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2009 Human Rights Report: Togo

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

2009 Country Reports on Human Rights Practices

March 11, 2010

Togo, with a population of 6.3 million, is a republic governed by President Faure Gnassingbe, who was declared president in 2005 in an election marred by severe irregularities. President Faure Gnassingbe replaced his father, former president Gnassingbe Eyadema, who died in 2005 after 38 years in power. Eyadema and his party, Rally of the Togolese People (RPT), strongly backed by the armed forces, dominated politics and maintained firm control over all levels of the highly centralized government until his death. In 2007 the Independent National Electoral Commission (CENI) organized generally free and fair legislative elections for the 81 seats in the National Assembly. All major opposition parties participated in the elections, and the opposition won a total of 31 seats. While civilian authorities generally maintained effective control of the security forces, there were instances in which elements of the security forces acted independently.

The human rights situation in the country improved; however, serious human rights problems continued, including the following: partial inability of citizens to change their government; abuse of detainees; official impunity; harsh and life-threatening prison conditions; arbitrary arrests and detention; lengthy pretrial detention; executive influence over the judiciary; infringement of citizens' privacy rights; restrictions on the press; restrictions on freedom of assembly and movement; corruption; female genital mutilation (FGM); discrimination and violence against women; regional and ethnic favoritism; trafficking in persons, especially children; child labor, including forced child labor; and lack of workers' rights in export processing zones.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed arbitrary or unlawful killings.

There were no developments in the 2008 death of a former government minister found dead on a beach in Lome. The case officially stands as a drug overdose despite a contrary finding by a coroner from the international nongovernmental organization (NGO) Physicians for Human Rights.

Despite promises to investigate, by year's end the government had not released a report on the 2007 killing of a soldier guarding the national radio station, Radio Lome.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The constitution prohibits such practices; however, they continued to occur. In January a UN special rapporteur noted the government's commitment to combat torture. However, during his visits to police and gendarmerie stations, he found evidence of abuse by law enforcement officials during interrogation of detainees and beatings by prison guards. He also observed that young persons and children were at risk of corporal punishment while in detention.

Unlike in the previous year, the international NGO Amnesty International (AI) reported no cases of torture of detainees. However, abuse and mistreatment of prisoners continued. Impunity remained a problem, and the government did not publicly prosecute officials for such abuses.

In August during a joint mission by the UN and African Union special rapporteurs on human rights defenders, the rapporteurs noted that the number of attacks and acts of intimidation against human rights defenders had decreased; however, they expressed concern about the stigmatization of the defenders and impunity for violations against them.

According to AI no progress was reported in resolving complaints lodged by victims of electoral violence in 2005.

Unlike in the previous year, there were no reports of security forces raping prostitutes.

Prison and Detention Center Conditions

Prison conditions remained harsh, with serious overcrowding, poor sanitation, and unhealthy food. In April the media reported that prisoners were dying of hunger and received typically one meal a day worth 150 CFA francs (\$0.33) because the prison system did not have adequate funds. Medical facilities were inadequate, and disease and drug abuse were widespread. Sick prisoners reportedly had to pay 1,500 CFA francs (\$3.30) to guards before being allowed to visit the infirmary. There were reports that prison officials sometimes withheld medical treatment from prisoners. Lawyers and journalists reported that prison guards charged prisoners a small fee to shower, use the toilet, or have a place to sleep. Local press reported that prison guards sexually harassed female prisoners.

While there were no official statistics on the number of prison deaths, the warden of the Central Prison of Lome confirmed two deaths during the year.

At year's end the expanded Central Prison of Lome, which normally accommodated 666, held 1,759 prisoners, including 59 women and 25 juveniles. The infants of convicted women were incarcerated with their mothers when they refused to allow the infants to stay with extended family. Pretrial detainees were not held separately from convicted prisoners.

Local NGOs accredited by the Ministry of Justice could visit the prisons any time, although the process of acquiring an accreditation could take up to a year. International NGOs must negotiate an agreement with the government to gain similar access to prisons. During the year the International Committee of the Red Cross (ICRC) and other international human rights organizations were allowed prison access.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention; however, the government did not always respect these prohibitions.

