




Chad 

# National outrage

Violence against internally displaced women and girls in eastern Chad



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November 2010

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**Cover photo:** Women from the Aradib IDP camp gather to share concerns about insecurity, violence in the camps and lack of livelihood activities, April 2009. (*Photo: Laura Perez/IDMC*)

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Norwegian Refugee Council  
Chemin de Balexert 7-9  
CH-1219 Châtelaine (Geneva)  
Tel: +41 22 799 0700 / Fax: +41 22 799 0701  
[www.internal-displacement.org](http://www.internal-displacement.org)



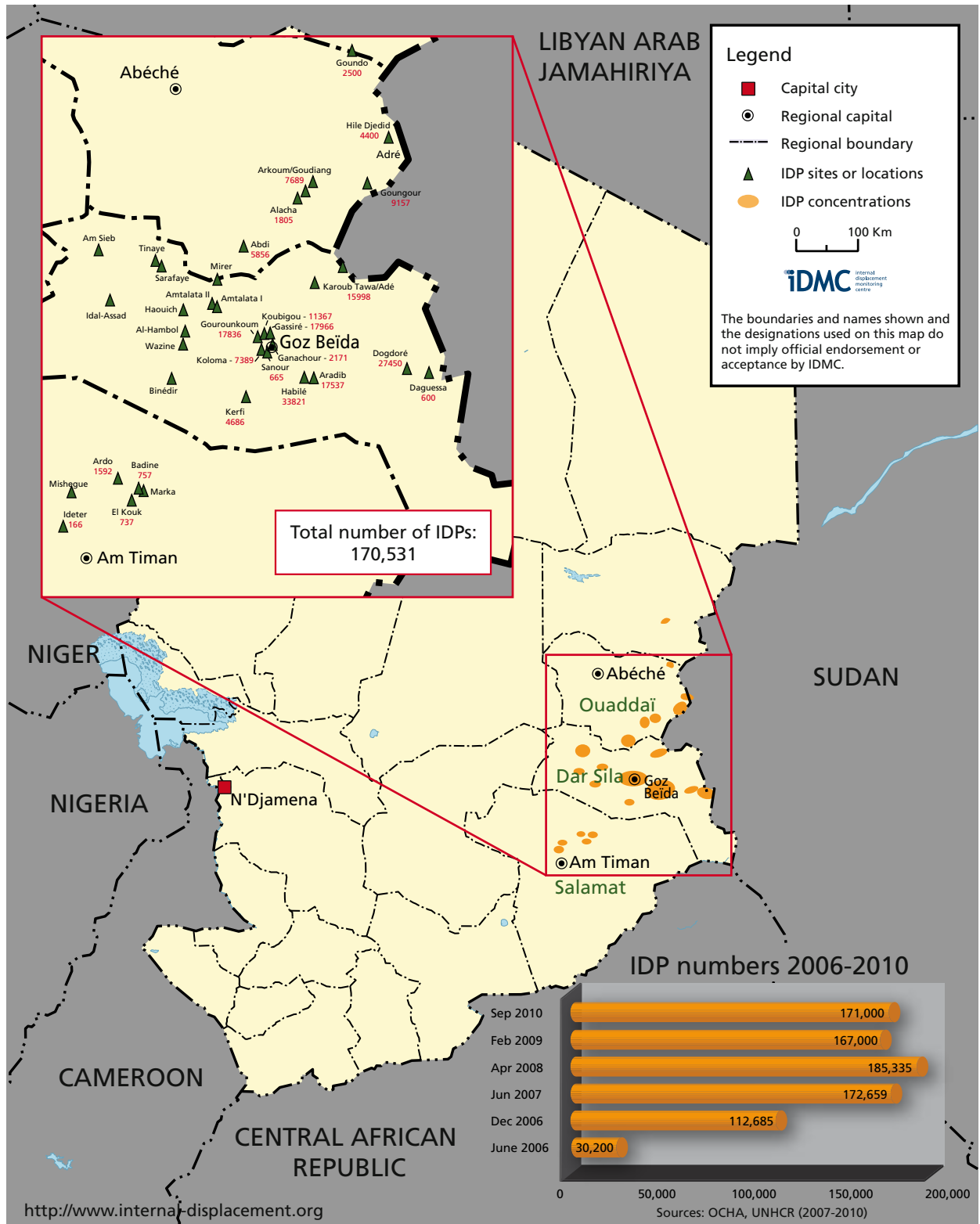
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# Map of internal displacement in the Republic of Chad



## Executive summary

“In no other area is our collective failure to ensure effective protection for civilians more apparent – and by its very nature more shameful – than in terms of the masses of women and girls, but also boys and men, whose lives are destroyed each year by sexual violence perpetrated in conflict.”

*United Nations Secretary-General Ban Ki-moon*<sup>1</sup>

This report focuses on conflict-related violence against internally displaced women and girls in the department of Dar Sila in eastern Chad. It investigates how the problem has changed over time, analyses the responses of the Chadian government and humanitarian community, and reviews the legal frameworks for protecting the human rights of survivors of violence.

IDMC conducted a mission to eastern Chad in April 2009, and met internally displaced women, men, and girls, displaced women's groups, displaced village leaders, gender-based violence committees, traditional leaders, members of civil society organisations and human rights defenders, as well as national and international aid workers, govern-

ment officials, and UN staff (including peacekeepers and police). All interviews with displaced women and girls were conducted in adherence to the World Health Organization's ethical and safety recommendations for researching, documenting and monitoring sexual violence in emergencies. IDMC also reviewed national laws and international legal instruments that protect the rights of women and girls.

The terms “gender-based violence” and “violence against women” are often used interchangeably. There is a tendency to associate gender with women and to use the term “gender-based violence” only in reference to violence against women and girls; however it includes violence against men and boys that results from gender roles or expectations, such as the forced recruitment of boys into armed forces. This report uses the narrower term “violence against women and girls” because it does not investigate gender-based violence against internally displaced men and boys.

As of October 2010, there were 171,000 internally displaced people (IDPs) living in 38 camps in eastern Chad.

### Chad quick facts

Population	11.2 million
Number of IDPs	171,000
Number of refugees in Chad	from Sudan 280,000
	from CAR 72,000
Number of Chadian refugees abroad	55,000
National average income	\$530
Population living on less than \$1.25 per day	62 per cent
Population without access to potable water	52 per cent
Life expectancy	48 years
Maternal mortality rate	1,500 / 100,000
Child under 5 mortality rate	209 / 1,000
Global acute malnutrition in children under 5	21 per cent in Kanem, 17 per cent in Abéché, 27 per cent in Bahr el Gazal, 19 per cent in Nokou
Female genital mutilation/cutting (FGM)	45 per cent
Male adult illiteracy rate	57 per cent
Female adult illiteracy rate	79 per cent
Global Gender Gap Report	133 of 134
Human development index rank	175 of 182
ECHO vulnerability and crisis index score	3/3 (most severe rank)
IASC early warning / early action rating	Priority 1, Status red

Information compiled from Mo Ibrahim Foundation, UN OCHA, Transparency International, UNDP, UNESCO, UNHCR, UNICEF and World Economic Forum.

Roughly one in five members of the local population was internally displaced. They had been forcibly displaced as a result of internal armed conflict, inter-ethnic violence over land and natural resources, and attacks by bandits.

Chad also hosts 280,000 Sudanese refugees in 12 camps along the eastern border with Sudan and 72,000 Central African refugees in 11 camps along the southern border with the Central African Republic (CAR).

The majority of IDPs have few means of sustaining themselves, making humanitarian assistance vital. Since 2008, around 30,000 IDPs have returned to their villages of origin, not because of an improvement in security conditions there, but due to the lack of access to agricultural land near IDP camps. However, return is not yet a viable option for the majority, due to ongoing insecurity and the lack of basic services in villages of origin. The UN Mission in the Central African Republic and Chad (MINURCAT) expected significant return movements in 2010, but the scheduled withdrawal of UN peacekeeping troops from Chad by the end of 2010 makes it unlikely that the security conditions needed for the sustainable return of IDPs will be in place in the near future.

Chad is an oil-producing country, but the government has used oil revenues to buy weapons with which to fight insurgent groups, rather than investing in social services, reducing poverty and improving governance. These would be essential components for protecting and assisting IDPs and achieving durable solutions to their displacement.

Meanwhile, the United Nations High Commissioner for Refugees (UNHCR) and partner humanitarian organisations have found the main risks facing IDPs in eastern Chad to be insecurity (increased by the widespread circulation of small arms) and violence against women and girls, including sexual violence, domestic violence, early and forced marriage and female genital mutilation (FGM). MINURCAT has documented cases of women and girls raped by members of the armed forces, armed groups or members of their own communities. However, the lack of comprehensive information makes it difficult to determine whether this is a systematic feature of the conflict in Chad. The Representative of the UN Secretary-General on the human rights of IDPs reported in December 2009 that sexual violence continues to be poorly documented in Chad, and that more attention is needed from the Chadian authorities and the international community so that internally displaced women and girls can be better protected.

There have been three different stages of violence against displaced women and girls since 2005, each with distinct characteristics and perpetrators, and different consequences for survivors.

From 2005 to 2007, residents of Chadian villages along the border with Darfur were attacked by Sudanese Janjaweed militia, and forced to flee to what they thought were safe areas. The militia committed human rights abuses, including massacres, looting and burning of villages and abductions, and used rape as a weapon of war. The consequences for displaced women and girls who were raped were devastating: they were physically wounded and traumatised by the extreme levels of violence they experienced and witnessed.

