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## 1999 Country Reports on Human Rights Practices

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### TOGO

Togo is a republic dominated by President General Gnassingbe Eyadema, who has ruled since 1967, when he came to power in a military coup. Although opposition political parties were legalized following widespread protests in 1991, Eyadema and his Rally of the Togolese People (RPT), strongly backed by the armed forces, have continued to dominate the exercise of political power. Eyadema used his entrenched position to repress genuine opposition and to secure another 5-year term in an election held in June 1998, which, like previous multiparty elections, was marred by systematic fraud. Serious irregularities in the Government's conduct of the election strongly favored the incumbent and appear to have affected the outcome materially. Despite the Government's professed intention to move from authoritarian rule to democracy, institutions recently established ostensibly to accomplish this transition, did not do so in practice. For example, when the recently created independent National Electoral Commission effectively disbanded without declaring the winner of the June 1998 election, the new Constitutional Court did not challenge the Interior Ministry's announcement that Eyadema had been reelected, even though the Court ruled that the Ministry had usurped the Commission's exclusive legal authority to validate election results. Eyadema and his supporters maintain firm control over all facets and levels of the country's highly centralized government and have perpetuated the dominance of northern ethnic groups, including Eyadema's Kabye ethnic minority, throughout the public sector, especially in the military. In the March legislative elections, which were boycotted by the opposition, the President's Rally for the Togolese People (RPT) won all but 2 of the 81 seats in the National Assembly; moreover, the elections were marred by procedural problems and significant fraud, particularly misrepresentation of voter turnout. The executive branch continues to influence the judiciary.

The security forces comprise the army (including the elite Presidential Guard), navy, air force, the Surete Nationale (including the national police), and the Gendarmerie. Approximately 90 percent of the army's officers and 70 percent of its soldiers come from the Kabye ethnic minority. Although the Minister of the Interior is in charge of the

national police, and the Defense Minister has authority over most other security forces, all security forces effectively are controlled by President Eyadema. Members of the security forces continued to commit serious human rights abuses.

About 80 percent of the country's estimated population of 4.25 million is engaged in subsistence agriculture, but there is also an active commercial sector. The main exports are phosphates, cotton, and cocoa, which are the leading sources of foreign exchange. Per capita gross domestic product remains less than \$400 a year. Economic growth continues to lag behind population growth. The economy is impeded by a large and inefficient state-owned sector, high (albeit declining) spending on the security forces, widespread corruption, and lack of government budget and fiscal discipline. Most major bilateral donors have suspended their aid due to the Government's weak democratization efforts and poor human rights record. Some international financial institutions have also halted budgetary assistance to the Government.

The Government's human rights record continued to be poor; while there were some improvements in a few areas, serious problems remain. Legislative elections did not reflect the will of the electorate and once again the government thwarted citizens' right to change their government. Security forces were responsible for extrajudicial killings, but there were fewer than in the previous year. Security forces also used beatings, and arbitrary arrests and detentions. The Government did not, in general, investigate or punish effectively those who committed such abuses, nor did it prosecute openly those persons responsible for extrajudicial killings and disappearances in recent years. Prison conditions remained very harsh, and prolonged pretrial detention was common. The Government continued to influence the judiciary, which is understaffed and overburdened, and did not ensure defendants' rights to fair and expeditious trials. Some detainees wait years to be judged. Security forces infringed on citizens' privacy rights. The Government and the security forces restricted freedom of speech and of the press, often using investigative detention to harass journalists and political opponents. The Government maintained an overbearing security presence and restricted freedom of assembly, association, and movement. The National Commission for Human Rights (CNDH) continued to be dominated by supporters of the President, and the Government restricted and impeded the work of independent human rights groups. Violence and societal discrimination against women and female genital mutilation (FGM) among some ethnic groups are problems. Discrimination against the disabled persists. Although there is a 1998 law that prohibits female genital mutilation, the Government has not enforced it. Discrimination based on ethnicity remains a problem. The Government limits workers' rights to collective bargaining. Trafficking in women for the purpose of forced prostitution and trafficking in children for forced labor remained problems.

## **RESPECT FOR HUMAN RIGHTS**

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

#### a. Political and Other Extrajudicial Killing

Members of the security forces committed fewer extrajudicial killings than in the previous year.

On January 10, gendarmes raided the Akodessewa-Kpota shantytown neighborhood in

Lome and set fires that reportedly killed two children. The gendarmes reportedly were searching for arms caches and rebel hideouts on the eve of a major national holiday parade (see Section 1.f.).

An Amnesty International (AI) report issued in May stated that hundreds of bodies--presumably many members of the opposition--were thrown into the sea around the time of the June 1998 Presidential election (see Sections 1.b. and 4).

Several cases of extrajudicial killings from previous years remained unresolved. There was no development in the August 1998 killing of Liman Doumougue, deputy secretary general of the National Association of Independent Unions of Togo (UNSI), a pro-opposition labor federation. In May UNSI wrote a letter to President Eyadema requesting an independent investigation into the killing. The September 1998 killing of Koffi Mathieu Kegbe, a local activist in the opposition Action for Renewal Committee (CAR) party, was still under investigation. There were no new developments in the 1998 killings of the Togolese Human Rights League founding member Dr. Tona Pierre Adigo, and businessman Malou Borozi. There has been no public investigation into the June 1998 killing of the child, Ayele Akakpo. The Government claims that the August 1998 attack on UFC Secretary General Fabre's residence was carried out by coup plotters from Ghana. There were no new developments in the 1997 deaths in detention of Dosseh Danklou and Agbodjinshie Yakanou, and the 1997 killing in Ghana of former Togolese diplomat and dissident Ferdinand Romuard also remained unsolved. There was also no progress in the cases of the 1996 deaths of Captain Philippe Azote, Anthony Dogbo, Woenagno, Amouzou Adjakly, and Komlavi Yebesse. Nor were there further developments in the 1995 killing in Ghana of former government official Felix Amegan and opposition leader Lieutenant Vincent Tokofai, the 1994 killing of National Assembly Member Gaston Edeh, or the 1992 killings of the Transitional Parliament Members Marc Atidepe and Tavio Amorin. The January 9 arrest by the Gendarmerie of an army warrant officer, Amy Kpeto, came after he allegedly told the newspaper, Tingo-Tingo, about a mass grave for "military democrats" at the Agoueve shooting range and about hit men within the army. There has been no independent verification of such a mass grave, and Kpeto reportedly confessed to lying to Tingo-Tingo (see Section 3).

