

CHAD

A BRIEF ON CHILD MARRIAGE, MATERNITY AND PATERNITY LEAVE, AND NON-DISCRIMINATION IN WORK AND EMPLOYMENT (CEDAW Articles 2, 5, 11, AND 16)

*Information for the Committee on the Elimination of Discrimination Against Women
89th Pre-Sessional Working Group, February 2024*

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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 89th Pre-Sessional Working Group of the Committee on the Elimination of Discrimination against Women.

This brief will focus on the following areas:

1. Child Marriage (Articles 2, 16)
2. Paid Maternity and Paternity Leave (Articles 5, 11)
3. Non-discrimination in Work and Employment (Article 11)

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 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 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. Child Marriage (Articles 2, 16)

Based on our review, **Chad’s legal framework since 2015 sets a minimum age of marriage of 18 for both girls and boys, with no exceptions.** However, Chad’s last recorded child marriage rates, from 2019, were extremely high: 61% of women aged 20-24 at the time of survey had been married before age 18, 24% had been married before age 15, and 25% of girls ages 15 to 19 were already married.¹

RECOMMENDED QUESTIONS FOR THE LIST OF ISSUES AND CONCLUDING OBSERVATIONS

We hope the Committee will:

- In its list of issues, ask Chad: Can Chad outline any concrete, near-term measures that it is taking to effectively implement its 2015 prohibition of child marriage?
 - If Chad does not have plans for concrete near-term measures, recommend in its concluding observations that Chad develop a concrete, near-term plan to effectively enforce this prohibition and reduce the rate of child marriage.

2. Paid Maternity and Paternity Leave (Articles 5, 11)

While Chad provides 14 weeks of paid leave to new mothers, our review of available legislation found that fathers in Chad are entitled to one (1) day of paid paternity leave.

RECOMMENDED CONCLUDING OBSERVATION

We hope the Committee will:

- In its concluding observations, recommend that Chad:
 - Increase the duration of paid paternity leave. Ensuring fathers’ access to an adequate duration of paid paternity leave is foundational to increasing gender equality in caregiving responsibilities and gender equality in employment.

¹ UNICEF Data Warehouse – Child Marriage. Retrieved November 30, 2023 from https://data.unicef.org/resources/data_explorer/unicef_f/?ag=UNICEF&df=GLOBAL_DATAFLOW&ver=1.0&dq=.PT_F_20-24_MRD_U15+PT_M_20-24_MRD_U18+PT_F_20-24_MRD_U18+PT_M_15-19_MRD+PT_F_15-19_MRD.&startPeriod=2016&endPeriod=2022



3. Non-Discrimination in Work and Employment (Article 11)

Chad's labor code prohibits discrimination against women at work specifically in the areas of hiring, promotions or demotions, terminations and vocational training, and it also mandates equal pay for work of equal value regardless of sex.

When determining whether Chad explicitly extends these protections against discrimination to all women, regardless of marital, pregnancy or family status, our research shows that only pregnant women are specifically protected, and only against discriminatory terminations. We did not find any prohibitions of discrimination on the basis of marital status or family status.

We found no provisions on indirect discrimination, or against retaliatory action for bringing forward claims of workplace discrimination.

RECOMMENDED QUESTIONS FOR THE LIST OF ISSUES AND CONCLUDING OBSERVATIONS

We hope the Committee will:

- In its list of issues, ask Chad: can Chad outline any concrete, near-term plans to pass legislation that **comprehensively prohibits discrimination at work** -- in hiring, training, promotions and demotions, remuneration, and terminations – **on the basis of family status, marital status, and pregnancy?**
 - If concrete, near-term plans are not in place, recommend in its concluding observations that Chad pass and implement legislation that enacts protections against discrimination in hiring, training, promotions and demotions, remuneration, and terminations on the basis of family status, marital status, and pregnancy.
- In its list of issues, ask Chad: Can Chad outline any concrete, near-term plans to pass legislation that explicitly prohibits **indirect discrimination on the basis of sex?**
 - If concrete, near-term plans are not in place, recommend in its concluding observations that Chad pass and implement legislation that explicitly prohibits indirect discrimination on the basis of sex.
- In its list of issues, ask Chad: Can Chad outline any concrete, near-term plans to pass legislation that explicitly prohibits **retaliatory action against claims of workplace discrimination?**
 - If concrete, near-term plans are not in place, recommend in its concluding observations that Chad pass and implement legislation that explicitly prohibits retaliatory action against claims of workplace discrimination.



DETAIL OF LEGISLATIVE FINDINGS

While the following review is systematic and rigorous, we recognize that there may be laws or policies governing these areas that we have not captured, including new legislation or policies that have not yet been published globally.

1. Child Marriage (Articles 2, 16)

Child marriage disproportionately affects girls, often leading to social, economic, educational, and health inequalities, which States Parties have committed to eliminating. Article 16.2 of the Convention calls on States Parties to legislate a minimum age of marriage and prohibit the marriage of children. Additionally, disparities in the legal minimum age of marriage between girls and boys contravenes Article 2(a) of the Convention, which commits States Parties to “embody the principle of the equality of men and women” in their “national constitutions or other appropriate legislation”.

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 Labour Organization’s NATLEX database, regional sources, and official country websites.