The second stage took place between 2007 and 2009. The creation of IDP camps resulted in enormous pressure on the area's already scarce natural resources and created tensions between IDPs and local communities. During this stage, displaced women and girls suffered violence when leaving IDP camps to collect firewood or go to local markets. Many were physically attacked and raped. Perpetrators were no longer just Sudanese Janjaweed militia, but also members of the armed forces and rebel groups, and opportunistic armed bandits. Not all of these groups used rape as a weapon of war, but all were taking advantage of the prevailing impunity.

The third stage has been ongoing since 2009. Violence against internally displaced women and girls is now taking place inside IDP camps and perpetrated by members of their own communities, including family members. Types of violence during this stage include sexual violence, domestic violence and early and forced marriages.

The lack of livelihoods available to internally displaced men, and their resulting frustration and disempowerment, has been associated with this increase in domestic violence; while return remains impossible, internally displaced men need support to develop new trades with which they could find work in other parts of the country to support their families.

Chad has made international commitments to protect the rights of women and girls. It has ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); the Convention on the Rights of the Child (CRC); the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT); the International Covenant on Civil and Political Rights (ICCPR) and the Rome Statute of the International Criminal Court.

Nonetheless, the Chadian government has failed to meet its responsibility to address the violence against displaced women and girls, and its various impacts. It has not provided essential services such as accessible health care to victims of violence, nor any form of psychosocial support.



There is a body of domestic law which should protect women and girls against such violence. However, the lack of implementing decrees for laws that have been passed, taboos surrounding sexual crimes and stigmatisation of women and girls means that perpetrators are rarely, if ever, reported, let alone brought to justice.

The government's most egregious abrogation of its responsibility has been its failure to investigate allegations of sexual violence by members of state security forces and prosecute and punish those responsible, and its unwillingness to provide security in areas of displacement and much needed services for survivors of violence.

There is no functioning legal system in eastern Chad. Residents of rural areas lack access to formal judicial institutions and rely on customary courts headed by local village leaders. The Chadian Constitution allows the application of customary rules, provided they are not in conflict with statutory law and do not promote inequality; however, these courts have often failed to respect statutory law or provide redress to women who have survived violence.

In 1994, Chad created a National Human Rights Commission tasked with submitting opinions to the government concerning human rights issues, including the status of women and the rights of children. However, the Commission is not independent from the legislature, and so is not in a position to submit objective opinions on the human rights of internally displaced women and girls.

The international humanitarian community has established a system allowing internally displaced women and girls who are survivors of violence to seek medical, psychosocial and legal assistance. Free medical services are provided at health centres or posts run by international NGOs inside IDP camps. Survivors of sexual violence are also given information about free legal and psychosocial services and are referred if they are interested.

However, this important protection mechanism has gaps that merit attention. A survivor may need a medical certificate to proceed with a legal case, but doctors interviewed by IDMC reported that certificates could only be issued by the government official in charge of medical services within the region. They added that their short contracts in the area and the possible impact on their neutrality and impartiality as humanitarian workers might also make it hard for them to testify before a Chadian court. The situation deters survivors from pursuing legal remedies.

As of mid-2010, international agencies have provided psychosocial support for IDPs, but only in a few camps. Awareness-raising about sexual violence and available legal and medical services is conducted through displaced

women's committees and committees on gender-based violence in camps. Committees relay information to other IDPs and encourage women who are survivors of violence to seek assistance.

While prevention work is a fundamental component of psychosocial interventions in displacement settings, treatment of survivors of violence is equally important, not only to address the long-term psychological effects of what they have endured, but also for the well-being and development of their communities. In eastern Chad, psychological treatment has not been prioritised for IDPs and funding has not been made available.

The UN has enabled a system of mobile courts in rural areas including areas of displacement. However, the courts only visit each area once a year, and sexual violence cases are rarely addressed in this process. In general, IDPs have preferred to seek redress in customary courts, which at least pass sentences more quickly to provide resolution for the plaintiffs and the community at large.

More than 70 international humanitarian organisations provide assistance to displaced communities in eastern Chad. For 2010, they had appealed for \$544 million and had received half of this sum as of October. However, relevant sectors including protection, health and livelihoods remained severely underfunded.

The cluster system was introduced in Chad in July 2007 to improve the protection and assistance of IDPs by humanitarian agencies. The clusters, GenCap gender advisors and the MINURCAT gender unit have been successful in setting up coordination systems, but this coordination has had a very limited impact on the lives of displaced women and girls who have survived violence.

Internally displaced women and girls in eastern Chad who are survivors of violence face the long-term psychological effects of what they have endured. The failure to protect them today and to provide adequate services presents a huge barrier to their future well-being and to the development of their communities. As international peacekeepers prepare to leave the country, the need for the government to meet its duties in providing effective protection and justice becomes ever more urgent.



## Recommendations

### To the government of Chad

- To fulfil its commitment to protect civilians after the withdrawal of MINURCAT by the end of 2010, invest resources in training, equipping and deploying security forces to protect civilians in eastern Chad, including internally displaced women and girls.
- Invest resources in providing much-needed health and social services for internally displaced women and girls who are survivors of violence.
- Invest resources in improving access to justice in eastern Chad by deploying mobile courts in areas of displacement on a regular basis until permanent courts are established.
- In collaboration with UN agencies working in Chad, train traditional leaders and local authorities who preside over customary courts to adjudicate cases of sexual violence in line with international human rights law and Chadian statutory law. Train the judiciary to review and adjudicate cases of sexual violence.
- In accordance with Security Council Resolution 1820, fight impunity by investigating allegations of sexual violence by members of state security forces, including the Chadian army and the *Détachement intégré de sécurité* (DIS). Prosecute and punish those responsible, including rebel groups, militias and armed bandits.
- In accordance with constitutional obligations, enact a decree to implement the Law on the Promotion of Reproductive Health which prohibits all forms of violence against women and girls.
- Strengthen the National Human Rights Commission by making the necessary changes to its statute and mandate to bring it into line with the Principles Relating to the Status of National Institutions for the Promotion and Protection of Human Rights (the Paris Principles). Ensure that the Commission includes the human rights of IDPs, and in particular of internally displaced women and girls, in its work.
- Ratify the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol, 1993).
- Ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (OP-CEDAW, 1999).
- Submit a national report to the Committee on the Elimination of Discrimination against Women without further delay.
- Ratify the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention, 2009).

### To the Chadian National Army (ANT)

- Implement disciplinary measures for members of the military and state security forces who commit acts of sexual violence.
- Expand the prohibition against “torture, cruel, inhuman and degrading treatment” within the codes of ethics of the armed forces, national police and gendarmerie to include sexual violence.

### To the UN Security Council

- In accordance with Security Council Resolution 1923, strongly encourage the Chadian government to submit a plan of action for the protection of civilians that will be implemented after the withdrawal of MINURCAT. The plan should include specific provisions for the protection of IDPs, and in particular the protection of internally displaced women and girls.

### To the UN Mission in the Central African Republic and Chad (MINURCAT)

- In view of MINURCAT's withdrawal from Chad by the end of 2010, continue technical support to the Chadian government to train, equip and deploy security forces to protect civilians in eastern Chad, including internally displaced women and girls.
- Continue capacity-building support to the Chadian government and civil society organisations to develop a national strategy on sexual and gender-based violence and to assume MINURCAT's gender responsibilities.

### To donor governments

- Increase much-needed financial support to UN agencies and humanitarian organisations for under-funded sectors of humanitarian assistance to IDPs, including protection, health and livelihoods, which are essential for internally displaced women and girls.

## To the UN country team and humanitarian organisations in Chad

- Improve the referral system for survivors of violence by providing quality psychosocial care from qualified organisations and by resolving obstacles to legal redress such as the unwillingness of NGO doctors to issue medical certificates.
- Train traditional leaders and local authorities in eastern Chad to adjudicate cases of sexual violence in line with international human rights law and Chadian statutory law. Train the judiciary to review and adjudicate cases of sexual violence.
- Given the link between lack of sources of income for internally displaced men and violence against internally displaced women and girls, implement livelihood programmes and vocational training for internally displaced men.

## To the Office of the UN High Commissioner for Human Rights (OHCHR)

- Provide technical support to the government of Chad for strengthening the National Human Rights Commission by bringing it into line with the Paris Principles, and by including the human rights of IDPs, and in particular of internally displaced women and girls, in its work.

# 1

## Introduction and methodology

IDMC conducted a mission to eastern Chad in April 2009 to research and report on conflict-related violence against internally displaced women and girls. During the mission, IDMC visited seven camps for internally displaced people (IDPs) near the towns of Goz Beida and Koukou-Angarana, and one IDP settlement in the town of Kerfi. These areas are located around 100 kilometres from the border with Sudan. IDMC met internally displaced women, men, and girls, displaced women's groups, displaced village leaders, committees on gender-based violence, national and international aid workers, UN staff (including peacekeepers and police), government officials, traditional leaders, members of civil society organisations and human rights defenders. Due to time and security constraints, IDMC was unable to interview IDPs in other areas of displacement including the department of As-sounga and the town of Dogdore.

All interviews with displaced women and girls were conducted in adherence to the World Health Organization's ethical and safety recommendations for researching, documenting and monitoring sexual violence in emergencies. These establish rules of confidentiality and informed consent, using trained female translators and "de-identifying" information.<sup>2</sup> No names were asked or given during interviews. No information that could be linked to a specific individual (such as names, places of residence and locations and dates of incidents) are published in this report.