#### b. Disappearance

There were no specific reports of politically motivated disappearances during the year. However, an Amnesty International report issued in May reported that hundreds of bodies--presumably those of opposition members--were thrown into the sea around the time of the June 1998 presidential election (see Section 4). According to AI, the corpses were found and buried by Beninese fishermen. The Government strongly denied the accusations and initiated legal proceedings against AI. The independent Benin Human Rights League reported that bodies were dropped along the coastal waters by military aircraft, although other official sources in Benin denied that this event happened. In July the Government agreed to an independent international investigation, but no steps were taken by year's end.

AI also reported that on August 20, 1998 two young men, Komlan Edoh and Kodjo Kouni, were beaten and arrested by security forces in a northwest suburb of Lome, then taken to a nearby military camp, after which they disappeared. Their arrest occurred just days after what the Government claims was a border incursion from Ghana; AI suspects

the arrests and disappearances to be politically motivated.

There was no investigation into the mass burials of 1997 and 1998 reportedly in the vicinity of Lome.

There were no developments in the 1994 disappearance of David Bruce, a high-level foreign ministry employee sympathetic to the opposition, or in the disappearance of Afougnilede Essiba, Adanou Igbe, Kobono Kowouvi, and another companion, all four of whom were arrested by soldiers at an armed security checkpoint in Adetikope in 1994. In 1994 the Government began an investigation of the Bruce disappearance but has not reported any results.

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

The law prohibits torture and physical abuse of prisoners and detainees; however, security forces often beat detainees immediately after arresting them. Some suspects have claimed credibly to have been beaten, burned, or denied access to food and medical attention. Security forces used tear gas and batons to disperse demonstrators (see Section 2.b.).

Security forces reportedly tortured a human rights monitor (see Section 4).

Security forces harassed, intimidated, and beat journalists (see Section 2.a.). On April 19, the Gendarmerie arrested Romain Koudjodji Attisso, publisher of the newspaper, *Reporter des Temps Nouveaux*. Authorities charged him with falsely accusing the Gendarmerie unit in Aneho of torturing Victor Mensah, an Action for Renewal Party (CAR) activist (see Section 2.a.).

On March 16, security forces in Lome beat university student Gerard Amedjro and a female friend allegedly after the latter refused to undress for them.

Between May 19 and May 27, security forces allegedly beat and tortured Ameen Ayodele, a member of the Nigerian section of AI (see Section 4). Border police first suspected Ayodele of drug trafficking, but when he produced an AI identification card, they accused him of spying for the human rights organization. According to AI, Ayodele was confined to a cell, stripped of his clothing and deprived of food. During his incarceration, his jailers allegedly took him to the beach and threatened to execute him and dump his body in the sea.

Five young men who traveled from Lome to Kara in late August to hold discussions on the Lome Framework Agreement (see Section 3) said that they were detained and beaten on two occasions by police, gendarmes, and military personnel in Kara. Authorities maintained that their wounds resulted when they resisted arrest.

Impunity remains a problem, and the Government did not publicly prosecute any officials for these abuses.

Prison conditions reportedly remained very harsh, with serious overcrowding, poor sanitation, and unhealthy food. Lome's central prison, built for 350 prisoners, housed 850 or more at any one point during the year, according to a reliable witness. Medical facilities are inadequate, and disease and drug abuse are widespread. Despite these problems, for

the third consecutive year there were no reported deaths of prisoners due to disease or inadequate medical facilities. Prison guards in the overcrowded civil prison of Lome charge prisoners a small fee to shower, use the toilet, or have a place to sleep. Prisoners reportedly have to pay \$2.50 (1,500 CFA francs) to guards before being allowed to visit the infirmary if sick. The children of convicted adults often are incarcerated with the female inmates, who are housed separately.

Although international and local private organizations have access to prisons for monitoring purposes, the ICRC did not visit the prisons during the year. At year's end, the Government was studying an ICRC proposal for a prisons visit.

#### d. Arbitrary Arrest, Detention, or Exile

Arbitrary arrest and detention remain problems. The law allows authorities to hold arrested persons incommunicado without charge for 48 hours, with an additional 48-hour extension in cases deemed serious or complex. In practice detainees can be, and often are, detained without bail for lengthy periods with or without the approval of a judge. Family members and attorneys officially have access to a detainee after the initial 48- or 96-hour detention period; however, authorities often delay, and sometimes deny, access.

Judges or senior police officials issue warrants. Although detainees have the right to be informed of the charges against them, police sometimes ignore this right. The law stipulates that a special judge conduct a pretrial investigation to examine the adequacy of evidence and decide on bail. However, a shortage of judges and other qualified personnel, plus official inaction, have resulted in lengthy pretrial detention--in some cases several years--and confinement of prisoners for periods exceeding the time they would have had to serve if they had been tried and convicted. For example, Kokou Alowou and Dela Atidepe were arrested in 1993, charged with armed robbery and manslaughter, and are still awaiting trial. An estimated 50 percent of the prison population are pretrial detainees. The Government continued to use brief investigative detentions of less than 48 hours--but much more in the case of Roland Comlan Kpagli, who was arrested for violation of the Press Code on December 23--to harass and intimidate opposition activists and journalists for alleged defamation of government officials (see Section 2.a.). The Government at times has resorted to false charges of common crimes to arrest, detain, and intimidate opponents.

Members of the security forces arrested and detained journalists without charging them with any offense (see Section 2.a.).

Members of the security forces also detained human rights monitors and activists (see Sections 2.b. and 4).

On April 26, security forces detained Union of Forces for Change (UFC) activist Abevi Abbey for distributing leaflets that urged the public to participate in UFC-sponsored Independence Day demonstrations.

On May 3, Apedo Mensa Tengue, Francois Gayibor, and Brice Santana of the Togolese Association for the Defense and Promotion of Human Rights (ATDPDH) were arrested on suspicion of having supplied AI with politically motivated accusations of widespread extrajudicial killings committed in 1998 (see Sections 1.a. and 1.b.). A local

representative of AI, Koffi Nadjombe, subsequently was arrested on the same charge. All four men were released in mid-June (see Section 4).

On June 15, the authorities released five persons who had been detained since November 1997 following riots in Sokode in the wake of the sudden death under suspicious circumstances of Djobo Boukari, a former U.N. official and potential presidential candidate. On July 2, the authorities freed 10 other persons, including pharmacist Bozoura Gandhi, a cofounder with Boukari of the Togolese Association for the Struggle Against the Manipulation of Conscience (ATLMC). These 15 persons, who included 3 school-age children and a police officer, were never granted a hearing or trial or formally sentenced. Gandhi was transferred from the Sokode prison to the Kara prison in 1998. He had been charged with killing two persons suspected of poisoning Boukari. Gandhi's supporters in Sokode and many opposition politicians regarded him as a political detainee.