Role of the Police and Security Apparatus

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The security forces consist of the army, navy, air force, national security service (including the national police and investigation bureau), and the gendarmerie. The police are under the direction of the Ministry of Security, which reports to the prime minister. The Ministry of Defense, which reports directly to the president, oversees the military. The Ministry of Security oversees the gendarmerie. Police and gendarmes are responsible for law enforcement and maintenance of order. The army is in charge of external security. In 2008 approximately 80 percent of the army's officers and soldiers were from the previous and current presidents' ethnic group, the Kabye, which constitutes approximately 23 percent of the population.

Police generally were ineffective and corrupt, and impunity was a problem. Police often failed to respond to societal violence. The government in general did not investigate or punish effectively those who committed abuses, nor did it prosecute persons responsible in previous years for unlawful killings and disappearances. No progress was made in examining complaints from more than 100 victims of human rights abuses committed during the 2005 presidential election. In 2007 the victims were asked to pay 25,000 CFA francs (\$50) to the court to move their cases forward. Some were unable to pay and withdrew their complaints. Others paid the requested fee but still saw no progress on their cases during the year.

In October 2008 the military trained approximately 40 senior and junior officers and subordinates under the theme "the role of the armed forces in the promotion and protection of human rights."

There were no developments in the 2007 random beating of civilians by newly recruited police agents in Lome.

Arrest Procedures and Treatment While in Detention

The law authorizes judges, senior police officials, prefects, and mayors to issue arrest warrants; however, persons were detained arbitrarily and secretly. Although detainees have the right to be informed of the charges against them, police sometimes ignored this right. 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. The law stipulates that a special judge conduct a pretrial investigation to examine the adequacy of evidence and decide on bail; however, in practice detainees often were held without bail for lengthy periods with or without the approval of a judge. Family members and attorneys officially had access to a detainee after 48 or 96 hours of detention, but authorities often delayed, and sometimes denied, access. On December 11, the government announced the creation of a fund of CFA 250 million (\$550,000) to provide legal services for the indigent.

On April 15, Kpatcha Gnassingbe, a member of the national assembly and half brother to President Faure, and 32 others, were arrested on charges of coup plotting. The ICRC and other human rights organizations were allowed access to the detainees. Attorneys representing Kpatcha claimed that due process was not followed, a charge denied by the minister of human rights, who stated that Kpatcha had declined legal representation, even though his wife had hired two attorneys. Public opinion and media reporting focused primarily on Kpatcha's status; that of the other detainees was largely ignored. All 33 remained in custody at year's end.

On April 24, the Togolese League of Human Rights stated that an unknown number of persons were arrested for outstanding debts and detained in gendarmeries and police stations for more than 48 hours. Arrests for failure to pay debt are not lawful.

A number of persons detained in 2005 in connection with election-related violence continued to be held without trial in the Central Prison of Lome, including suspected critics of the government, although the government continued to claim that there were no political prisoners. An accurate count of the detainees was not available.

A shortage of judges and other qualified personnel, as well as official inaction, resulted in lengthy pretrial detention--in some cases several years--and confinement of prisoners for periods exceeding the time they would have served if tried and convicted. Almost 80 percent of inmates were pretrial detainees.

e. Denial of Fair Public Trial

Although the constitution provides for an independent judiciary, the executive branch continued to exert control over the judiciary, and corruption was a problem. Lawyers often bribed judges to influence the outcome of cases. The court system remained overburdened and understaffed.

There were three associations of magistrates in the country: the Union of Magistrates of Togo (SMT), the National Association of Magistrates (ANM), and the Professional Association of Magistrates of Togo (APMT). A majority of the APMT members were supporters of President Gnassingbe's party, the RPT. Judges who belonged to the pro-RPT APMT reportedly received the most prestigious assignments, while judges who advocated an independent judiciary and belonged to the ANM or SMT often were assigned to second-tier positions. For example, the president of the Constitutional Court was the founder and leader of the APMT; in Lome, the presidents of the Supreme Court, Court of Appeals, and Court of First Instance were members of the APMT as were the public prosecutor and the attorney general. In Kara, the president of the Court of Appeals and the president of the Court of First Instance were members of the APMT.

The Constitutional Court is the highest court for constitutional issues while the Supreme Court is the highest court for civil judicial cases. The civil judiciary system includes the Supreme Court, appeals courts, and courts of first instance. A military tribunal exists for crimes committed by security forces; its proceedings were closed. The military court cannot try civilians and does not accord military defendants the same rights as civilians.