Adult survivors were interviewed privately, only in the presence of a female translator. Interviews with girls were conducted with their consent and in the presence of their mothers. Incidents of violence were not discussed directly with girls to prevent traumatic experiences from resurfacing. Instead, interview questions were semi-structured and informed by initial interviews with mothers who provided background information on the violence and on current living conditions.

In addition to interviews and desk research, IDMC also reviewed national laws and international legal instruments that protect the rights of women and girls. The national laws reviewed include the Constitution (1996/2005), the Penal Code (1967), the Penal Procedure Code (1967), the Decree on Working Women and Maternity (1969), the Ordinance on the Sale and Use of Contraception in Chad (1993), the Policy on Integrating Women in Development (1995), the Labour Code (1996), the Law on the Promotion of Reproductive Health (2002) and the Decree on Chadian Women's National Week (2002).

Several topics which merit comprehensive attention were not addressed in this report, either because they fall outside the specific focus on violence against displaced women and girls, because of the difficulties involved in getting substantive information within a limited time frame, or because they have been addressed in reports by other organisations. These include sexual violence against men and boys, issues of HIV/AIDS infection from sexual violence and violence against refugee women and girls from Darfur.

# 2

## Background to the conflict

### 2.1 Political and socio-economic context

IDMC data indicates that of the 11.6 million internally displaced people (IDPs) in Africa, three million live in the regional “conflict triangle” of eastern Chad, Darfur and the north of the Central African Republic (CAR). The area is characterised by inter-related armed conflicts, high levels of insecurity despite the presence of international peacekeeping troops, widespread availability of small arms and forced displacement within and across borders. In 2010, Chad, Sudan and CAR were listed in the Failed States Index among the world's ten most failed states, with Chad at number two after Somalia.<sup>3</sup>

Despite being an oil-producing country, Chad ranked 175th out of 182 countries in the 2009 Human Development Index.<sup>4</sup> With a view to reducing poverty in Chad and improving governance through the best possible use of oil revenues, the World Bank financed the building of an oil pipeline from Chad to the Cameroonian port of Kribi.<sup>5</sup> In the six years since the pipeline became operational, Chad has used its increased oil revenues to buy weapons with which to fight insurgent groups, instead of investing in social services in areas of return, reducing poverty and improving governance, all of which are essential components for protecting and assisting IDPs. On the Ibrahim Index of African Governance, which measures the delivery of public goods and services by government and non-state actors, Chad ranked 52nd out of 53, as the second worst-governed country in Africa after Somalia.<sup>6</sup>

From 2004, the war in neighbouring Darfur caused an influx of 280,000 refugees into eastern Chad. It also brought into Chad Darfuri rebels from the same Zaghawa ethnic group as Chad's President Idriss Déby. His willingness to let them operate from bases inside Chad spurred the government of Sudan to allow Chadian rebels to operate from within Darfur. The two governments have waged a proxy war in which these groups have carried out the actual fighting,<sup>7</sup> while accusing each other of harbouring and funding the other's armed opposition groups.<sup>8</sup>

With these tensions as a backdrop, internal armed conflict erupted in Chad in 2006 after Déby changed the constitution in order to run for a third term. Chadian rebels based in Darfur accused him of limiting government and military posts to members of his minority ethnic group, and using oil revenues to bolster the armed forces instead of investing in social services and infrastructure to develop the country.<sup>9</sup> Déby was re-elected in 2006, but the political

opposition, which had never accepted the legitimacy of his initial seizure of power in a 1990 coup d'état, boycotted the election. Attempted coups in 2006, 2008 and 2009 highlighted the failure of efforts to consolidate peace in Chad.<sup>10</sup> Observers have stressed the need for inclusive political negotiation between the government and all opposition groups, both armed and unarmed, if the internal political crisis and armed conflict are to be resolved.

President Déby has continuously responded to violent attacks by armed groups by prioritising Chad's military spending, which has soared from \$14 million in 2000 to \$315 million in 2009.<sup>11</sup> In 2007, Chad spent 4.5 times more on the armed forces than it did on health, education and other social spending combined.<sup>12</sup>

The international community plays a dual role. On the one hand, it is estimated that arms imports to Chad from countries including Ukraine, Libya, Belgium, China, the USA, Israel, Switzerland, Serbia and Portugal were five times higher between 2004 and 2008 than from 1999 to 2003.<sup>13</sup> Although France reported no arms exports to Chad between 2003 and 2005, it maintains 1,200 troops on the ground and offers reconnaissance, intelligence and logistical support. On the other hand, of the countries selling arms to Chad or providing military support, Belgium, France, Switzerland, and the USA (and also the European Union of which some of these countries are members) also donate funds to UN agencies and NGOs for humanitarian assistance in Chad.<sup>14</sup>

UN experts have recommended that the UN arms embargo on Sudan be expanded to include Chad, as arms and related military materiel delivered to Chad are not only used in the conflict in Chad, but are also diverted into Darfur and fuel the conflict there. However, the UN Security Council has yet to extend the sanctions – a move that would be likely to be opposed by veto-holding China and Russia.<sup>15</sup>

A worsening food and malnutrition crisis has compounded these problems. The World Food Programme estimates that two million Chadians, including IDPs, are facing severe food shortages. Changing weather patterns led to a serious drought in 2009 which reduced agricultural production by 34 per cent and caused the loss of 780,000 cattle.<sup>16</sup> The UN has predicted that food insecurity is set to affect up to 18 per cent of the population,<sup>17</sup> potentially initiating new internal displacements.<sup>18</sup> Since the drought, flooding and the heaviest rains to hit Chad in 40 years

have affected close to 150,000 people, including 70,000 whose homes have been destroyed.<sup>19</sup> Despite relief efforts, the destruction of roads and bridges has made the delivery of food and medicines extremely difficult. There are many health hazards associated with the floods, including a cholera epidemic that has infected 2,600 people and caused 112 deaths.<sup>20</sup>

A nutrition survey of children under the age of five conducted by Action against Hunger (*Action Contre la Faim* or ACF) in December 2009 found 29 per cent underweight. This was almost double the World Health Organization's emergency threshold of 15 per cent.<sup>21</sup> UNICEF requested an additional \$9.5 million to respond rapidly and adequately to children affected by malnutrition.<sup>22</sup> In January 2010, \$3.8 million was allocated from the Central Emergency Response Fund (CERF) to allow humanitarian organisations in Chad to respond to the food and nutrition crisis.<sup>23</sup> CERF is a UN funding mechanism that allows speedy responses to humanitarian crises.

Relations between Chad and Sudan have improved since a presidential meeting in January 2010 at which both governments agreed to stop arming or sheltering each other's insurgent groups and to deploy a joint force along their common border to end the presence of rebels on each other's territories.<sup>24</sup> Further steps to normalise relations have included the reopening of the Chadian-Sudanese border and renewed commitment to security arrangements and border monitoring.

## 2.2 Causes of displacement

In addition to armed conflict, inter-ethnic violence over land and natural resources and banditry have also caused internal displacement in eastern Chad. Sudanese Janjaweed militias carried out cross-border raids against Chadian villages in 2006 and 2007, exploiting long-standing land disputes between ethnic groups. They perpetrated human rights abuses including massacres, rape, looting and burning of villages, and were identified as a primary cause of displacement by human rights groups.<sup>25</sup> Chad's military strategy of concentrating troops at key entry points along the border to fight rebels left villages within Chad without protection.<sup>26</sup>

While inter-ethnic violence has decreased considerably since 2007, there has been a marked increase in attacks against civilians, including IDPs, refugees and aid workers, by bandits and criminal gangs known as *coupeurs de route* who have acted with total impunity. These criminal attacks have multiplied despite the presence of European Union forces, UN peacekeeping troops and Chadian police units tasked with protecting civilians.

With food security crisis worsening,<sup>27</sup> the access and capacity of humanitarian organisations limited by ongoing insecurity and lack of funding, and a government committed to military spending rather than social development, it is unlikely that conditions for the sustainable return, integration or resettlement of IDPs will be in place in the near future. Their hopes are further limited by the scheduled withdrawal by the end of 2010 of UN peacekeeping troops.

## 2.3 Peacekeeping operations

In response to growing levels of insecurity and human rights abuses in eastern Chad, the UN Security Council authorised the creation of MINURCAT in 2007. It was mandated to help improve Chad's justice system and monitor the human rights situation. At the same time the European Union deployed a European Union Force (EUFOR) to protect Chadian IDPs and Sudanese refugees, safeguard humanitarian operations and help restore stability.

EUFOR was largely unable to ensure security in the absence of government forces<sup>28</sup> because it was ill-equipped for the task of combating criminal gangs.<sup>29</sup> EUFOR was replaced in March 2009 by MINURCAT troops with an extended one-year mandate.<sup>30</sup> However, despite authorisation to deploy 5,200 troops, MINURCAT has never reached more than half its planned operational capacity.<sup>31</sup> This is due to lack of funds and problems in the acquisition and transportation of equipment by troop-contributing countries.