Following the release of Gandhi, Tengue, Gayibor, and Nadjombe (see Section 1.d), journalist Roland Comlan Kpagli was the only political detainee at year's end. He was being held on a charge under the Press Code of publishing false information about a raid on December 7 by security forces on a student demonstration. He remained in jail at year's end.

The Constitution prohibits exile, and the Government respects this prohibition.

#### e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, in practice the executive branch continued to exert control over the judiciary. A majority of the members of the Supreme Council for the Magistrature are supporters of President Eyadema. Judges who belong to the pro-Eyadema Professional Association of Togo Magistrates (APMT) reportedly receive the most prestigious assignments, while judges who advocate an independent judiciary and belong to the National Association of Magistrates (ANM) are marginalized. In December 1998, APMT member Abdoulaye Yaya was named to succeed Awa Nana as President of the Appeals Court, and consequently, as Chairperson of the National Electoral Commission.

The Constitutional Court stands at the apex of the court system. The civil judiciary system includes the Supreme Court, Sessions (Court of Assizes), and Appeals Courts. A military tribunal exists for crimes committed by security forces, but its proceedings are closed. In June when President Eyadema named a new cabinet, he appointed former Interior Minister General Seyi Memene to replace a civilian justice minister.

The court system remained overburdened and understaffed (see Section 1.d.). Magistrates, like most government employees, are not always paid on time. The judicial system employs both traditional law as well as the Napoleonic Code in trying criminal and civil cases. Trials are open to the public, and judicial procedures generally are respected. Defendants have the right to counsel and to appeal. The Bar Association provides attorneys for the indigent. Defendants may confront witnesses, present evidence, and enjoy a presumption of innocence. In rural areas, the village chief or council of elders may try minor criminal and civil cases. Those who reject the traditional ruling may take their cases to the regular court system, which is the starting point for cases in urban areas.

Impunity for those who commit abuses, particularly those close to Eyadema, remains a problem. In early October, the President's son, Emmanuel Gnassingbe, who was arrested in late August for the shooting death of the occupant of a taxi following a roadside quarrel, was released without trial. The court released him because the family of the victim reportedly refused to press charges.

There were no reports of political prisoners.

There have been no reported developments in the case of members of the radical opposition group MO5, who were convicted and sentenced to prison for the 1994 attack on a state-owned electrical station. Although the crime appeared to have been politically motivated, the state prosecutor did not apply the December 1994 general amnesty law to this case; at last report, they remained in prison.

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

The Constitution provides for the sanctity of residences, the secrecy of correspondence and telecommunications, and prohibits searches and seizures not prescribed by law; however, security forces often infringed on these rights. In criminal cases, a judge or senior police official may authorize searches of private residences. In political and national security cases, the security forces need no prior authorization. Police conducted searches without warrants, searching for arms caches as well as for criminals, often under the guise of searching for identity cards. Armed security checkpoints exist throughout the country, and security forces regularly search vehicles, baggage, and individuals in the name of security.

On January 10, gendarmes raided the Akodessewa-Kpota shantytown neighborhood in Lome and set fires. The gendarmes were reportedly searching for arms caches and rebel hideouts. The neighborhood is inhabited mainly by recently arrived immigrants, many from Ghana, and economic migrants from within the country (see Sections 1.a. and 1.c.).

On May 14, police ransacked the home of Koffi Nadjombe, a member of AI's Togo chapter, searching for evidence that Nadjombe had collaborated in the preparation of a report alleging gross human rights violations by security forces (see Sections 1.d. and 4). Similarly, they searched the house of Apedo Tengue on May 3.

Citizens believe that the Government monitors telephones and correspondence, although no proof of this has been produced. The police and Gendarmerie perform domestic intelligence functions. The Government maintains a system of informers on the university campus (see Section 2.a.).

### Section 2 Respect for Civil Liberties, Including:

#### a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press; however, the Government restricts these rights in practice. The Government repeatedly harassed and intimidated print media journalists through threats, detentions, and criminal libel prosecutions. Police and gendarmes occasionally harassed newspaper vendors. Advertisers reportedly often were intimidated as well. Few opposition newspapers are

distributed outside the Lome area, particularly not in areas known to be ruling party strongholds.

However, despite government interference, there is a lively press, most of which is heavily politicized and some of which is often highly critical of President Eyadema. About 16 privately owned newspapers published with some regularity. The only daily newspaper, Togo-Presse, is government-owned and controlled. A private Lome-based newspaper, Crocodile, was published daily during part of the year, before changing to a twice a week schedule.

A Press and Communication Code was adopted by the National Assembly in January 1998. Article 1 declares that the media are free; most of the remaining 108 articles, some of them the subject of strenuous objections by opposition legislators, restrict media freedom. Article 62 makes the intentional publication of false information a criminal offense, punishable by fines of \$900 to \$1,800 (500,000 to 1 million CFA francs). Articles 90 to 98 make defamation of state institutions or any member of certain classes of persons, including government officials, a crime punishable by imprisonment for up to 3 months and fines of up to \$4,000 (2 million CFA francs). Article 89 makes it a crime, punishable by up to 3 months in prison for a second offense, to "offend the honor, dignity or esteem" of the President and other government leaders. The law also provides that editors and publishers, including legislators with parliamentary immunity, are liable for crimes committed through the press.

There is no prepublication censorship of print media in law or practice. However, security forces frequently threatened or detained print media journalists and interfered with the distribution of newspapers.

On April 12, security forces seized copies of the pro-opposition newspaper, Le Combat du Peuple. The newspaper's editor, Messan Lucien, reported that the Minister of Communication and Civic Education, Koffi Panou, ordered the police to seize the publication out of concern that an article might be insulting to President Eyadema.

On April 14, a police officer invaded the offices of the newspaper Tingo-Tingo, beat the employees, damaged a computer, and seized a photocopier and a computer. Two of the journalists were admitted to a hospital. This violence apparently was in retaliation for an unflattering reference to the officer in the newspaper. President Eyadema reportedly paid for the damages to this newspaper.