Trial Procedures

The judicial system employs both traditional law and the Napoleonic Code in trying criminal and civil cases. Defendants do not enjoy a presumption of innocence. Trials were open to the public, juries were used, and judicial procedures generally were respected. Defendants have the right to be present at their trials and have the right to counsel and to appeal. All defendants have the right to an attorney, and the bar association provides attorneys for the indigent. Defendants may confront witnesses and present witnesses and evidence on their own behalf. Defendants have the right to access government-held evidence relevant to their cases, but in practice were denied that right.

The law extends these rights to all citizens; however, women who were uneducated or came from rural areas tended not to be aware of or feared claiming their rights.

In rural areas the village chief or a council of elders is authorized to try minor criminal and civil cases. Those who reject the traditional authority can take their cases to the regular court system, which is the starting point for cases in urban areas.

Political Prisoners and Detainees

The government denied the existence of political detainees; however, six persons arrested after the 2005 election and affiliated with the opposition reportedly were being held in a prison near Kara, an area of strong RPT support. AI reported that dozens of persons were in detention following the election. Security forces sometimes moved political detainees to informal detention centers under the control of the military or RPT militia. Because the government did not acknowledge any political detainees, it did not permit any organizations to have access to them.

Civil Judicial Procedures and Remedies

Both the constitution and the law provide for civil and administrative remedies for wrongdoing, but the judiciary did not respect such provisions, and most citizens were unaware of them.

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

The constitution and law prohibit such actions, and the government generally respected these prohibitions in practice. In criminal cases a judge or senior police official may authorize searches of private residences; in political and national security cases, security forces need no prior authorization.

Citizens believed that the government monitored telephones and correspondence, although such surveillance was not confirmed.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution and law provide for freedom of speech and of the press; however, the government continued to restrict these rights. During the year the government at times interfered with radio stations. Journalists and radio and television broadcasters practiced self-censorship.

Although the government did not officially censor individual expression, most persons practiced self-censorship because of past violent reprisals by government agents.

There was a lively independent press, most of which was heavily politicized, and some of which was highly critical of the government. More than 25 privately owned newspapers were published with some regularity. The only daily newspaper, *Togo-Presse*, was owned and controlled by the government. The official media heavily slanted their content in favor of the government.

Radio remained the most important medium of mass communication. Some private radio stations broadcast domestic news.

International media were allowed to operate freely.

The government-owned Togo Television was the only major television station. Eight smaller television stations operated during the year--four covering sports or religion, two private political stations, and two independent stations--but broadcast only to limited geographic areas. TV7, an independent station, also carried weekly political debates through the program Seven on Seven, a political forum in which governing and opposition party leaders, human rights organizations, and other observers participated in discussions of political issues and expressed either criticism of or support for the government. La Chaîne du Futur, a private station established in 2008 and similar to TV7, reported positively on the ruling government.

The constitution established the High Authority of Audiovisuals and Communications (HAAC) to provide for freedom of the press, ensure ethical standards, and allocate frequencies to private television and radio stations. Although nominally independent, in practice the HAAC operated as an arm of the government.

In January Radio Victoire was pulled off the air for failing to comply with the HAAC's instruction to ban a foreign journalist from participating in a radio discussion on a sports program which criticized the Togolese Confederation of Football.

In February Daniel Lawson-Drackey, a journalist with Nana FM radio, was indefinitely suspended from the air by the HAAC after making comments critical of the authorities. The National Commission on Human Rights ruled that this

decision violated the right to information and the right to press freedom. Lawson-Drackey was working for Nana FM at year's end, although one of his programs criticizing the government remained suspended.

In July the HAAC suspended the interactive program of Radio Lumière, a station in Aného, southern Togo. The radio station allowed callers to comment freely on the Kpatcha affair.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. According to International Telecommunication Union statistics for 2008, approximately 5 percent of the country's inhabitants used the Internet.

Academic Freedom and Cultural Events

The government intimidated academics by maintaining a security force presence at the University of Lome. According to students and professors, a government informer system continued to exist, and undercover gendarmes attended classes.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution and law provide for freedom of assembly; however, the government generally restricted this right, although less than in previous years. On January 9, students of Ecole Nationale des Auxiliaires Medicaux boycotted their classes to push for improved working and living conditions. Security forces were deployed to disperse the protest but no violence occurred. Students returned to their classes after Minister of Health Komlan Mally intervened.

On January 21, students at the African School for Architecture and Urban Planning held protests during which security force members severely beat several protestors. Students returned to their classes following intervention by President Faure and the minister of technical and professional training.