MINURCAT and the UN Police Force (UNPOL) were commissioned to train a specialised Chadian police force, known as the *Détachement intégré de sécurité* (DIS), to provide security in IDP and refugee camps and patrol main towns in eastern Chad. As of September 2009, MINURCAT and UNPOL had trained over 800 DIS officers.<sup>32</sup> To better address issues of sexual violence, the DIS recruited and trained a group of 80 female officers.<sup>33</sup> However, a lack of capacity and resources resulted in permanent DIS posts being set up only in refugee camps. This left most IDP camps unpatrolled and limited the impact that the group of female DIS officers could have on the safety of displaced women and girls.<sup>34</sup> Also, humanitarian organisations have voiced serious concerns about the conduct of DIS officers following reports of abuse against civilians.<sup>35</sup>

In early 2010, President Déby called for the replacement of MINURCAT's military component by national security forces that would take responsibility for the protection of civilians in eastern Chad.<sup>36</sup> Déby stressed that the force had been slow to deploy and had failed to protect civilians or build promised infrastructure projects. In May

2010, UN Security Council Resolution 1923 approved the withdrawal from Chad of all MINURCAT troops and civilian components by the end of the year.

Resolution 1923 also requires Déby's government to submit a plan of action to the Security Council demonstrating how it will undertake protection of civilians and ensure ongoing support for a new Chadian police force and the existing DIS. Although the Council acknowledged the Government of Chad's commitment to take full responsibility for the protection of civilians,<sup>37</sup> other UN officials have warned that Chad's security forces lack the training, leadership and technical capacity to ensure security.<sup>38</sup> Analysts have noted that national security forces are more likely to focus on potential offensives by Chadian rebel groups than on protecting IDPs and refugees.<sup>39</sup>

# 3

## Violence against internally displaced women and girls

### 3.1 Definition of terms

The terms “gender-based violence” and “violence against women” are often used interchangeably. This leads to confusion as there is a tendency to associate gender with women and to use gender-based violence in reference to violence against women and girls.<sup>40</sup> In its fullest sense, gender-based violence includes violence against men and boys that results from gender roles or expectations. For example, the forced recruitment of boys into armed forces is gender-based violence because of the expectation that men, rather than women, fight in wars. This report uses the narrower term “violence against women and girls” because it does not investigate gender-based violence against internally displaced men and boys.

The definition of “violence against women” that guides this report comes from the United Nations Declaration on the Elimination of Violence against Women, and includes “(a) physical, sexual and psychological violence occurring in the family ... (b) physical, sexual and psychological violence occurring within the general community, including rape, and sexual abuse ... (c) physical, sexual and psychological violence perpetrated or condoned by the state”.<sup>41</sup>

### 3.2 Stages of violence

Internally displaced persons, whether or not their liberty has been restricted, shall be protected in particular against rape, mutilation, torture, cruel, inhuman or degrading treatment or punishment, and other outrages upon personal dignity, such as acts of gender specific violence, forced prostitution and any form of indecent assault.

**Guiding Principles on Internal Displacement, Guiding Principle 11**

IDMC has identified three different stages of violence against displaced women and girls in eastern Chad since 2005. Each stage involves distinct perpetrators and types of violence and different consequences for survivors. They correspond loosely to the stages of forced internal displacement which predominated during each period.

#### *Stage 1: During conflict and flight*

The first stage of violence against internally displaced women and girls took place from 2005 to 2007. Chadian villages along the border with Darfur were attacked by Sudanese Janjaweed militia, forcing residents to flee to what they thought were safe areas. Janjaweed committed human rights abuses, including massacres, looting and burning of villages, abductions and rape. At that time, Amnesty International and Human Rights Watch published reports on the spill-over of sexual violence from Darfur.<sup>42</sup> Atrocities were committed against entire villages, and rape was used as a weapon of war, to humiliate and demoralise individuals, to tear families apart and to devastate communities.<sup>43</sup> IDPs moved closer to refugee camps in hopes of finding security and assistance from humanitarian organisations.<sup>44</sup> However, many were forcibly displaced two or three times as attacks continued further inland from the border and closer to larger towns.<sup>45</sup> IDP camps were established and more than 170,000 civilians were displaced by mid-2007. The government publicly acknowledged that its resources were directed toward fighting rebel groups and armed militia and that it could not protect or provide for the growing number of IDPs.<sup>46</sup>

Most displaced women and girls were traumatised by the extreme levels of violence they witnessed. Those who were raped faced particularly devastating consequences, including the physical wounds which resulted. An internally displaced woman recounted her experiences from that time:

“We had such a good life before. We had many mango trees on our land, we had our animals, and we always stored peanuts, sorghum, millet, gumbo, tomatoes and onions in our granaries. My husband was killed in front of me when our village was attacked and burned. He was trying to protect our house. I fled with my four children with only the clothes we were wearing. We walked for two days with other family members and fellow villagers. None of us could sleep at night because we were so frightened by the attacks. Two of my brothers and uncle were also killed. We couldn't go back to bury their bodies. These memories never go away.

“The women from my village who were raped by Janjaweed still cry when they remember what happened to them. So they try very hard to forget.”



### *Stage 2: Violence outside IDP camps*

The second stage of violence against displaced women and girls took place between 2007 and 2009. IDPs were living in camps and heavily dependent on humanitarian aid, because ongoing insecurity prevented their return and they had very limited sources of income, including lack of access to land for farming. The establishment of IDP camps resulted in enormous pressure on the area's already scarce natural resources, creating tensions between IDPs and local communities and leading to a high demand for assistance.<sup>47</sup> During this stage, displaced women and girls suffered violence when leaving IDP camps to collect firewood or go to local markets.<sup>48</sup> Many were physically attacked and raped. Perpetrators were no longer just Sudanese Janjaweed militia, but also members of the Chadian army (*Armée Nationale Tchadienne* or ANT), rebel groups and opportunistic armed bandits. Not all of these groups used rape as a weapon of war, but they all took advantage of the prevailing climate of impunity.

The fact that women and girls continued to collect firewood to cook with and to sell highlights the strong link between the lack of livelihoods and sexual violence during displacement.<sup>49</sup> When asked why men did not collect firewood in their place, a group of internally displaced women interviewed by IDMC explained:

“We had to fetch the wood ourselves. If our men had left the camps they would have been killed by the Arabs.<sup>50</sup> We also had to walk for three hours outside the camps to get water. Many women were beaten and raped and even young girls were attacked. When we could, we reported the attacks to our husbands who told the authorities, but they never did anything to protect us. When women were attacked by Arabs from nearby villages, the authorities would go to the villages and fine them, and then keep the money for themselves.”

EUFOR and MINURCAT troops were deployed during this period with a mandate to protect civilians and tasked to pay particular attention to sexual and gender-based violence.<sup>51</sup>

### *Stage 3: Violence in IDP camps*

The third stage of violence against displaced women and girls has been ongoing since 2009. IDPs have been living in camps in eastern Chad for four years. They are still dependent on humanitarian aid and, for the most part, unable to return to their villages of origin. Unlike during the two previous stages, violence against internally displaced women and girls is now happening inside IDP camps and perpetrated by members of their own communities, including family members. Types of violence during this stage include sexual violence, domestic violence

and early and forced marriages. An internally displaced woman, whose daughter was savagely beaten by her husband for disobeying him, told IDMC:

“I never saw this kind of violence before in my village. I think it's happening in the camps now because we are so poor. I've seen men rape young girls in exchange for a bar of soap.”

### **3.3 Impact of displacement on violence against women and girls**

Forced displacement is traumatic for IDPs who have experienced extreme levels of violence and who must face the separation of their families and the loss of home and property. Seeking refuge in an IDP camp in eastern Chad is an added burden because IDPs come from remote rural villages and are unaccustomed to the urban density of camps and to being forced to live alongside members of different ethnic groups.

Violence against women and girls, including sexual violence and domestic violence, is a frequent outcome of protracted displacement in IDP camps. These problems are compounded by the changes in gender roles which follow the breakdown of social and family structures resulting from forced displacement. The stress and uncertainty of the lack of productive work and lack of income, and the humiliation of the reversal of gender roles can cause internally displaced men to become violent with their families.<sup>52</sup> In camps in eastern Chad where IDPs have very few sources of income and rely heavily on humanitarian assistance, many internally displaced men have lost their traditional roles as providers for, and protectors of, their families. Many internally displaced women have become heads of families, finding themselves “forced into unaccustomed roles and responsibilities for which they are ill prepared.”<sup>53</sup> A group of internally displaced men told IDMC:

“International organisations give us food, but it is not enough to feed our families. We don't have work and cannot make money to buy more food. Our wives ask us for money every day and we have nothing to give them. We end up fighting.”

As if the situation of living in IDP camps were not difficult enough, studies have shown that internally displaced men often “feel eclipsed by the attention given to their wives and to women and girls in situations of displacement – with many agency and NGO programs geared toward the specific needs of the female population and seemingly far fewer programs for men.”<sup>54</sup> This is the case in IDP camps in eastern Chad, where awareness-raising programmes and livelihood activities have targeted women and ex-

cluded men. One of the main reasons is that humanitarian organisations have tended to see IDPs through a narrow lens of vulnerability and have designed assistance programmes accordingly. Women are seen as the victims of violence and men as the perpetrators of violence, when a more realistic conclusion is that both are survivors of the trauma of forced displacement and must be protected and assisted equitably, according to their needs.

Internally displaced men told IDMC that they had never before been asked their opinions about sexual violence and domestic violence, whereas their wives were always in meetings with NGOs talking about these issues. They described feeling disrespected by their wives who “come home after meeting with international organisations and ask for money to buy food for the family or to buy clothes for the children and say they have a right to make such demands.” What follows is violence directed against women who themselves are struggling to care for their families as best they can.

The Governor of Dar Sila put it succinctly when interviewed by IDMC:

“We had never seen sexual violence like this in eastern Chad. It’s because people are living on top of each other in camps, and fighting like animals all the time, whereas before they lived in very small villages where they owned land and farmed and didn’t have to depend on foreigners for water and food.”