On April 19, the Gendarmerie arrested Romain Koudjodji Attisso, publisher of the newspaper Reporter des Temps Nouveaux. Authorities charged him with falsely accusing the Gendarmerie unit in Aneho of torturing Victor Mensah, an Action for Renewal Party (CAR) activist(see Section 1.c.). The photograph published in the newspaper showed Mensah with casts on both arms. Koudjodji was jailed at the central prison from April 20 until June 29. While in jail, Koudjodji wrote a letter to President Eyadema asking for forgiveness. At his June 14 trial, his attorneys argued that the Gendarmerie arrested and tortured Mensah, who required hospital treatment for his injuries. Koudjodji was sentenced to 2 months in jail and ordered to pay \$1,600 (1 million CFA francs). Unable to pay the fine, Koudjodji closed his paper; subsequently he started another newspaper (L'Evenement).

On April 21, the Government issued a communique warning journalists against capitalizing on misinformation as a means of earning their living. The communique stated that photomontages and defamatory and insulting articles on peaceful citizens, national and international officials, as well as established institutions, all served to undermine President Eyadema's efforts to restore peace in the subregion.

On April 28, two journalists of the very short lived, private newspaper, Le Nouveau Combat, who had been detained since August 1998 on charges of publishing false information, were found guilty, fined \$1,600 (approximately 1 million CFA francs), and given a 3-month suspended sentence. Elias Hounkanly and Agbeko Amewoubo were accused of slandering the President and his wife. They published reports alleging that the widow of the late Zairean President Mobutu Sesi Seko had accused the Togolese First Lady, Badagnaki Eyadema, of stealing trunks of jewelry in Lome while Mobutu was heading into exile in 1997. In the same issue, the journalists wrote that President Eyadema begged for a congratulatory message from French President Jacques Chirac on his controversial June 1998 election victory. In October Elias Hounkanly founded a new proopposition weekly, L'Exile.

Since newspapers and television are relatively expensive, radio is the most important medium of mass communication. In addition to two government-owned stations including Radio Lome, there are 11 private radio stations in the country. Two of these, radio Avenir and Galaxy FM, are associated with the ruling RPT party.

Prior to the adoption of the 1998 Press Code, the Government did not permit private radio stations to broadcast news programming. Some private radio stations recently have begun to broadcast some domestic news, but they offered little of the political commentary and criticism of the Government that is widespread in the print media. However, Radio France International is heard 24 hours a day through an FM repeater and Africa Numero-1 also has an FM repeater in Lome. During the year, a private station, Kanal FM, became a Voice of America affiliate and carries several hours of news, music, and commentary daily.

The government-owned and controlled Television Togo is the only television station in Lome and in most of the country. A small private television station has begun local broadcasts in Aneho with limited programming.

The Constitution mandates equal access to state media; however, the official media, consisting of two radio stations, the nation's one television station, and its one daily newspaper, heavily slanted their content in favor of the President and the Government. The High Authority for Audio-Visual and Communications (HAAC) is charged with providing the equal access to the state media mandated by the Constitution. Although it is nominally independent, in practice it operates as an arm of the Government. It is dominated by Eyadema supporters and has not increased opposition access to the government-controlled media. A new organization, the Togolese Media Observatory (OTM) was established in November and will seek both to protect press freedom and to improve the professionalism of journalists. OTM's board and membership include both government and private journalists.

The January 9 arrest by the Gendarmerie of an army warrant officer, Ame Kpeto, who had made critical statements about government officials at a military assembly months earlier,

illustrated the military's lack of tolerance for political dissent within its ranks. The Minister of Defense said that Warrant Officer Kpeto had refused a transfer and was considered a deserter. Kpeto's arrest came after he allegedly told the newspaper Tingo-Tingo about a mass grave for "military democrats" at the Agoueve shooting range, and about hit men within the army. There has been no independent verification of such a mass grave, and Kpeto reportedly confessed to lying to Tingo-Tingo. Charged with slandering the honor of the army, Kpeto reportedly was transferred to the civil prison of Lome where he awaited a civil trial at year's end.

The Government was not known to restrict access to the Internet. There were about 15 Internet service providers in the country at year's end. Most Internet users are businesses rather than households. Access to the Internet and fax machines also is possible through many small stores and cafes in Lome and other cities.

At the country's sole university, academic freedom is constrained by concern among professors about potential harassment by the Government or antiopposition militants and the lack of a faculty-elected rector. Opposition student groups reportedly are intimidated by an informer system that has led in the past to government persecution. The only officially tolerated student groups, HACAME and UGESTO, are pro-Eyadema. However, an independent student organization (CEUB) has had longstanding unofficial recognition and its elected representatives have participated on university committees. In contrast to prior years, security forces did not violently restrict freedom of assembly on the university campus.

#### b. Freedom of Peaceful Assembly and Association

Under the Constitution, citizens are free to assemble; however, the Government restricts this right in practice. Although opposition political parties were able to hold public meetings in Lome, authorities systematically interfered with the freedom of political opponents attempting to assemble in the central and northern regions. Government officials prohibited and security forces forcibly dispersed some public demonstrations critical of the Government.

In March security forces reportedly broke up UFC rallies and warned activists in Blitta, Vo, Ave, and Zio prefectures against boycotting the legislative elections. In late August, in Kara, authorization was denied to organizers of an information meeting on the July 29 Framework Agreement on Democratic Transition in Togo; moreover, the organizers were arrested (see Section 1.c).

Nonetheless, most opposition rallies and protest marches were well attended and incident-free including an April 27 UFC independence day rally, a May 22 march through Lome for the liberation of human rights activists arrested in the wake of the AI report, the August 14 UFC rallies in Lome led by Gilchrist Olympio, and a November 8 march by teachers and students protesting delayed salary payments.

During the March legislative election campaign, a temporary "mobile security force" of gendarmes, police, and prefectorial police were deployed and functioned effectively. In July and August, they also protected UFC leader Gilchrist Olympio during his brief visits to Lome from his self-imposed exile in Ghana.

Under the Constitution, citizens have the right to organize associations and political parties; however, the Government restricted this right in practice.

Few opposition party offices and no pro-opposition newspapers operate in most towns in the central and northern regions.

Political parties are able to elect officers and register. There are many nongovernmental organizations (NGO's); they are required to register with the Government.

#### c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respects this right in practice.

New religious organizations are required to register with the Ministry of Interior, and scores of applications await adjudication; however, these groups appear to practice their faiths without hindrance. In January the Catholic Church declined an invitation to participate in a "day of national liberation" service, organized by the Government. The Government criticized the Church for "not contributing to national reconciliation," but it took no further action.

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

The Constitution provides for these rights; however, the Government restricts these rights in practice. Armed security checkpoints and arbitrary searches of vehicles and individuals are common. The lack of discipline of some soldiers manning roadblocks and their actions, such as frequent demands for bribes before allowing citizens to pass, impede free movement within the country.