Freedom of Association

Under the constitution and law, citizens have the right to organize associations and political parties, and the government generally respected this right in practice.

c. Freedom of Religion

The constitution provides for freedom of religion, and the government generally respected this right in practice.

The government recognizes three main faiths as state religions: Roman Catholicism, Protestantism, and Islam. Other religious groups, such as animists, The Church of Jesus Christ of Latter Day Saints, and Jehovah's Witnesses, were required to register as associations. Official recognition as an association affords a group the same rights as the state religions.

Societal Abuses and Discrimination

The Jewish community was very small, and there were no reports of anti-Semitic acts.

For a more detailed discussion, see the *2009 International Religious Freedom Report* at www.state.gov/g/drl/rls/irf/

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation; however, the government restricted some of these rights in practice. Checkpoints with armed security personnel and arbitrary searches of vehicles and individuals were common. Security forces frequently demanded bribes, which impeded freedom of movement. Although the government reduced the number of official checkpoints to four countrywide, there were many unofficial checkpoints where security forces solicited bribes.

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

The constitution prohibits forced exile, and the government did not employ it. However, several opposition and human rights workers remained in self-imposed exile because they feared arrest.

According to the UNHCR, approximately 3,000 Togolese refugees remained in Benin, and the number of Togolese refugees in Ghana was unknown. They received assistance from the UNHCR, which facilitated repatriation for those wishing to return to Togo and local integration for refugees who would not or could not return.

Protection of Refugees

The country is a party to the 1951 Convention relating to the Status of Refugees, the 1967 Protocol relating to the Status of Refugees, and the 1969 African Union Convention Governing the Specific Aspects of the Refugee Problem in Africa. Its laws do not provide for the granting of asylum or refugee status in accordance with the 1951 Convention, but the government has established a system for providing protection to refugees. In practice the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion.

The government facilitated local integration for remaining Ghanaian refugees. Most were well integrated in host communities and required no humanitarian assistance. A voluntary repatriation program for 508 Ghanaian refugees remained unimplemented due to lack of resources.

The government continued to provide temporary protection to approximately 521 individuals who may not qualify as refugees under the 1951 convention and its 1967 protocol.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution provides citizens the right to change their government peacefully, and citizens exercised this right partially through legislative elections in 2007 declared to be generally free and fair by the international community. However, the national assembly exercised no real oversight of the executive branch of the government. In 2005 Faure Gnassingbe was declared president in an election characterized by international observers as marred by severe irregularities and violence, including the deaths of an estimated 500 persons.

After the 2007 elections, the national assembly comprised three political parties, although cabinet members were drawn largely from the party of the president. The government remained highly centralized. The national government appoints officials and controls the budgets of government entities at all levels, including prefectures and municipalities, and influences the selection of traditional chiefs.

Elections and Political Participation

In 2007 citizens voted to elect the 81 members of the national assembly in 31 electoral districts, choosing from 2,000 candidates who ran on 395 party lists. International and national observers monitored the elections and declared them to be generally free, fair, transparent, and peaceful.

The CENI later announced that the ruling RPT had won 50 seats, the Union of Forces for a Change (UFC) 27 seats, and the Action Committee for Renewal (CAR) four seats. The Constitutional Court, which is the final arbiter of all electoral issues, concurred and issued definitive results on October 30.

A new government was appointed in September 2008 after the resignation of Prime Minister Komlan Mally following the completion of his mandate.

Political parties are required to provide a 48-hour advance notification to the government for any public activity. They are also subject to restrictions in calling for demonstrations or strikes, which may be monitored by security forces.

In August 2008 the government prohibited two opposition parliamentarians from leaving the country because they did not notify the president of the national assembly of their travel plans.

There were nine female members of the national assembly and four female ministers in the 28-member cabinet.

Members of the southern ethnic groups remained underrepresented in both the government and military.

Section 4 Official Corruption and Government Transparency

The law provides criminal penalties for official corruption; however, the government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity. The April 2008 government's interim poverty reduction strategy paper noted that corruption and lack of transparency in the management of public funds was a problem throughout the government. According to the World Bank's Worldwide Governance Indicators for 2008, government corruption was a severe problem.

Corruption was common among prison officials, police officials, and members of the judiciary (see sections 1.c., 1.d., 1.e., and 2.d.).

There were no further developments in the 2007 corruption allegations levied by the Anti-Corruption Committee against the director general of the Social Security Agency, who remained in his position at year's end.