When asked what type of assistance would be the most effective in addressing these issues the answer from internally displaced men was unequivocal: they are in desperate need of sources of income and believe that vocational training in essential trades such as construction, vehicle repair, blacksmithing, carpentry or tailoring would allow them to earn money and be less dependent on humanitarian assistance. An important point made by all the internally displaced men interviewed by IDMC is that humanitarian organisations must remember that they are IDPs and not refugees. To them this means that return is not the only durable solution, and that training in more than the farming skills they already know would enable them to move to other parts of the country, find work and send money home to their families.

“Many of us cannot return to our villages because our homes have been destroyed or because Arabs are living in them. It’s better for us to learn new jobs and find new ways of supporting our families.”

# 4

## Protection from violence against women and girls

### 4.1 National legislation

While the Chadian constitution establishes the equality of men and women, Chad ranked 133rd out of 134 countries in the 2009 Global Gender Gap Report,<sup>55</sup> an assessment of how well countries divide resources and opportunities among their male and female populations, regardless of the overall levels of those resources and opportunities. Chad's ranking means it has the second highest rate of measured gender inequality in the world after Yemen.

The Chadian constitution provides that all Chadians have the same rights and duties and are equal before the law without distinction due to origin, race, sex, religion, political opinion or social status. It affirms that the state has the duty to eliminate all forms of discrimination against women and assure the protection of their rights in all areas of private and public life, and also prohibits cruel, degrading or humiliating treatment and torture.<sup>56</sup>

The Chadian penal code prohibits rape and penalises it with a limited term of forced labour. The rape of a child under the age of 13 is prohibited and penalised with a life term of forced labour. The marriage of a child under the age of 13, even when customary law allows it, is considered equal to the rape of a child under the age of 13. The penal code also establishes a penalty of from two to five years of imprisonment with a fine for any person who abducts a child under the age of 15. If the abduction includes violence, the penalty ranges from five to ten years of imprisonment.<sup>57</sup>

In addition to prohibiting rape, the penal code also prohibits assault and battery. The penalty for voluntarily striking, injuring or committing any act of assault or battery against another person is from six days to a year in prison with a fine. If the violence results in illness or incapacity to work for more than 20 days, or causes mutilation, amputation or deprivation of the use of a limb or an eye, the loss of an eye, or other injuries, or when the blows or injuries are inflicted upon a child under the age of 13 the term of imprisonment is extended and the amount of the fine increased.<sup>58</sup>

The law on the promotion of reproductive health also addresses violence. It prohibits torture and cruel, inhuman or degrading treatment of a person's body in general and of their reproductive organs in particular. It also prohibits female genital mutilation (FGM), early and forced marriage, domestic violence and sexual abuse, all of which

carry a penalty of five months to five years of imprisonment and a fine.<sup>59</sup>

#### *Impact of national legislation*

Despite these legal prohibitions, violence against internally displaced women and girls is widespread. Legal gaps such as a lack of implementing decrees for laws that have been passed,<sup>60</sup> the climate of impunity, the taboos surrounding sexual crimes and the stigmatisation of women and girls combine to ensure that perpetrators in Chad are rarely, if ever, reported, and there is a very limited expectation that justice will be done.<sup>61</sup> In the absence of enforcement, even the best laws do not prevent violence against women and girls.

A clear example of this problem is the law on the promotion of reproductive health. Passed eight years ago, it cannot be enforced until the Chadian parliament enacts an implementing decree. The parliament's failure to enact the implementing decree is in direct violation of the state's constitutional duty to eliminate all forms of discrimination against women and assure the protection of their rights in all areas of private and public life.<sup>62</sup> In addition, the law on the promotion of reproductive health is particularly important for internally displaced women and girls as it prohibits all forms of violence, including domestic violence.

In 1994, Chad created a National Human Rights Commission tasked with submitting opinions to the government concerning human rights issues, including the status of women and the rights of children.<sup>63</sup> However, the Commission lacks independence from the legislature, and so is not in a position to submit objective opinions on the human rights of internally displaced women and girls. It has yet to include the human rights of internally displaced women and girls in its work.

### 4.2 International framework

The government of Chad has made international commitments to protect the rights of women and girls. Of particular relevance for displaced women and girls in Chad are the ratification of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); the Convention on the Rights of the Child (CRC); the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT); the Inter-

national Covenant on Civil and Political Rights (ICCPR) and the Rome Statute of the International Criminal Court.

States party to CEDAW are required to eliminate all acts and practices of discrimination against women, by ensuring, among other things, that no existing national laws discriminate against women. However, Chad has not ratified the Optional Protocol to CEDAW, which establishes complaint and inquiry mechanisms for the Convention. Parties to the Protocol allow the Committee on the Elimination of Discrimination against Women to hear complaints from individuals or inquire into “grave or systematic violations” of the Convention.

CRC prohibits all forms of violence against children, including sexual abuse and exploitation, as well as discrimination based on gender.

CAT prohibits torture under all circumstances, defining it as “any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person ... when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.”

ICCPR seeks to protect rights without distinction of any kind and requires states to ensure the equal right of men and women to the protections outlined in the Covenant, including the right to liberty and security of person.

The Rome Statute recognises rape, sexual slavery, enforced prostitution, forced pregnancy and enforced sterilisation “or any other form of sexual violence of comparable gravity” as a crime against humanity, a war crime, or an act constitutive of genocide if the action is part of a widespread or systematic practice.

Various resolutions and declarations of the UN Security Council and the General Assembly have condemned gender-based violence and emphasised the responsibility of states to end impunity for war crimes and crimes against humanity, including sexual violence and other forms of violence against women and girls.<sup>64</sup> Five Security Council resolutions affecting women and girls during periods of armed conflict are of particular importance when analysing the situation in Chad, as Chad is on the Security Council agenda and has a UN peacekeeping mission. They are:

- Resolution 1325 on women, peace and security, adopted in 2000, which specifically addresses the situation of women in armed conflict and calls for their participation in all levels of decision-making on conflict prevention and peace processes, early recovery, governance and peace operations.
- Resolution 1612 on children and armed conflict, adopted in 2005, which establishes a monitoring and reporting

mechanism on children in armed conflict, and includes rape and other forms of sexual violence among the six gravest violations against children.

- Resolution 1820, adopted in 2008, which calls for an end to widespread conflict-related sexual violence and for accountability in order to end impunity.
- Resolution 1882, adopted in 2009, which requires that parties to armed conflict who commit rape and other forms of sexual violence against children be listed in the UN Secretary-General’s reports on children in armed conflict.
- Resolution 1888, adopted in 2009, which mandates peacekeeping missions to protect women and girls from sexual violence during armed conflict and calls for the appointment of a Special Representative to the UN Secretary-General on sexual violence in conflict.

Two instruments that are important for the protection of internally displaced women and girls in Chad are the Declaration on the Elimination of Violence against Women and the UN Guiding Principles on Internal Displacement. They are not binding on states but are based on binding international law. The Declaration recognises “the urgent need for the universal application to women of the rights and principles with regard to equality, security, liberty, integrity and dignity of all human beings”. It is often seen as complementary to, and a strengthening of, the work of CEDAW. The Guiding Principles spell out the rights of IDPs and the responsibilities of states (and other actors) towards them, before, during and after displacement.<sup>65</sup> Chad has yet to enact the Guiding Principles into national law.

### 4.3 Regional framework

Three regional instruments are relevant for the protection of internally displaced women and girls in Chad: the African Charter on Human and People’s Rights (Banjul Charter), its Protocol on the Rights of Women in Africa (the Maputo Protocol) and the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (the Kampala Convention). Of the three, Chad has only ratified the Banjul Charter, which guarantees the “elimination of every discrimination against women ... and protection of the rights of the woman and the child”, as well as the right to integrity of one’s person, the right to be free of “all forms of exploitation and degradation ... particularly slavery, slave trade, torture, cruel, inhuman or degrading punishment and treatment.”

The Maputo Protocol prohibits all forms of exploitation and cruel, inhuman or degrading punishment and treatment. It also outlines specific protections for states to ensure, such as enacting and enforcing laws to prohibit all forms of violence against women; adopting legislative, ad-

ministrative, social and economic measures as necessary to ensure the prevention, punishment, and eradication of all forms of violence against women; punishing perpetrators of gender-based violence and providing accessible services for survivors of gender-based violence.

Chad signed the Kampala Convention in June 2010 and in November 2010 the parliament voted in favour of its ratification; however it has yet to ratify it. The Convention prohibits members of armed groups from engaging in sexual slavery and trafficking of persons, specially women and children, and provides that state parties shall protect the rights of IDPs by refraining from or preventing sexual and gender-based violence in all its forms, notably rape, enforced prostitution, sexual exploitation and harmful practices, and shall take special measures to protect and provide for the reproductive and sexual health of internally displaced women as well as provide appropriate psycho-social support for victims of sexual and other related abuses.

Ratification of the Maputo Protocol and the Kampala Convention by Chad would show its commitment to protecting the rights of IDPs, including internally displaced women and girls.

The problem in Chad is not the lack of legal norms but the failure to respect, protect and fulfill these rights. As with national laws, the regional and international commitments made by Chad to protect the rights of displaced women and girls are of little consequence if they are not properly enforced. The international community has a role to play by encouraging Chad to meet its obligations and by holding the government accountable through review mechanisms and even sanctions.

