers facing discrimination based on race, language, or social, property, birth, and disability status.



Table 1. Guaranteed legal provisions of non-discrimination in Chad across key areas of employment for personal characteristics covered by the Covenant (An empty cell indicates no relevant provisions were found.)

	Discrimination broadly prohibited	Employment opportunities or hiring	Equal remuneration	Promotions and demotions	Dismissals
Race and colour					
Sex		✓	✓	✓	✓
Language					
Religion		✓	✓	✓	✓
Political opinion		✓	✓	✓	✓
Nationality		✓	✓	✓	✓
Social origin					
Property status					
Birth status					
Disability					

3. Child Marriage (Articles 3, 10)

Article 10 (1) of the Covenant states that all States Parties must recognize that:

[...] Marriage must be entered into with the free consent of the intending spouses.

Additionally, Article 3 guarantees this right to be applied to all persons equally regardless of sex:

The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant.

Child marriage has life-long health, educational, and economic consequences, particularly for girls. Child brides are more likely to drop out of school, be victims of domestic abuse, and experience pregnancy and childbirth complications due to early childbearing, all of which affect core rights of the Covenant, specifically the right to physical and mental health (Article 12), and the right to education (Article 13).

We systematically reviewed national civil codes and child-related legislation for all 193 UN member states to determine whether national legislation established a minimum age of marriage for both girls and boys generally, with parental consent, and under religious and customary law. We reviewed all legislation available through the Lexadin World Law Guide, Foreign Law Guide, International Labor Organization’s NATLEX database, Pacific Islands Legal Information Institute, Asian Legal Information Institute, JaFBase, and official country websites.

CHAD’S LEGISLATIVE PROVISIONS: GENDER DISPARITY IN THE MINIMUM AGE OF MARRIAGE

Based on our review, Chad establishes 18 years as the minimum age of marriage for boys. **However, girls are legally allowed to be married at the age of 15, creating a gender disparity of three years in the minimum age of marriage.** This gender disparity has been consistently noted by other UN Treaty Body Committees,



including the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child.

4. Free and Compulsory Education (Article 13)

Article 13 of the Covenant states that:

1. The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.

2. The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right:

(a) Primary education shall be compulsory and available free to all;

(b) Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education;

For all 193 UN member states, we systematically reviewed education acts and child protection laws available online through UNESCO's Observatory on the Right to Education Library and International Labour Organization's NATLEX database. Through the review we determined whether national legislation guaranteed free and compulsory education at the primary and secondary level.

CHAD'S LEGISLATIVE PROVISIONS: GUARANTEED FREE AND COMPULSORY EDUCATION THROUGH LOWER SECONDARY LEVEL, BUT HIGH NUMBERS OF OUT-OF-SCHOOL CHILDREN

According to the Law on the Education System in Chad, **children are guaranteed 10 years of free and compulsory basic education through the age of 16**, which includes the primary and lower secondary levels. This right is affirmed in Article 38 of the Constitution.

Law on the Education System

Article 4. - Le droit à l'éducation et à la formation est reconnu à tous sans distinction d'âge, de sexe, d'origine régionale, sociale, ethnique ou confessionnelle.

L'Éducation est une priorité nationale absolue.

L'État garantit l'éducation fondamentale aux jeunes de six (6) à seize (16) ans.

Article 9.- L'enseignement public est gratuit.

Les prestations fournies en la matière sont essentiellement financées sur les ressources publiques allouées par l'État ou les autres collectivités décentralisées.

Toutefois, l'enseignement public admet la participation des bénéficiaires, des initiatives communautaires librement constituées agissant en partenariat avec l'État et les autres collectivités décentralisées.



Article 21.- L'enseignement fondamental est obligatoire.

L'État crée des structures adaptées aux enfants profondément handicapés, ainsi qu'à ceux en milieu rural, notamment nomade nécessitant des mesures particulières.

Constitution of Chad

Article 38 : Tout citoyen a droit à l'instruction.

L'enseignement public fondamental est laïc et gratuit.

L'enseignement fondamental et le service civique sont obligatoires.

L'enseignement privé est reconnu et s'exerce dans les conditions définies par la loi.

Despite these legislative guarantees, 2019 data from the UNICEF Data Warehouse estimates that **approximately 35% of girls and 17% of boys are not attending primary school, and more than half of children (70% of girls and 55% of boys), are not attending lower secondary school.**¹

5. Child Labor (Article 10, General Comment No. 18)

Article 10 of the Covenant requires States Parties to recognize the special measures needed to protect children for economic exploitation. Specifically, the Article states:

Their employment in work harmful to their morals or health or dangerous to life or likely to hamper their normal development should be punishable by law. States should also set age limits below which the paid employment of child labour should be prohibited and punishable by law.