CHAD’S LEGISLATIVE PROVISIONS: Underage marriage explicitly prohibited since 2015

Based on our review, Chad’s legislative framework categorically bans the marriage of children under the age 18.

Ordonnance 006/PR/2015 du 14 mars 2015 Portant Interdiction du Mariage d'Enfants

Article 1 : Il est formellement interdit en République du Tchad, à compter de la date d'entrée en vigueur de la présente Loi, le mariage d'enfants mineurs.

Article 2 : L'âge minimum du mariage est fixé à Dix-huit (18) ans révolus.

Article 3 : Le consentement des époux mineurs ne peut être invoqué pour justifier le mariage d'enfants.

Despite unambiguous legislation, the last available data shows extremely high rates of child marriage in Chad: 61% of women aged 20-24 at the time of survey had been married before age 18, 24% had been married before age 15, and 25% of girls ages 15 to 19 were already married.² Therefore, this remains a matter of concern.

² 2019 data taken from UNICEF. UNICEF Data Warehouse – Child Marriage. Retrieved November 30, 2023 from https://data.unicef.org/resources/data_explorer/unicef_f/?ag=UNICEF&df=GLOBAL_DATAFLOW&ver=1.0&dq=.PT



2. Paid Maternity and Paternity Leave (Articles 5, 11)

Article 11.2 of the Convention states that:

In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:

(a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;

(b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;

Further, Article 5(b) of the Convention emphasizes the importance of including men in the upbringing of children:

To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

Research evidence indicates that paid paternity leave can increase gender equality in caregiving responsibilities and gender equality in employment; it is therefore important to ensure fathers have access to adequate paid paternity leave.

We systematically reviewed national labor codes and social security laws to assess the availability of paid maternity and paternity leave. We relied primarily on legislation downloaded through the International Labour Organization's NATLEX database. Additionally, for confirmation or clarification on legal provisions, we consulted trusted secondary sources including the Social Security Programs throughout the World (SSPTW) database, and the International Review of Leave Policies.

CHAD'S LEGISLATIVE PROVISIONS: Only 1 day of leave available to new fathers

Our research shows that Chad provides 14 weeks of leave after birth to mothers, but fathers only get one day of paid leave.

Convention collective générale applicable aux travailleurs de la République du Tchad

Article 60 : Congés exceptionnels



a) *Congés pour événements familiaux*

(...)

Ces permissions n'entraînent aucune retenues de salaire et ne sont pas déductibles du congé réglementaire dans la limite de dix (10) jours par an.

(...)

- Accouchement de la femme du travailleur : 1 jour

(...)

Code du Travail

Article 108: Sans préjudice des dispositions de l'article précédent la femme a le droit de suspendre son contrat de travail pendant une période qui commence six semaines avant la date présumée de son accouchement et s'achève huit semaines après cet accouchement

(...)

3. Non-Discrimination in Work and Employment (Article 11)

Article 11 of the Convention states that:

[p]arties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:

(...)

(b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;

(c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;

(d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;

(...)

We systematically reviewed national labor codes, gender equality, 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 gender discrimination in employment in five areas covered by CEDAW:

- employment opportunities or hiring (art. 11.1.b)
- equal pay for work of equal value (art. 11.1.d)
- training (art. 11.1.c)
- promotions or demotions (art. 11.1.c)
- job security or terminations (art. 11.1.c)

We assessed whether women were explicitly protected from discrimination at work in each of these areas and whether the definition of discrimination included both direct and indirect discrimination.

We also examined whether there were explicit protections from discrimination on the grounds of pregnancy, marital status, and family status in line with Article 11.2.a) of the Convention, which prohibits “dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status”. Although the Convention focuses only on protecting from dismissal on these additional grounds, we nevertheless further examined whether discrimination on the grounds of pregnancy, marital status, or family status was prohibited in other stages of employment, consistent with CEDAW’s spirit of prohibiting discrimination against all women, regardless of their circumstances.

CHAD’S LEGISLATIVE PROVISIONS: Comprehensive protection against discrimination on the basis of gender, but some gaps remain.

Chad’s labor code prohibits discrimination against women in hiring, terminations, promotions or demotions, and vocational training; it separately mandates equal pay for work of equal value regardless of sex.

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.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.

(...)

Chad further protects women against discriminatory dismissal on the basis of their pregnancy.



Code du Travail

Art.112.- En dehors du cas de faute lourde non liée à la grossesse et du cas d'impossibilité dans lequel il se trouve de maintenir le contrat, aucun employeur ne peut licencier une femme en état de grossesse apparente ou médicalement constatée.

(...)

Our review of Chad’s legislative framework did not find any protections against discrimination on the basis of family status or marital status. It also found no provisions on indirect discrimination or on retaliatory action.

A summary of these findings is presented in Table 1.

| Table 1: Does Chad have legislative provisions in place explicitly guaranteeing non-discrimination for women in the following key areas of employment? | |
|---|---|
| Employment opportunities and hiring | Yes |
| Equal pay for work of equal value | Yes |
| Training | Yes |
| Promotions and/or demotions | Yes |
| Terminations | Yes |
| Discrimination on the basis of marital status, family status, and pregnancy | Only prohibition of terminations and only on the basis of pregnancy |
| Indirect discrimination | No provisions found |
| Retaliatory action | No provisions found |