The Government continued to employ strict documentation requirements for citizens who apply for a new passport or a renewal. Beyond the normal identity papers, applicants were asked to provide an airline ticket, business documents, an invitation letter, a parental authorization letter (even for adults), proof of study grant for students, and a husband's permission for a married woman (see Section 5). In 1997 the Government transferred the Passport Office from the police to the Gendarmerie, which falls under the Defense Ministry. The Government maintains that its intent was to take passport issuance away from corrupt police officials. The strict passport application requirements and a shortage of blank passports (in anticipation of a new bar-coded passport scheduled to be issued in 2000) prevented or significantly hindered some citizens travel abroad. However, a national identity card can be used for travel to other member countries of the Economic Community of West African States (ECOWAS).

The Government provides first asylum. There is no law that provides for granting refugee or asylee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees, and routinely accepts the decision of the UNHCR office located in Lome in determining refugee status. The Government hosts roughly 12,000 refugees, mainly Kokomba and Bassari from Ghana.

The UNHCR estimates that approximately 6,000 Togolese refugees still remained outside the country at year's end.

There were no reports of the forced return of persons to a country where they feared persecution. Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides for the right of citizens peacefully to change their government; however, the Government restricts this right in practice. In the June 1998 presidential election, as in virtually all previous elections since Eyadema seized power in 1967, the Government prevented citizens from exercising this right effectively. The Interior Ministry declared Eyadema the winner with 52 percent of the vote; however, serious irregularities in the Government's conduct of the election strongly favored the incumbent and appear to have affected the outcome materially.

Although the Government did not obstruct the functioning of political opponents openly, the President used the strength of the military and his government allies to intimidate and harass citizens and opposition groups. The Government and the State remained highly centralized: President Eyadema's national government appointed the officials and controlled the budgets of all subnational government entities including prefectures and municipalities, and influenced the selection of traditional chiefs.

What were to have been the second multiparty legislative elections of Eyadema's 32-year-long rule were held on March 21. However, the opposition boycotted the election, in which the ruling party won all but 2 of the 81 seats in the National Assembly. Those two seats went to little-known Independent Party candidates. The legislative elections were marred by procedural problems and significant fraud, particularly misrepresentation of voter turnout.

The opposition set several conditions before it would take part in the legislative elections. Chief among them was a settlement of the dispute over the seriously flawed June 1998 presidential election in which the vote count was stopped and President Eyadema declared the winner by the Interior Minister.

Under international pressure, the Government began preliminary discussions with the opposition which, according to an agreement reached on Christmas eve 1998, were to be followed by formal negotiations, in the presence of international facilitators. When the parties disagreed over UFC insistence that formal negotiations occur outside of the country, the Government scheduled a first round of legislative elections on March 7 and a runoff on March 21. The Government argued that the mandate of the outgoing legislature expired in March and that elections had to be held to avoid a constitutional vacuum. When the opposition did not register candidates, the Government proposed a 2-week postponement; however, the opposition parties maintained their position in favor of a boycott. The elections proceeded and virtually the only candidates to run were those from the RPT.

In February the Council of Ministers passed a decree requiring security forces to vote 3 days before the general population. The Government explained that it wanted the security forces to monitor polling places on election day; however, the opposition viewed the decision as a ploy to influence civilian voting, boost voter turnout, and identify opposition

elements within the security forces. Some 15,000 military, gendarmes, police, customs officials, and firemen voted on March 18. Opposition party members of the National Electoral Commission stated that the special voting procedures for security forces violated the Electoral Code because it occurred before the end of campaigning, and that the vote count occurred 72 hours after the vote instead of immediately afterwards. With the opposition boycott, voter participation became the main issue. According to the Government, about 65 percent of the population participated while the opposition stated that the figure could not be more than 10 percent. The rump progovernment National Electoral Commission, absent the commission's opposition party members (who also boycotted the process), reported that turnout reached about 37 percent in the opposition stronghold of Ave, and as much as 95 percent in Kozah prefecture in the north, where the ruling party has greater support. The opposition took no part in the revision of voter rolls, the distribution of voter cards, the monitoring of the vote, and the counting of the ballots. National election observer organizations did not participate, and international observation was sporadic.

The Government invited a few international observers to comment on the organization and management of the election. There were no independent observers present when the military voted on March 18. Even though RPT candidates ran unopposed in most districts, there were reports of intimidation and evidence of fraud to boost statistics on voter participation in what were essentially one-party elections. In Tchaoudjo, where voting started at 6 a.m., polling place officials did not allow delegates of an independent party to participate in the supervision work until 9 a.m. These delegates watched ballot boxes being stuffed. In Agou independent party delegates claimed that they saw individuals voting more than 10 times. Foreign diplomats observed voting at close to 200 polling stations, mainly in and around Lome, but also in Yoto prefecture. Turnout was below the levels reflected in official results for most of these locations.

Although the Constitution provides for universal suffrage and secret ballot, there was clear evidence of stuffed ballot boxes and doctored voter registers. At one polling station in the town of Tabligbo, for example, 46 voters were reported by polling officials to have voted by 10:40 a.m. However, the same officials, when questioned about the number of envelopes in the ballot box, admitted that it contained 145 ballots. The officials explained that the extra 99 ballots were "absentee ballots," but they could produce no documentation for these absentee voters. Elsewhere in Yoto prefecture, diplomats observed 11 transparent ballot boxes in as many polling stations that had clear evidence of stacked ballots.

On April 9, the Constitutional Court confirmed that the RPT had swept virtually all the National Assembly seats. The official tally showed that the elections had attracted 107 candidates for 81 seats. Of the 2,412,027 registered voters, 1,592,661 voted, according to the Court, for a turnout of 66 percent. The Court rejected a dozen complaints and annulled the results in two districts. However, new elections were never held in these districts.

The National Assembly has little power or influence on President Eyadema and has limited influence on the Government. Aside from controlling its own programs and activities and the ability to request amendments, the National Assembly largely acts as a rubber stamp for the President and the Government.

After the election, the Government announced that it would continue to pursue dialog

with the opposition. On May 21, 2 months after the election, President Eyadema nominated a new prime minister, Eugene Koffi Adoboli, a former U.N. official who is not a member of the ruling party. In June the RPT and opposition parties met in Paris, in the presence of facilitators representing France, Germany, the European Union, and La Francophonie, to agree on security measures for formal negotiations in Lome. On July 19, the long-awaited dialog between the Government and the opposition commenced. After 10 days, all sides signed an accord called the "Lome Framework Agreement." The accord included a pledge by President Eyadema that he would respect the Constitution and not seek another term as President after his current one expires in 2003. The President also agreed to dissolve the National Assembly in March 2000 and hold new legislative elections to be supervised by an independent national election commission. The legislative elections are to use the single-ballot method to protect against some of the abuses of past elections. The accord also provided for the status of former heads of state, political leaders, and the opposition. In addition, the accord addressed the rights and duties of political parties and the media, the safe return of refugees, and the security of all citizens. The accord also contained a provision for a compensation plan for victims of political violence.