The constitution provides for the creation of a court of accounts to oversee public expenditures. The court was established on September 24 and is an independent entity with an autonomous budget.

Officials were not subject to financial disclosure laws.

Although the press code provides for public access to government information, the government did not permit access for either citizens or noncitizens, including foreign media. Reasons for denial were not given.

Section 5 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials sometimes were cooperative but typically were not responsive to NGO recommendations.

There were several domestic private human rights groups, including the Togolese League of Human Rights, the Center for Observation and Promotion of the Rule of Law, and the Togolese Association for the Defense and Protection of Human Rights. 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 groups to become inactive.

The government generally cooperated with international governmental organizations and permitted visits by UN representatives or other organizations such as the ICRC (see section 1.c.).

A permanent human rights committee exists within the national assembly, but it did not play any significant role in policymaking and was not independent of the government.

Section 6 Discrimination, Societal Abuses, and Trafficking in Persons

The constitution and law prohibit discrimination based on race, gender, religion, disability, language, or social status; however, the government did not enforce these provisions effectively.

Women

The law criminalizes rape and provides for prison terms of five to 10 years for anyone found guilty of the crime. The prison term is 20 years if the victim is a child under 14, is gang-raped, or if the rape results in pregnancy, disease, or incapacitation lasting more than six weeks. The law does not specifically outlaw spousal rape. Although the government was diligent in investigating and prosecuting reports of rape, victims were reluctant to report it because of the social stigma associated with being raped. Rape was thought to be a widespread problem throughout the country. During the year 24 persons were arrested for rape. At year's end all were in prison, some awaiting trial and others awaiting convictions to be formalized.

The law does not specifically prohibit domestic violence, and domestic violence against women continued to be a widespread problem. According to a local NGO, 614 women in Lome reported being victims of domestic violence in 2008. Police generally did not intervene in abusive situations, and women were not made aware of the formal judicial mechanisms designed to protect them. Although there were no official efforts to combat domestic violence, several NGOs were active in combating the problem and making women aware of their rights.

The law prohibits prostitution, including operating a brothel, and provides for fines of up to one million CFA francs (\$2,200) for brothel owners and panderers. Prostitution in Lome was fairly widespread. In 2008 several prostituted women in Lome reported that they had to bribe security forces or offer sex to pass through certain parts of town and that failure to do so often resulted in rape; however, there were no such reports during the year.

A presidential decree, issued in 1984, prohibits sexual harassment and specifically mentions harassment of female students; however, authorities did not enforce the decree. While the law states that harassment is illegal and can be taken to court, no definitive punishment is prescribed.

The government recognized the right of couples and individuals to decide freely and responsibly the number, spacing, and timing of their children. Health clinics and local NGOs were permitted to operate freely in disseminating information on family planning under the guidance of the Ministry of Health. There were no restrictions on the right to access contraceptives but only about 11 percent of the inhabitants used these measures. The government did not provide free childbirth services, and the lack of sufficient doctors meant most women used midwives for childbirth as well as for pre- and postnatal care, unless the mother or child suffered serious health complications. Men and women of heterosexual orientation received equal access to diagnosis and treatment for sexually transmitted infections, including HIV, but women

were more likely than men to seek treatment and refer their partners. Men of homosexual orientation did not receive equal access to these services.

Although the law declares women equal under the law, women continued to experience discrimination in education, pension benefits, and inheritance. This was a consequence of traditional law, which applies to the vast majority of women. A husband legally can restrict his wife's freedom to work or control her earnings. In urban areas women and girls dominated market activities and commerce; however, harsh economic conditions in rural areas, where most of the population lived, left women with little time for activities other than domestic tasks and agricultural fieldwork. The labor code requires equal pay for equal work, regardless of gender, but this provision generally was observed only in the formal sector. There are no restrictions on women owning property. Under traditional law a wife has no maintenance or child support rights in the event of divorce or separation and no inheritance rights upon the death of her husband. Otherwise, women can own property with no special restrictions. Polygyny was practiced. Women did not experience economic discrimination in access to employment, credit, or managing a business.

As in the previous years, the Ministry of Social Affairs, Promotion of Women, and Protection of Children and the Elderly, along with independent women's groups and concerned NGOs, continued to campaign to inform women of their rights.

Children

Citizenship is derived either from birth within the country's borders or from the father's citizenship. If the father does not have a nationality or it is unknown, the mother's citizenship transfers to the child.