In May 2009, the human rights situation in Chad was reviewed by the UN Human Rights Council. The final report on Chad highlighted the problem of impunity and of violence against vulnerable groups including internally displaced women and girls.<sup>66</sup> Recommendations to the government of Chad included that it undertake more effective measures to improve the security of women and girls, in particular those who live in the conflict areas; take all necessary measures to protect women and girls from sexual violence in the context of armed conflict; establish a comprehensive strategy to ensure the protection of women and girls from all forms of violence, particularly sexual violence; fully implement and raise awareness of legislation prohibiting violence against women; and end impunity by investigating crimes against women and by prosecuting perpetrators.

## 5.1 Government response

National authorities have the primary duty and responsibility to provide protection and humanitarian assistance to internally displaced persons within their jurisdiction.

**Guiding Principles on Internal Displacement,  
Guiding Principle 3**

The Chadian government has taken steps to respond to the situation of IDPs, but their impact has been limited. In 2007, it established a national committee to assist IDPs, the *Comité national chargé d'assistance aux personnes déplacées* (CNCAPD), but its resources and staff have been limited and it has delivered only sporadic assistance. In 2008, the government also set up the *Coordination Nationale d'Appui au déploiement de la Force Internationale à l'Est du Tchad* (CONAFIT) to coordinate humanitarian activities with EUFOR, MINURCAT and the humanitarian organisations working in Chad. Neither CNCAPD nor CONAFIT have the permanent presence in areas of displacement that would allow them to work more closely with humanitarian organisations and to develop durable solutions for IDPs.

In Chad, the *Ministère de l'Action Sociale, de la Solidarité Nationale et de la Famille* (Ministry of Social Action, National Solidarity and Family) is responsible for addressing gender-related issues. In June 2009, this ministry, with assistance from the UN, launched a national awareness-raising campaign to combat violence against women. The campaign sought to raise awareness regarding rape, sexual harassment, female genital mutilation (FGM), discrimination against women and early marriage.<sup>67</sup> However, while the provision of information and raising of awareness are important steps for preventing and combating violence against women, services for survivors of violence must be provided in parallel. Examples of services include shelters for battered women and their children and psychosocial treatment programmes for survivors of sexual violence. Awareness-raising campaigns will only have a limited impact if survivors have nowhere to turn for help.

In May 2010, the UN ended military patrols and escorts for humanitarian activities at the request of the Chadian government. In response to concerns voiced by UN officials that Chad's security forces lack the training, leadership and technical capacity to ensure the protec-

tion of civilians,<sup>68</sup> the government created the Office of Security and Movement (*Bureau de sécurisation et des mouvements* or BSM) which is charged with coordinating security patrols and escorts for humanitarian workers. In July 2010, the UN installed 19 free emergency call centres at DIS posts to facilitate direct access of IDPs, refugees and host communities.<sup>69</sup> Despite their installation, it is unclear whether civilians have the means to call for help if attacked or whether DIS has the capacity to respond to such calls in a timely and effective manner.

Other steps taken by the government that will have a positive impact on the protection of IDPs include the deployment of security forces along the border with Darfur, the signing in June 2010 (along with Cameroon, CAR, Niger, Nigeria and Sudan) of the N'Djamena Declaration to end the recruitment and use of children by armed forces and groups,<sup>70</sup> and the holding of workshops on international human rights for members of the army, gendarmerie and national police.<sup>71</sup>

However, the government of Chad has yet to enact national legislation to protect IDPs, or to prevent and respond to violence against internally displaced women and girls in situations of armed conflict. Security Council Resolution 1820 ascribes to states the primary responsibility for preventing and responding to gender-based violence in situations of armed conflict. This includes taking all necessary legislative, administrative, judicial and other measures to prevent, investigate and punish acts of gender-based violence and to provide adequate care, treatment and support to survivors.<sup>72</sup> The Representative of the UN Secretary-General on the human rights of IDPs has encouraged the government to systematically collect qualitative and quantitative data on gender-based violence and to implement strategies and legislation to deal with sexual violence.<sup>73</sup>

Overall, the Chadian government has been unwilling to respond directly and effectively to the problem of violence against displaced women and girls in eastern Chad by providing security in areas of displacement and much-needed services for survivors of violence. However, its most egregious abrogation of responsibility has been its failure to investigate allegations of sexual violence by members of state security forces and prosecute and punish those responsible. The UN Secretary-General has stressed that impunity and government inaction regarding sexual violence in situations of armed conflict only serve to worsen such violence.<sup>74</sup>

## 5.2 Humanitarian support and referral systems

Special attention should be paid to the health needs of women, including access to female health care providers and services, such as reproductive health care, as well as appropriate counselling for victims of sexual and other abuses.

**Guiding Principles on Internal Displacement, Guiding Principle 19**

The humanitarian community in eastern Chad has established a referral system which allows internally displaced women and girls who are survivors of violence to seek medical, psychosocial and legal assistance. While this three-part referral chain is an important protection mechanism for them, it has several gaps that merit attention.

### *Medical services*

Medical services are provided free of cost at health centres or posts inside IDP camps run by international NGOs. These services are currently being provided by Cooperazione Internazionale (COOPI), but have also been provided by Médecins Sans Frontières. Survivors of sexual violence receive post-rape care in line with World Health Organisation guidelines, and they are also given information about available free legal and psychosocial services and are referred if they are interested.

Of concern is the unwillingness of NGO doctors working in eastern Chad to issue medical certificates to displaced women and girls who are survivors of violence and who are also their patients, as survivors cannot pursue legal remedies without medical certificates. All doctors interviewed by IDMC explained that medical certificates can only be issued by the *Médecin Chef de District* (MCD) who is the government official in charge of medical services in the department of Dar Sila. They added that other factors preventing them from issuing medical certificates include the short length of their contracts (which means they would no longer be working in the area by the time a legal case gets heard before a mobile court) and the perceived negative effect on their neutrality and impartiality as humanitarian workers if they were called to testify before a Chadian court on behalf of the survivor.

The MCD, who is also a doctor and who works in the district hospital in Goz Beida, said that the Chadian government decision to accredit international medical NGOs to provide services in eastern Chad means that NGO doctors are legally permitted the full exercise of their profession, including issuing all types of medical cer-

tificates, including for survivors of sexual violence. He added that there are no provisions in Chadian law forbidding NGO doctors who are accredited to work in Chad from issuing medical certificates. He suggested that the problem results from a misunderstanding of the Chadian legal system as doctors who issue medical certificates would not be called to testify before a court or asked to authenticate the certificate in person. According to the MCD, a more plausible explanation was the difficulty in issuing medical certificates long after survivors have been attacked, when there is little remaining evidence of the violence.

While the issue of evidence is understandable, the unwillingness of NGO doctors to issue medical certificates constitutes an administrative obstacle for survivors who wish to pursue legal remedies. On the one hand, a survivor cannot proceed with a legal case without a medical certificate; on the other hand, it is extremely difficult for internally displaced women or girls to travel to the district hospital in Goz Beida to be re-examined by the MCD in order to try to obtain one. This situation deters survivors from pursuing legal remedies.

### *Psychosocial services*

Psychosocial services are the weakest link of the three-part referral chain. Currently, psychosocial support for IDPs is only available in a few camps near the town of Koukou-Angarana, provided by Lutheran World Federation/Action by Churches Together (LWF/ACT).<sup>75</sup> The Hebrew Immigrant Aid Society (HIAS) had provided psychosocial support to IDPs in camps near the town of Goz Beida, but suspended these services due to cuts in funding.

In eastern Chad, psychosocial support for IDPs consists of prevention work. Awareness-raising about sexual violence and available legal and medical services is conducted through displaced women's committees and gender-based violence committees (made up of displaced women and men) which meet regularly in IDP camps. Committees relay information about sexual violence and available services to other IDPs and encourage women who are survivors of violence to seek assistance.

While prevention work is an important component of psychosocial interventions in displacement settings because it addresses the causes of sexual violence, treatment of survivors of violence is equally important, not only to address the long-term psychological effects of what survivors have endured, but also for the well-being and development of their communities. In eastern Chad, HIAS has provided psychological support to refugees from Darfur suffering from trauma created by experiences of violence. Treatment has included individual and group

counselling by trained and qualified psychologists and group activities which include drama and art therapy. Although IDPs in eastern Chad have suffered similar experiences of violence as Darfuri refugees, psychological treatment has not been prioritised for IDPs and funding has not been made available.

A more comprehensive approach to funding and delivering psychosocial services is needed, for effective prevention and treatment programmes for IDPs in general, and more specifically for internally displaced women and girls who are survivors of violence. UN Security Council Resolution 1820 on sexual violence in conflict urges member states, UN agencies and financial institutions “to support the development and strengthening of the capacities of national institutions, in particular of judicial and health systems, and of local civil society networks in order to provide sustainable assistance to victims of sexual violence in armed conflict and post-conflict situations.”<sup>76</sup>

### Legal services

Legal services are provided by the Association for the Promotion of Fundamental Rights in Chad (*Association pour la promotion des Libertés Fondamentales au Tchad* or APLFT), with the support of UNHCR.<sup>77</sup> APLFT provides legal counselling and helps IDPs seek legal redress for human rights abuses, including sexual violence. Assistance in preparation of cases includes drafting the complaint in French, reading the complaint to the plaintiff in Arabic and accompanying the plaintiff to file the complaint before the gendarmerie and give an oral statement of the facts of the case (*procès verbal*) as required by the code of penal procedure. The complaint and oral statement can now also be filed before the DIS, as it has been provided with judicial police capability.