As called for in the Lome Framework Agreement, a joint implementation committee (JIC) began meeting on August 10 to implement the agreement's provisions. However, when the UFC, CAR, and CDPA opposition parties left the JIC to protest an effort by the RPT to accord a weaker role to the new independent election commission (CENI) vis-a-vis the Constitutional Court, its work virtually came to a halt between August 26 and October 4. On October 4, an agreement was reached with the RPT whereby the CENI would monitor, collect, tally, and announce the results of the next legislative elections. The Constitutional Court would resolve district-level election disputes that the CENI itself cannot resolve by consensus. In December the JIC sent new electoral code legislation to the Government establishing the new CENI. At year's end, the Government had approved the bill and sent it to the National Assembly.

In 1998 the National Assembly voted on a decentralization plan, but the plan's implementation has been slow. The country is divided into 5 economic and administrative regions, 30 prefectures, and 4 subprefectures. Administratively, the prefect, nominated by the Interior Minister, is the primary representative of the central government in each prefecture. Some government agencies have regional representatives. Within the prefecture, a council elected from the districts advises the prefect and manages programs. Each city has a mayor elected by a municipal council. The last mayoral elections were held before 1990. Throughout the country the terms of mayors have expired; however, they remain in office and continue to serve without a new mandate.

There are no legal restrictions on the participation of women or members of ethnic minorities in politics or government. However, both women and members of southern ethnic groups were underrepresented in government. Although many women are members of political parties, there were only 2 female ministers in the Government and 5 female members of the currently 79-member National Assembly. No ethnic group, including the President's, was overrepresented conspicuously in the Cabinet.

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

There are several local private human rights groups, including the Togolese Human Rights League (LTDH), the Center of Observation and Promotion of the Rule of Law (COPED), the African Center for Democracy, Human Rights, and Protection of Detainees (CADEPROD), and the new Togolese Association for the Defense and Protection of Human Rights (ATDPDH), which was formed in January. In general the Government allows groups to investigate alleged violations of human rights; however, the Government occasionally threatens or hinders the activities of human rights activists, and is inconsistent about following up on investigations of abuses. Years of government threats and intimidation of human rights leaders, combined with a lack of results from human rights initiatives, have led some human rights monitors to end their public activities. A Minister for the Promotion of Democracy and Rule of Law was appointed in 1998, and he has promoted initiatives to establish a human rights resource center and develop a civic education curriculum for schools.

In May Amnesty International (AI) issued a report on political violence in Togo entitled "Togo: Reign of Terror." According to the report, the security forces during and after the June 1998 presidential election campaign killed hundreds of persons, including members of the opposition and members of the army. Corpses, some handcuffed and some in military uniform, washed up on the beaches of Togo and Benin for days afterwards, according to the report. The report was based on an AI delegation's interviews with Beninese and Togolese fishermen, as well as Togolese coastal farmers. Those questioned told of unusual movements of planes and helicopters flying out to sea. The report also said that under President Eyadema, "scores of civilians and military personnel have been detained for months, even years, without charge or trial."

The Government vigorously disputed the report's findings and threatened to sue AI. In criticizing AI, the Government also noted that no journalist or foreign observer who monitored the June 1998 election reported bodies washing ashore. (The Togolese newspaper *L'Aurore* in its August 13, 1998 edition, mentioned some bodies washing up on the Togolese and Beninese shores.) The Government stated that the UFC and CDPA opposition parties directed the AI report, a charge denied by those groups and by AI. The Government stated that those groups and AI timed the report to appear in May while international facilitators were in Lome to prepare for the national reconciliation talks. The Defense Minister, Brigadier General Assani Tidjani, met with an AI delegation in November 1998 to discuss the allegations, but he said that AI distorted the information that it obtained. The AI report elicited mixed reactions in Benin. The government-appointed Beninese Human Rights Commission stated that, according to its investigations, there were no Togolese corpses thrown along the beaches in Benin. The independent Benin Human Rights League affirmed the contrary, that dead bodies were dropped along the coastal waters by military aircraft.

The Government alleged that the ATDPDH collaborated with AI. The president of the ATDPDH, Apedo Mensa Tengue, and a member of the organization, Francois Gayibor, were arrested on May 3 and charged with complicity with an international organization in the defamation of the country. On May 14, police arrested Koffi Nadjombe, a member of AI's Togo chapter, and his wife, and searched their residence (see Section 1.f.). The Government accused Nadjombe of collaborating in preparing the report. AI demanded the release of Tengue (a member of the CDPA party), Gayibor, and Nadjombe. On May 28, a delegation of the National Human Rights Commission (CNDH, an official government body) called on Justice Minister Bitokotipou Yagninim to ensure that the detainees

received proper treatment and that they were given due process. A member of the CNDH ensured by his frequent presence that the detainees were not mistreated while in custody.

On May 21, the authorities refused entry to AI's executive director, Pierre Sane, 2 hours after he attempted to enter Togo from Ghana. Sane was seeking to visit with government officials. The Secretary of State for Security, General Sizing Walla, said the report had agitated many persons, and that the country could not tolerate the situation further degenerating. On May 22, more than 1,000 opposition activists peacefully demonstrated for the release of Tengue, Gayibor, and Nadjombe.

AI reported on June 9 that a member of its Nigerian section, Ameen Ayodele, was detained, tortured, and threatened with execution by security forces between May 19 and 27 (see Section 1.c.). Ayodele, who was traveling from Ghana to Nigeria via Togo, was suspected of drug trafficking. During an initial interrogation, he presented his AI membership card as a means of identification because he said that his other documents had been stolen. The border police arrested him on suspicion of spying for AI in advance of Pierre Sane's visit. Ayodele spent 9 days in a confined cell, naked and deprived of food. Ayodele says that he was beaten and tortured, while his jailers interrogated him about his involvement with AI. One morning, according to his account, he was taken to a beach where his guards threatened to execute him and dump his body in the sea.