The government provided education in state schools, and school attendance is compulsory for both boys and girls until the age of 15. In October 2008 the government announced that tuition for public nursery schools and primary schools would be free. According to the UN Children's Fund (UNICEF), although 92 percent of boys and 85 percent of girls started primary school, only an estimated 58 percent of boys and 41 percent of girls finished primary school. For secondary school, the net enrollment was 34 percent for boys and 12 percent for girls, but only 19 percent of boys and 9 percent of girls completed secondary school.

Child abuse was a widespread problem. Although the law explicitly prohibits sexual exploitation of children and child prostitution, the law was not effectively enforced. The government continued to work with local NGOs on public awareness campaigns to prevent exploitation of children.

The law prohibits FGM; however, according to UNICEF, FGM continued to be perpetrated on approximately 6 percent of girls, mostly in rural areas. It was believed the practice had decreased significantly in urban, but not rural, areas since the 1998 anti-FGM law was passed. The most common form of FGM was excision, which was usually performed on girls a few months after birth. Most of the larger ethnic groups did not practice FGM. Penalties for practitioners of FGM range from two months to five years in prison as well as substantial fines. However, the law rarely was applied because most FGM cases occurred in rural areas where awareness of rights was limited. Traditional customs often took precedence over the legal system among certain ethnic groups. The government continued to sponsor seminars to educate and campaign against FGM. Several NGOs, with international assistance, organized campaigns to educate women of their rights and how to care for victims of FGM. NGOs also worked to create alternative labor opportunities for former practitioners.

According to several international organizations, child marriage, especially in the north and among Muslims, existed on a small scale. Cases were often not reported as parents freely gave their children in marriage.

A private radio station, Radio Zephir, sponsored by the international NGO Plan International and partially subsidized by the government, broadcasts a weekly program for children titled "Children Also Have Rights."

During the year the government established a toll-free line for persons to report cases of child abuse and seek help. The line provides free information on the rights of the child and legal procedure. The government also established school curriculum to educate children on human rights and, working with UNICEF, trained teachers on children's rights.

In 2007 the government implemented the country's first child code which provides for the protection of children's economic, psychological, and moral rights and includes national and international standards intended to protect children. The code prohibits child trafficking, child prostitution, child pornography, the employment of children in armed conflict, and other worst forms of child labor, including the selling of children for sexual exploitation, forced labor, or servitude. Government efforts to implement the code resulted in the release during the year of hundreds of children were released from service as assistants to traditional healers. During the year the International Labor Organization launched a program to raise awareness and rescue children from trafficking and enforced labor.

Orphans and other needy children received some aid from extended families or private organizations but little from the government. There were social programs to provide free health care for poor children.

Trafficking in Persons

The law prohibits trafficking in children but not adults. The country remained a country of origin, transit, and destination for trafficked persons, primarily women and children. Trafficking occurred throughout the country at both official points of entry and covertly at unrecognized, unmonitored border crossing points.

The majority of trafficking victims were children from the poorest rural areas, particularly those of Kotocoli, Tchamba, Ewe, Kabye, and Akposso ethnicity and mainly from the Maritime, Plateau, and Central regions. More young girls than boys were victims of trafficking. Trafficking in women for the purposes of prostitution or forced labor as domestic servants were problems.

Most trafficking occurred internally, with children trafficked from rural areas to cities, primarily Lome, to work as domestics, produce porters, or roadside sellers. However, according to the UN Office on Drugs and Crime (UNODC), Togolese children represented 30 percent of internationally trafficked victims recorded in eight West African countries. Children were trafficked to Benin for indentured servitude and to Cote d'Ivoire and Ghana for domestic servitude, which amounted at times to slavery. Boys were trafficked for agricultural work to Cote d'Ivoire, Nigeria, and Benin, and to Gabon for domestic servitude and street labor. They were fed poorly, clothed crudely, cared for inadequately, given drugs to work longer hours, and not educated or permitted to learn a trade. There were reports that young girls were trafficked to Nigeria for prostitution.

The country also was a transit point for children trafficked from Burkina Faso, Ghana, Cote d'Ivoire, and Nigeria. There were credible reports that Nigerian women and children were trafficked through the country to Europe (particularly Italy and the Netherlands) for the purpose of prostitution. Victims were trafficked elsewhere in West Africa and to Central Africa, particularly Cote d'Ivoire, Nigeria, and Gabon; to Europe, primarily France and Germany; and to the Middle East, including Lebanon and Saudi Arabia.