The main problem is the absence of a functioning formal legal system in eastern Chad. Residents of rural areas lack access to formal judicial institutions<sup>78</sup> and rely on customary courts headed by local village or cantonal leaders (*chefs des cantons*) who intervene regularly to solve conflicts on property and family affairs.<sup>79</sup> The Chadian constitution stipulates that customary rules are applicable in communities where they are recognised, provided they do not conflict with statutory law, do not promote inequality between citizens, and that customary rules governing matrimonial regimes and inheritance are applicable only with the consent of the parties concerned.<sup>80</sup>

There is little or no presence of functioning courts in areas of displacement. As part of its programmes to promote rule of law and build the capacity of the Chadian judiciary, the UN has enabled a system of mobile courts to bring magistrates and prosecutors to rural areas, including areas of displacement. However, local residents and

IDPs must wait up to a year for the visit of mobile courts to adjudicate cases. To date in 2010, no mobile courts sessions have taken place in the department of Dar Sila and no judgements have been made.<sup>81</sup> Sexual violence cases are rarely addressed in these sessions and in general IDPs prefer to seek redress in customary courts

The absence of a functioning legal system in eastern Chad has fostered the impunity of perpetrators of violence against internally displaced women and girls. But in any case, most people in eastern Chad seek justice through customary courts, which pass sentences in a timelier manner, to provide resolution for the plaintiffs and the community at large. The need for resolution should not be underestimated among communities who have suffered the trauma of forced displacement and among survivors of sexual violence.

Internally displaced women interviewed by IDMC explained that even when customary courts criminalise a survivor of sexual violence, for example by defining rape as adultery and thereby fining both the survivor and the perpetrator, the sentencing represents a form of justice for the survivor and a resolution of the crime for the community. This is preferable to waiting for a mobile court that will most likely not hear or adjudicate cases of sexual violence. An internally displaced woman whose young daughter was raped and who filed a complaint with the help of APLFT said:

“I’ve been waiting for a year and a half for a judge to look at my case. I should have spoken to the *chef de canton* and asked for his help. My daughter has nightmares and is scared to go to school, even with her brothers, and everyone knows where he [the perpetrator] lives. He’s not even hiding.”

## 5.3 Elements of the UN response

International humanitarian organisations and other appropriate actors when providing assistance should give due regard to the protection needs and human rights of internally displaced persons and take appropriate measures in this regard.

**Guiding Principles on Internal Displacement, Guiding Principle 27**

The UN’s humanitarian response in eastern Chad is led by a Resident Coordinator / Humanitarian Coordinator. More than 70 international humanitarian organisations provide assistance to displaced communities in eastern Chad, including IDPs and refugees from Darfur. The UN Office for the Coordination of Humanitarian Affairs (UN



OCHA) has overall responsibility to coordinate the requests for funding of humanitarian organisations through a consolidated appeals process (CAP).

In October 2010, 58 per cent of the \$544 million requested in the 2010 CAP had been funded.<sup>82</sup> Sectors of assistance which are important for displaced women and girls remain underfunded in the 2010 CAP: the protection, health and livelihoods sectors were only 19, 50 and 29 per cent funded, respectively.<sup>83</sup> In 2009, of the \$400 million requested in the 2009 CAP, these sectors were only funded 40, 29 and 15 per cent.<sup>84</sup> To address this situation and respond to the food and malnutrition crisis in western Chad, the UN's Central Emergency Response Fund (CERF) has allocated \$15 million to the 2010 CAP, making CERF the second largest responder after the US.<sup>85</sup>

### *Clusters*

The cluster system was introduced in Chad in July 2007 to improve the protection and assistance of IDPs by humanitarian agencies. Chad was chosen as one of five pilot countries because of the complexity of its humanitarian crisis and the marked failings of the international community's response to internal displacement.<sup>86</sup> These failings were characterised by an inability to maintain a stable flow of assistance to refugee camps while also responding to the needs of thousands of IDPs in a region with a sudden rise of insecurity.

13 clusters are now operational in Chad, including the protection cluster. The latter has two sub-clusters: on GBV, led by the United Nations Population Fund (UNFPA) and on child protection, led by UNICEF. While clusters have improved the coordination of the humanitarian response to internal displacement in Chad, difficulties in integrating cross-cutting issues such as gender into all sectors of assistance have not been resolved.<sup>87</sup>

UNHCR and partner organisations conduct protection monitoring in IDP camps, including of GBV and child protection issues, and refer individual cases for medical care or legal assistance. As the protection cluster lead, UNHCR is in charge of producing a monthly record of all reported individual protection cases and actions taken. No specific GBV or child protection reports have been produced; with the introduction of the Gender-Based Violence Information Management System (GBVIMS) in Goz Beida in June 2010, it was planned that a monthly GBV report would be introduced,<sup>88</sup> but this had not yet happened as of October 2010.

The GBVIMS was designed to enable humanitarian organisations responding to GBV to safely collect, store and analyse data on reported cases. While this is an important step in dealing appropriately with data on individual GBV

cases, it will only have a marginal impact on the lives of survivors of violence until the serious service gaps of the existing referral system are resolved. Collecting, storing and analysing data on individual GBV cases is only effective if what is done with the data leads to proper care of survivors and if legal assistance translates into adjudication of cases. Failure to improve the referral system will continue to limit the protection cluster to using data on individual GBV cases for the sole purpose of producing monthly reports and statistics.

### *GenCap advisors*

The gender capacity standby roster (GenCap) was created in 2007 and is managed by the Norwegian Refugee Council, UN OCHA and the Inter-Agency Standing Committee (IASC) Sub-Working Group on Gender in Humanitarian Action. It deploys gender experts for periods from six to twelve months to support UN country teams in collecting and analysing information, programme planning, capacity building, coordination and advocacy on gender equality programming.<sup>89</sup>

Two GenCap advisors have been deployed to eastern Chad since 2009. The first was seconded to UNFPA and set up the GBV sub-cluster, developed GBV standard operating procedures for IDP camps, standardised the reporting of GBV incidents between IDP and refugee camps and conducted training workshops for GBV service providers. The second GenCap advisor was seconded to UN OCHA in April 2010 and is currently working on mainstreaming gender issues within the cluster system.

### *MINURCAT gender unit*

MINURCAT's mandate includes monitoring, promoting and protecting human rights with particular attention to sexual and gender-based violence. The MINURCAT gender unit has a training and advisory role in this regard: it has trained peacekeeping troops, UNPOL officers and DIS officers on GBV in general and on how to refer cases for legal, medical and psychosocial assistance; worked with UNPOL and DIS to set up Women and Children protection units within DIS posts; conducted workshops on implementing Security Council Resolutions 1325 and 1820 and worked closely with the government to launch a nationwide campaign on violence against women. The MINURCAT gender unit has also trained troops on sexual exploitation and abuse and helped to establish a Conduct and Discipline Unit. With the withdrawal of MINURCAT from Chad by the end of 2010, the mission is now concentrating on building the capacity of government counterparts and civil society organisations to assume MINURCAT's gender responsibilities and to this end to develop a national strategy on sexual and gender-based violence.<sup>90</sup>

The MINURCAT Human Rights Section has also monitored and investigated GBV and child protection cases in IDP camps. It has brought these cases directly to the attention of Chadian officials as a way of trying to fight impunity by encouraging the prosecution of perpetrators. It has also produced its own monthly reports, which created tensions between UNHCR and MINURCAT because of what several NGOs called the “two parallel systems of protection monitoring in the same camps.”<sup>91</sup> While the active participation of the MINURCAT Human Rights Section in the protection cluster and sub-cluster groups, and its close coordination with other protection-mandated UN agencies and NGOs has helped to mitigate these tensions, the larger problem of a referral system that is not assisting survivors of violence effectively or the lack of a functioning legal system which does not adjudicate cases of sexual violence is still unresolved.

In this sense, while clusters, GenCap advisors and the MINURCAT gender unit have been successful in setting up coordination systems in eastern Chad, their coordinated activities have had a very limited impact on the lives of displaced women and girls.

## 5.4 Education

Every human being has the right to education. To give effect to this right for internally displaced persons, the authorities concerned shall ensure that such persons, in particular displaced children, receive education which shall be free and compulsory at the primary level.

**Guiding Principles on Internal Displacement,  
Guiding Principle 23**

While education can be a protection measure for children, access to education for internally displaced children in eastern Chad is remarkably low. Humanitarian donors have not sufficiently funded the education sector, while the Chadian government has not lived up to its constitutional and international legal obligations to educate all children. These factors, in addition to cultural factors such as early marriage that affect girls in particular, keep internally displaced children out of school and at greater risk of violence and exploitation.

Primary education for internally displaced children between the ages of six and 12 has remained severely under-funded. Only 15 per cent of the sum requested in the 2009 CAP was funded, and only 12 per cent of the 2010 CAP was funded as of October.<sup>92</sup> At the peak of the displacement crisis in 2008, UNICEF reported 30 per cent of internally displaced children in camps were

enrolled in schools in IDP camps.<sup>93</sup> Since then, enrolment has increased to 43 per cent in 2009. In comparison, 80 per cent of refugee children from Darfur were enrolled in schools in refugee camps in 2009.<sup>94</sup>

However, while access to education for internally displaced children is far worse than for refugee children, it is far better than for local children who are not displaced. Only ten per cent of children in Dar Sila were enrolled in schools before the displacement crisis began.<sup>95</sup> The Jesuit Refugee Services (JRS), an international NGO that works in education in IDP camps, observed that the large majority of internally displaced children did not know what a school was and did not have schools in their villages of origin.<sup>96</sup> One of the biggest challenges identified by UNICEF is the lack of teachers. UNICEF has urged government officials to take genuine responsibility for recruiting, deploying and paying teachers to work in IDP camps, but as well as the meagre salaries, insecurity in the region discourages many teachers from taking jobs in eastern Chad. JRS trains teachers from within internally displaced communities, but nearly 95 per cent of IDPs are either illiterate or have only a first grade education.<sup>97</sup>

This situation violates the Chadian constitution, which charges the government with establishing conditions and institutions to ensure and guarantee the education of children.<sup>98</sup> It also violates various international human rights treaties to which Chad is party, including the African Charter on the Rights and Welfare of the Child and the Convention on the Rights of the Child, all of which state that every child has the right to an education and that the state shall make primary education free and compulsory.