The Government admits to holding Ayodele on suspicion of drug trafficking and detaining him for more than a week to determine if he had swallowed any drugs. He was released on May 27. It stated that the June 9 AI accusation was timed to derail sensitive discussions between the ruling party and the opposition in Paris. On June 18, the human rights activists arrested in the AI affair were released, pending the outcome of further investigation into the charge (against three of them) of incitement to civil unrest. On July 21, on the eve of French President Chirac's visit, the Government consented to the establishment of an international, independent investigation commission to examine AI's allegations; however, at year's end, no action had been taken to establish such a commission.

During the year, the International Committee of the Red Cross, which withdrew its permanent representative in 1997, conducted seminars on international humanitarian law for senior officers of the armed forces and senior members of the Government.

In April the Ministry for the Promotion of Democracy and the Rule of Law, headed by Harry Octavianus Olympio, a cousin of Gilchrist Olympio, opened an information and documentation center on human rights. The National Assembly voted in 1996 to enact a ministerial decree to reorganize the government-sponsored and government-funded National Human Rights Commission (CNDH). The majority of commissioners are supporters of the President. In a report issued in July on its activities, the CNDH recognized that violations of human rights by government employees were common, and attributed them to ignorance of the law and of officials' responsibilities to the public, as well as to the country's poverty.

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

The Constitution prohibits discrimination on the basis of ethnic group, regional or family

origin, sex, religion, social or economic status, or personal, political, or other convictions. However, the Government does not provide effective redress for discrimination complaints. Members of President Eyadema's Kabye ethnic group and other northern ethnic groups dominate much of the public sector, especially the military.

### Women

Violence against women continues to be a problem. Although mechanisms for redress exist within both the traditional extended family and formal judicial structures, the police rarely intervene in domestic violence cases. Wife beating has been estimated to affect an estimated 10 percent of married women. There is some trafficking in young women for the purpose of forced prostitution or for forced labor as domestic servants (see Section 6.f.), but the Government reportedly exercised more vigilance at border crossings to counter such trafficking.

Despite a constitutional declaration of equality under the law, women continue to experience discrimination, especially in education, pension benefits, inheritance, and as a consequence of traditional law. A husband legally may restrict his wife's freedom to work or control her earnings. The Government requires a married woman to get her husband's permission to apply for a passport (see Section 2.d.). In urban areas, women and girls dominate market activities and commerce. However, harsh economic conditions in rural areas, where most of the population lives, leave women with little time for activities other than domestic and agricultural fieldwork. Under traditional law, which applies to the vast majority of women, a wife has no maintenance rights in the event of divorce or separation and no inheritance rights on the death of her husband.

There is a Ministry of Feminine Promotion and Social Protection, which, along with independent women's groups and related NGO's, campaigns actively to inform women of their rights.

### Children

Although the Constitution and family code laws provide for the protection of children's rights, in practice government programs often suffer from a lack of money, materials, and enforcement. The Government provides free education in state schools. School attendance is mandatory for both boys and girls until the age of 15. There are social programs to provide free health care for poor children.

Although the law protects children, there are many practices that point to a pattern of discrimination against children, especially girls. In education, about 61 percent of children 6 to 15 years of age attend school, mostly boys. Of the total 6 to 15 age group, about 89 percent of the boys and 66 percent of the girls start primary school; about 39 percent of the boys and 13 percent of the girls reach secondary school; about 3 percent of the boys and 0.6 percent of the girls reach university level. Literacy rates are 57 percent for adult men and 31 percent for adult women. About one-third of the national budget is spent on education.

Orphans and other needy children receive some aid from extended families or private organizations but less from the State. There are few juvenile courts, and children are jailed with adults. In rural areas, traditionally the best food is reserved for adults, principally the

father.

There are confirmed reports of international trafficking in children, particularly girls, for the purpose of forced labor, which amounts at times to slavery (see Section 6.f.).

Female genital mutilation, which is widely condemned by international health experts as damaging to both physical and psychological health, continues to be practiced. Approximately 12 percent of all girls and women have undergone FGM. Most of the larger ethnic groups do not practice FGM. However, among the practicing groups rates range from 40 to 98 percent. In theory women and girls are protected by the Constitution from FGM, and in 1998 the Government enacted a law prohibiting the practice. However, by year's end, the Government had not brought any cases to court. Traditional customs often supersede the legal systems among certain ethnic groups. The Government continued to sponsor seminars to educate and campaign against FGM.

#### People with Disabilities

The Government does not mandate accessibility to public or private facilities for the disabled. Although the Constitution nominally obliges the Government to aid disabled persons and shelter them from social injustice, the Government provides only limited assistance in practice. There is no overt state discrimination against disabled persons and some hold responsible government positions. However, the disabled have no meaningful recourse against private sector discrimination.

#### National/Racial/Ethnic Minorities

The country's population of more than four million includes members of some 40 ethnic groups that generally speak distinct primary languages and are concentrated regionally in rural areas. Major ethnic groups include the Ewe (between 20 and 25 percent of the population), the Kabye (between 10 and 15 percent), the Kotokoli (between 10 and 15 percent), the Moba (between 10 to 15 percent), and the Mina (about 5 percent). The Ewe and Mini are the largest ethnic groups in the southern region, where abundant rainfall and access to the sea have been conducive to farming and trade; the Kabye are the largest group in the drier, landlocked, less populous, and less prosperous northern region.

Although prohibited by law, societal discrimination on the basis of ethnicity is practiced routinely by members of all ethnic groups. In particular, discrimination against southerners by northerners and against northerners by southerners is evident in private sector hiring and buying patterns, in patterns of de facto ethnic segregation in urban neighborhoods, and in the relative paucity of marriages across the north-south ethnic divide. There are no effective impediments to the extension of such discrimination into the public sector, where the centralization of the State allows little scope for regional or ethnic autonomy, except through the circumscribed authority of traditional rulers and dispute resolution systems.

The relative predominance in private sector commerce and professions by members of southern ethnic groups, and the relative predominance of the public sector and especially the security forces by members of President Eyadema's Kabye group and other northern groups, are sources of political tension. Political parties tend to have readily identifiable ethnic and regional bases: The ruling RPT party is much stronger among northern ethnic

groups than among southern groups, while the reverse is true of the UFC and CAR opposition parties.

In previous years, north-south tensions repeatedly have erupted into violence of a clearly interethnic character. Majority ethnic group members in each region have harassed and attacked members of ethnic groups originating from the other region, forcing them back to their home region. In recent years, during times of crisis, many Lome residents sent family members to their native villages for security reasons. Some also sent family members to neighboring Ghana and Benin. In addition, due to the congruence of political divisions and ethnic and regional divisions, human rights abuses motivated by politics had the potential to carry ethnic and regional overtones (see Section 3).