Traffickers were believed to be men and women of Togolese, Beninese, and Nigerian nationalities. Adult victims usually were lured with phony job offers. Children often were trafficked abroad by parents misled by false information. Sometimes parents sold their children to traffickers for 10,000 CFA francs (\$22) or for commodities such as bicycles, radios, or clothing and signed parental authorizations transferring their children to the custody of the trafficker.

Traffickers are penalized with sentences of five to 10 years in prison and fines of five to 10 million CFA francs (\$11,000 to \$22,000). The 2005 Law for the Repression of Child Trafficking provides for prison sentences and fines for anyone who

recruits, transports, hosts, or receives trafficked children, as well as prison sentences for parents who willingly facilitate the trafficking of their children. The law provides for prison sentences from three months to 10 years and fines ranging from one to 10 million CFA francs (\$2,200 to \$22,000) for traffickers of children or their accomplices. Anyone who assists or provides information, arms, or transportation to facilitate the trafficking is considered an accomplice.

The government had little or no funding to investigate traffickers. Police had limited success in intercepting victims of trafficking, and prosecution of traffickers was rare. Detained traffickers often paid a bribe to secure their release. During the year 13 traffickers were arrested; at year's end, 10 were in prison awaiting their sentences. The remaining three were on parole but had to report to court regularly.

Four of the 10 traffickers arrested in 2008 were released following their trial; the remaining six were in prison at year's end.

The government, along with international and local NGOs and some diplomatic missions, continued to train judges, security forces, and local volunteer committees on the 2005 antitrafficking law and other existing texts.

The National Committee for the Reception and Social Reinsertion of Trafficked Children is the focal point for statistics on child trafficking and is represented in each prefecture. The committee worked with local officials to reintegrate returned trafficking victims, and during 2008 assisted in the repatriation of 67 trafficked children. Most of these children were integrated into their communities.

The government provided only limited assistance for victims, primarily because of a lack of resources. The NGO Terre des Hommes assisted recovered children until their parents or other next of kin could be notified. Assistance was also available from the government-funded Social Center for Abandoned Children. The center sends recovered children to school or finds apprenticeships for them. CARE International-Togo worked with NGOs including Terre des Hommes, La Colombe, The Network to Fight against the Trafficking of Children (RELUTET), and Ahuefaon on reintegration of trafficked children, awareness campaigns for parents and communities, keeping children in school, and supporting women's income-generating activities.

Government agencies involved in antitrafficking efforts included the Ministry of Social Affairs, Promotion of Women, and Protection of Children and the Elderly; the Ministry of Health; the Ministry of Security; the Ministry of Justice; the Ministry of Labor, Employment, and Social Security; and the security forces (especially police, army, and customs units). The government cooperated with NGOs and the governments of Ghana, Benin, and Nigeria under a quadripartite law allowing for expedited extradition among those countries. In May UNODC and the government conducted a seven-day trafficking in persons awareness campaign in several regions of the country.

During the year the government created observation groups in each state called the Regional Committees for the Promotion of Children's Rights. These groups act as informants of any suspicious activities in terms of children's displacement.

In 2008 local officials, especially the Ministry of Social Affairs, Promotion of Women, and Protection of Children and the Elderly, worked closely with numerous NGOs, including Plan Togo, the World Association for Orphans-Afrique, CARE International-Togo, and Terre des Hommes, to conduct public awareness campaigns and training workshops for lawyers, journalists, judges, NGO representatives, and security personnel. The International Labor Organization (ILO) and UNICEF assisted the government in organizing and training regional and local committees and in sensitizing and educating parents on the dangers of child trafficking and labor throughout the country.

The Department of State's annual *Trafficking in Persons Report* can be found at www.state.gov/g/tip

Persons with Disabilities

A law enacted in 2005 prohibits discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services, but the government did not effectively enforce these provisions. There was no overt government discrimination against persons with disabilities, and some held government positions, but societal discrimination against persons with disabilities was a problem. The government does not mandate accessibility to public or private facilities for persons with disabilities, although some public buildings have ramps. While the law nominally obliged the government to aid persons with disabilities and shelter them from social injustice, the government provided only limited assistance.

The Agency for Handicapped Persons, under the Ministry of Social Action, Women's Promotion, and the Protection of Children and the Elderly, is responsible for protecting the rights of persons with disabilities. During the year the ministry held awareness campaigns against discrimination and to promote equality. It distributed food and clothing and provided some skills training to persons with disabilities.