While studies have shown that education is an important protection mechanism for internally displaced boys who would otherwise be vulnerable to forced recruitment by armed groups or to economic exploitation,<sup>99</sup> there is no information as to whether education can be an equally important mechanism for protecting internally displaced girls from sexual or domestic violence in eastern Chad. Obtaining this information would require further specific research, including a comparative analysis of whether rates of violence against refugee girls in eastern Chad who have accessed education have decreased. It is important to note that sexual violence also occurs in schools, where it is perpetrated by teachers and school staff and directed mostly against girls.<sup>100</sup> This is a protection risk that must be weighed and addressed when advocating for education as a mechanism to protect internally displaced girls from violence in eastern Chad.

The fact remains that internally displaced girls have much less access to education in eastern Chad due to cultural practices such as early marriage and pregnancy, and

child labour that force girls to stay at home to care for household duties.<sup>101</sup> But according to JRS, the changes made possible by new schools have been most notable among girls, who “need a little more courage to come to class, because they have the additional burden of house-work, but many girls have been recognised as the best students, and they’re proud to be there”.<sup>102</sup>

A young girl who was raped by a family member in an IDP settlement told IDMC that she would only want to return to her village of origin if a school was built there:

“In my village, I had to help my mum in the fields every day. It was really hard work and I only got to rest when I walked home to fetch our lunch. I started going to school after we had to leave our village and had to come here to live. I wish I could go to school every day because I really love maths. It’s more fun than having to work in the fields. When I’m studying maths I don’t have to remember what happened to me.”

# 6

## Conclusion: promoting human rights

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

**Universal Declaration of Human Rights, Article 8**

The obligation of states to respect and implement international human rights law does not just include the duty to prevent violations or investigate violations and take action against those responsible, it also includes the duty to provide effective remedies to victims of violations of human rights.<sup>103</sup> The right to remedy is sanctioned by regional and international conventions to which Chad is party, including the Banjul Charter and the International Covenant on Civil and Political Rights.

The Chadian government has failed to meet its responsibility to address violence against internally displaced women and girls: it has not deployed security forces to provide effective protection for civilians; it has not provided essential services such as accessible health care or any form of psychosocial support for survivors of violence; it has not allocated financial resources for services such as shelters or facilities that protect survivors of violence; it has not passed implementing decrees for laws that prohibit violence against women and girls; and it has not implemented a policy of investigating and prosecuting perpetrators of violence against women and girls.

The government has also failed to provide effective remedies to internally displaced women and girls: it has not established permanent courts in areas of displacement, deployed mobile courts on a regular basis until permanent courts are established, trained statutory courts to adjudicate cases of sexual violence, or trained customary courts to adjudicate cases of sexual violence in line with international human rights law and Chadian statutory law.

Amnesty International calls women in eastern Chad, who make up the majority of the internally displaced population, the “forgotten victims of the ongoing armed conflict”.<sup>104</sup> Displaced women and girls in eastern Chad who are survivors of violence have their rights consistently violated, not only by perpetrators of violence, but also by a government that does not protect and assist them and does not provide them with access to justice.

As international peacekeepers prepare to leave the country, the urgent need for the government to meet its duties in providing effective protection and justice cannot be overstated. A woman who was raped by a member of an armed group while she was collecting firewood outside of an IDP camp expressed this urgency in few words:

“Here in Chad men can do whatever they want to a woman. This is because nothing happens to them. Even husbands can do whatever they want to their wives. They can even kill them. Women suffer in silence and we have no one to help us.”

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## Annexe 1: International and regional instruments that protect the rights of women and girls

### Instruments ratified by Chad

African Charter on Human and People's Rights (the Banjul Charter)

African Charter on the Rights and Welfare of the Child

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

Convention of the Rights of the Child (CRC)

Optional Protocol to CRC on the involvement of children in armed conflict

Optional Protocol to CRC on the sale of children, child prostitution and child pornography

Geneva Conventions of 12 August 1949

Additional Protocols to the Geneva Conventions of 12 August 1949 (Protocols I and II)

ILO Convention 138 concerning Minimum Age for Admission to Employment

ILO Convention 182 concerning Worst Forms of Child Labour

International Convention on the Elimination of All Forms of Racial Discrimination (CERD)

International Covenant on Civil and Political Rights (ICCPR)

International Covenant on Economic, Social, and Cultural Rights (ICESCR)

Rome Statute of the International Criminal Court

### Instruments not ratified by Chad

African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (the Kampala Convention)

Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (the Maputo Protocol)

## Annexe 2: Useful references

### Guidelines

*Clinical Management of Rape Survivors: Developing Protocols for Use with Refugees and Internally Displaced Persons*, World Health Organization (WHO) / United Nations High Commissioner for Refugees (UNHCR), 2004.

*Ethical and Safety Recommendations for Researching, Documenting and Monitoring Sexual Violence in Emergencies*, WHO, 2007.

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*Guidelines for Medico-Legal Care for Victims of Sexual Violence*, WHO, 2003.

*Putting Women First: Ethical and Safety Recommendations for Research on Domestic Violence against Women*, WHO, 2001.

*Reporting and Interpreting Data on Sexual Violence from Conflict-Affected Countries: Dos and Don'ts*, UN Action against Sexual Violence in Conflict, 2008.

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*Violence against Women and Girls: A Compendium of Monitoring and Evaluation Indicators*, Inter-Agency Gender Working Group, USAID, MEASURE Evaluation, 2008.

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### Websites

ELDIS  
<http://www.eldis.org/go/topics/resource-guides/gender/>

Gender-Based Violence Network  
<http://www.gbvnetwork.org/>

Gender matters - EC/UN Partnership on Gender Equality for Development and Peace  
<http://www.gendermatters.eu/>

IASC e-learning course "Different Needs – Equal Opportunities: Increasing Effectiveness of Humanitarian Action for Women, Girls, Boys and Men"  
<http://www.interaction.org/iasc-gender-elearning>

IASC Sub-Working Group on Gender and Humanitarian Action  
<http://www.humanitarianinfo.org/iasc/pageloader.aspx?page=content-subsidi-common-default&sb=1>

International Rescue Committee (IRC)  
<http://www.theirc.org/special-reports/ending-violence-against-women>

One Response – Global Clusters  
<http://oneresponse.info/GlobalClusters/Protection/GBV/Pages/Gender-Based%20Violence.aspx>

Reproductive Health Response in Conflict (RHRC) Consortium  
<http://www.rhrc.org/resources/index.cfm?sector=gbv>

The Secretary-General's Database on Violence against Women  
<http://webapps01.un.org/vawdatabase/home.action>

Sexual Violence Research Initiative (SVRI)  
<http://www.svri.org/>

Stop Rape Now (United Nations Action against Sexual Violence in Conflict)  
<http://www.stoprapenow.org/>

United Nations Population Fund (UNFPA)  
<http://www.unfpa.org/gender/>

Virtual Knowledge Centre to End Violence against Women and Girls (UNIFEM)  
<http://www.endvawnow.org/>

Women, War and Peace  
<http://www.womenwarpeace.org/>

World Health Organization (WHO)  
<http://www.who.int/gender/whatisgender/en/>  
<http://www.who.int/gender/violence/en/>



## About the Internal Displacement Monitoring Centre

The Internal Displacement Monitoring Centre (IDMC) was established by the Norwegian Refugee Council in 1998, upon the request of the United Nations, to set up a global database on internal displacement. A decade later, IDMC remains the leading source of information and analysis on internal displacement caused by conflict and violence worldwide.

IDMC aims to support better international and national responses to situations of internal displacement and respect for the rights of internally displaced people (IDPs), who are often among the world's most vulnerable people. It also aims to promote durable solutions for IDPs, through return, local integration or settlement elsewhere in the country.

IDMC's main activities include:

- Monitoring and reporting on internal displacement caused by conflict, generalised violence and violations of human rights;
- Researching, analysing and advocating for the rights of IDPs;
- Training and strengthening capacities on the protection of IDPs;
- Contributing to the development of standards and guidance on protecting and assisting IDPs.

For more information, visit the Internal Displacement Monitoring Centre website and the database at [www.internal-displacement.org](http://www.internal-displacement.org)

Media contact:

**Kate Halff**  
Head of IDMC  
Tel.: +41 22 799 0703  
Email: [kate.halff@nrc.ch](mailto:kate.halff@nrc.ch)

**Laura Perez**  
Country Analyst  
Tel: +1 646 267 1090  
Email: [laura.perez@nrc.ch](mailto:laura.perez@nrc.ch)

Internal Displacement Monitoring Centre  
Norwegian Refugee Council  
Chemin de Balxert 7-9  
1219 Châtelaine (Geneva)  
Tel: +41 22 799 0700, Fax: +41 22 799 0701  
[www.internal-displacement.org](http://www.internal-displacement.org)