Additionally, Gen. Comment No.18 obligates State Parties to implement Article 10 of the Covenant by taking “effective measures, in particular legislative measures, to prohibit labor of children under the age of 16.”

We systematically reviewed national labor and child-related legislation available through the International Labour Organization’s NATLEX database for all 193 UN member states to determine whether national legislation established a minimum age for admission to employment and hazardous employment.

CHAD’S LEGISLATIVE PROVISIONS: MISSING CRITICAL LABOR PROTECTIONS FOR CHILDREN

Based on our review, the Labor Code and the Decree on Child Labor explicitly state that children under the age of 12 are prohibited from working, and children under the age of 14 may only be employed in certain positions. However, despite restrictions on nightly work that guarantee at least 12 hours of nightly rest for all children under the age of 18, we found no restrictions that limit children’s daily work hours. The lack of such limitations may interfere with children’s attendance in free and compulsory basic education through age 16.

Labor Code

Article 52: Les enfants ne peuvent être employés dans une profession quelconque avant l'âge de quatorze ans sauf dérogations fixées par décret sur proposition du ministre chargé du travail et de la sécurité sociale

¹ UNICEF Data Warehouse. Education: Out-of-school rate for children, 2019. Web. 7 July 2021.
<<https://data.unicef.org/>



et du ministre chargé de la santé publique, compte tenu des tâches qui peuvent être demandées à ces enfants.

Les enfants ne peuvent être engagés qu'avec l'accord de leur représentant légal.

Article 206: Le travail de nuit des enfants âgés de moins de 18 ans est interdit.

Decree on Child Labor

Article 1 – *Aucun enfant de moins de 14 ans ne peut être employé, même comme apprenti, dans une entreprise du territoire de la République du Tchad.*

Les établissements ou ne sont employés que les membres de la famille sous l'autorité du père, de la mère ou tuteur, ne sont pas visés par cette interdiction.

Article 2- *Cette limite est toutefois fixée à 12 ans pour les travaux suivants :*

- a) Travaux légers domestiques correspondant aux emplois de marmiton, aide-cuisinier, petit-boy, gardien d'enfants ;*
- b) Travaux de cueillette, de ramassage, de triage exécutés dans les exploitations agricoles ;*
- c) Travaux légers à caractère autre qu'industriel sous réserve de l'autorisation de l'Inspecteur du Travail.*

Additionally, according to the Decree on Child Labor, children under the age of 18 are prohibited from engaging in a specified list of hazardous works.

Decree on Child Labor

Article 6 – *Il est interdit d'employer les jeunes travailleurs de moins de 18 ans aux travaux suivants :*

- 1. Graissage, nettoyage, visite ou réparation des machines ou mécanismes en marche ;*
- 2. Travaux nécessitant la présence ou le passage dans un local où se trouvent des machines actionnées à la main ou par moteur animal ou mécanique, des moteurs, transmissions et mécanismes dont les parties dangereuses ne sont point couvertes d'organes protecteurs appropriés ;*
- 3. Conduite ou manœuvre d'appareils de levage ou de manutention ;*
- 4. Manipulations et emploi de matières explosives, irritantes, corrosives ou vénéneuses ;*
- 5. Travail des abattoirs, équarrissage, boyauderies, tanneries, etc. ;*
- 6. Extraction de minerais, stériles, matériaux et déblais dans les mines, minières et carrières, ainsi que dans les travaux de terrassement ;*
- 7. Travaux de soutiers, chauffeurs, conducteurs de moteurs, véhicules et engins mécaniques ;*
- 8. Tous travaux exécutés pendant les heures de nuit ;*
- 9. Tous travaux qui même s'ils ne toment pas sous l'article des lois pénales sont de nature à blesser leur moralité.*

However, children between the ages of 16 and 18 are allowed engage in other narrowly specified work that may be considered hazardous or harmful:

Article 7 – *Il est interdit d'employer les jeunes travailleurs de moins de 16 ans aux travaux suivants :*

- 1. Travail moteur au moyen de pédales, roues, manivelles leviers, manœuvres de jigs et tables à secousses mus à la main ou la pied ;*
- 2. Usage et alimentation des scies circulaires ou à rubans, ou à lance multiples, travail sur cisailles ou tranchantes mécaniques et aux meules ;*
- 3. Travaux de bâtiment, à l'exclusion de finitions ne nécessitant pas l'emploi d'échafaudage*