## Section 6 Worker Rights

### a. The Right of Association

The Constitution provides most workers with the right to join unions and the right to strike. Security forces, including firemen and policemen, do not have these rights; government health care workers may join unions but may not strike. The work force in the formal (wage) sector is small, involving about 20 percent of the total work force, of whom from 60 to 70 percent are union members or supporters.

The Constitution also prohibits discrimination against workers for reasons of sex, origin, beliefs, or opinions. There is no specific law prohibiting retribution against strikers.

There are several major trade union federations. These include the National Confederation of Togolese Workers (CNTT)--which is closely associated with the Government, the Labor Federation of Togolese Workers (CSTT), the National Union of Independent Syndicates (UNSIT), and the Union of Free Trade Unions.

Federations and unions are free to associate with international labor groups. The CNTT and the UNSIT are affiliates of the International Confederation of Free Trade Unions. The CSTT is an affiliate of the World Labor Confederation.

### b. The Right to Organize and Bargain Collectively

The Labor Code nominally provides workers with the right to organize and bargain collectively. All formal sector employees are covered by a collective bargaining agreement; however, the Government limits collective bargaining to producing a single nationwide agreement that must be negotiated and endorsed by representatives of the Government as well as of labor unions and employers. This agreement sets nationwide wage standards for all formal sector employees. The Government participates in this process both as a labor-management mediator and as the largest employer in the formal sector, managing numerous state-owned firms that monopolize many sectors of the formal economy. Individual groups in the formal sector can attempt through sector-specific or firm-specific collective bargaining to negotiate agreements more favorable to labor, but this option rarely is used.

The Labor Code prohibits antiunion discrimination. The Ministry of Labor is charged with resolving labor-related complaints, but does not always do so effectively.

A 1989 law allows the establishment of export processing zones (EPZ's). Many companies have EPZ status, and more than 30 are in operation. The EPZ law provides exemptions from some provisions of the Labor Code, notably the regulations on hiring and firing. Employees of EPZ firms do not enjoy the same protection against antiunion discrimination as do other workers.

#### c. Prohibition of Forced or Compulsory Labor

The law does not specifically address the question of forced or bonded labor, including that performed by children, and children sometimes are subjected to forced labor, primarily as domestic servants. The Government has acknowledged the international trafficking of children, particularly girls, who are sold into various forms of indentured and exploitative servitude, which amounts at times to slavery (see Section 6.f). This traffic often results in the children being taken to other West and Central African countries, especially Gabon and Nigeria, to the Middle East, or to Asia. In rural areas, parents sometimes put young children into domestic work in other households in exchange for sums as low as the equivalent of \$25 to \$35 (CFA 15,000 to 20,000). Children sometimes are trafficked abroad by parents misled into allowing them to depart under false pretenses (see Section 6.f.).

#### d. Status of Child Labor Practices and Minimum Age for Employment

The Labor Code prohibits the employment of children under the age of 14 in any enterprise. Some types of industrial and technical employment require a minimum age of 18. Inspectors from the Ministry of Labor enforce these age requirements but only in the formal sector in urban areas. In both urban and rural areas, particularly in farming and petty trading, very young children traditionally assist in their families' work. Under the Constitution, school is mandatory for both sexes until the age of 15, but this requirement is not enforced strictly (see Section 5). However, the law does not prohibit forced and bonded labor by children, and it is a significant problem (see Section 6.c.).

#### e. Acceptable Conditions of Work

The Government sets minimum wages for different categories, ranging from unskilled labor through professional positions. Less than the official minimum wage often is paid in practice, mostly to less-skilled workers. Official monthly minimum wages range from approximately \$25 to \$39 (14,700 to 23,100 CFA francs) per month. A 5 percent wage increase in 1996 was the first since 1987, despite a 50 percent currency devaluation in 1994. There has been no wage increase since 1996. Many workers cannot maintain a decent standard of living for themselves and their families at the official minimum wages, and many must supplement their incomes through second jobs or subsistence farming. The Ministry of Labor is ostensibly responsible for enforcement of the minimum wage system but does not enforce the law in practice. The Labor Code, which regulates labor practices, requires equal pay for equal work, regardless of sex. However, this provision generally is observed only in the formal sector.

Working hours of all employees in any enterprise, except for those in the agricultural sector, normally must not exceed 72 hours per week; at least one 24-hour rest period per week is compulsory, and workers must receive 30 days of paid leave each year. The law requires overtime compensation, and there are restrictions on excessive overtime work.

However, the Ministry of Labor's enforcement is weak, and employers often ignore these provisions.

A technical consulting committee in the Ministry of Labor sets workplace health and safety standards. It may levy penalties on employers who do not meet the standards, and employees ostensibly have the right to complain to labor inspectors of unhealthy or unsafe conditions without penalty. In practice the Ministry's enforcement of the various provisions of the Labor Code is limited. Large enterprises are obliged by law to provide medical services for their employees and usually attempt to respect occupational health and safety rules, but smaller firms often do not.

Workers have the legal right to remove themselves from unsafe conditions without fear of losing their jobs. However, in practice some reportedly cannot do so.

#### f. Trafficking in Persons

While trafficking in women for the purpose of forced prostitution or nonconsensual labor as domestic servants exists, the majority of trafficking is of children. During the year, 750 children were intercepted and 21 traffickers were arrested at the borders. In June police arrested three groups of child traffickers at border crossings. A local NGO focusing on trafficking issues estimated that 85 percent of traffickers in the country are women. In one case, two Ghanaian women were taking six children, ages 6 to 14, from the town of Tsevie to Cote d'Ivoire where they were to be resold for \$350 to \$530 ((CFA 225,000 to 350,000)) to work on plantations or as house servants. Police caught Beninese traffickers who were taking 39 children, including some as young as 2 years old, from Benin to Cote d'Ivoire. In January 31 children were returned from Gabon due to the efforts of an association of Togolese Muslims residing in Gabon.

In countries such as Cote d'Ivoire or Gabon, these children are extensively exploited. They are fed poorly, crudely clothed, and inadequately cared for, and are neither educated nor permitted to learn a trade.

The Government has conducted public awareness campaigns, with the help of the U.N. Children's Fund and NGO's, such as WAO-Afrique. In March the prefect of Bassar criticized child trafficking as a "new form of slavery" and warned his constituents that child traffickers and parents who turn their children over to traffickers could face prison sentences of between 1 and 10 years. In May the Interior Ministry and the NGO Plan International conducted a workshop for border police and other law enforcement officers on child trafficking trends and judicial remedies.

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