National/Racial/Ethnic Minorities

The relative dominance in private sector commerce and professions of members of southern ethnic groups, and the relative prevalence in the public sector and especially the security forces of members of the former and current presidents' Kabye and other northern groups, were sources of political tension. Political parties tended to have readily identifiable ethnic and regional bases: the RPT party was more represented among northern ethnic groups than among southern groups; the reverse was true of the UFC and CAR opposition parties.

In addition, due to the congruence of political divisions and ethnic and regional divisions, human rights abuses motivated by politics at times had ethnic and regional overtones.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

Homosexual conduct is illegal but the law was rarely enforced. The penal code provides that a person who engages in a homosexual act may be punished by one to three years imprisonment and fined 100,000 to 500,000 CFA francs (\$220 to \$1,100).

There was societal discrimination based on sexual orientation.

Other Societal Violence or Discrimination

A 2005 law prohibits discrimination against persons infected with HIV/AIDS. The government sponsored broadcasts aimed at dissuading discrimination. However, persons infected with HIV/AIDS continued to face significant societal discrimination.

Section 7 Worker Rights

a. The Right of Association

The constitution and law provide workers, except security forces (including firefighters and police), with the right to form and join unions, and they exercised this right in practice. Approximately 60 to 70 percent of formal sector workers were union members or supporters.

The constitution and law provide most workers with the right to strike, including government health workers, although the latter must ensure minimal services. The 2006 labor code prohibits retribution against strikers by employers. However, in December some culinary employees at the Sarakawa Hotel went on a 48-hour strike demanding year-end bonuses. The strike ended when management agreed to their demands.

There were no further developments in the case of the nine striking workers who were fired in July 2008.

b. The Right to Organize and Bargain Collectively

The constitution and the labor code nominally provide workers the right to organize and bargain collectively; however, the government limited collective bargaining to producing a single nationwide agreement that had to be negotiated and endorsed by representatives of the government, labor unions, and employers. All formal sector employees were covered by the collective bargaining agreement that set nationwide wage standards for all formal sector workers. The government participated in this process both as a labor-management mediator and as the largest employer in the formal sector, managing numerous state-owned firms that monopolized many sectors of the formal economy. Individual groups in the formal sector could attempt to negotiate agreements more favorable to labor through sector-specific or firm-specific collective bargaining, but this option was rarely used.

The Ministry of Labor, Employment, and Social Security failed to enforce the prohibition against antiunion discrimination.

The law provides exemptions from some provisions of the labor code, notably the regulations on hiring and firing for companies in the export processing zones (EPZs). Employees of EPZ firms did not enjoy the same protection against antiunion discrimination as did other workers. Workers in the EPZs were prevented from exercising freedom of association, because unions did not have free access to EPZs or the freedom to organize workers there.

c. Prohibition of Forced or Compulsory Labor

The labor code prohibits forced or compulsory labor, including by children; however, such practices occurred. Children sometimes were subjected to forced labor, primarily as domestic servants, porters, and roadside sellers. Women were trafficked for prostitution or forced labor as domestic servants.

d. Prohibition of Child Labor and Minimum Age for Employment

The labor code prohibits the employment of children under the age of 15 in any enterprise, prohibits children under age 18 from working at night, and requires a daily rest period of at least 12 hours for all working children. However, the government did not effectively enforce child labor laws, and child labor was a problem. Some children started work at age five and typically did not attend school for most of the school year.

Children worked in both rural and urban areas, particularly in family-based farming and small-scale trading and as domestic servants and porters. In some cases children worked in factories.

For some types of industrial and technical employment, the minimum age is 18. Inspectors from the Ministry of Labor, Employment, and Social Security enforced these age requirements, but only in the formal sector in urban areas. In both urban and rural areas, particularly in farming and small scale trading, very young children traditionally assisted in their families' work. In rural areas, parents sometimes placed young children into domestic work in other households in exchange for one-time fees as low as 12,500 to 17,500 CFA francs (\$28 to \$39).

Children were trafficked into indentured and exploitative servitude, which amounted at times to slavery.

There were credible reports that Nigerian women and children were trafficked through the country to Europe, particularly to Italy and the Netherlands, for the purpose of prostitution.

The Ministry of Social Affairs, Promotion of Women, and Protection of Children and the Elderly was responsible for enforcing the prohibition of the worst forms of child labor. In 2007 the National Assembly adopted the child code that prohibits the employment of children in the worst forms of child labor, including child trafficking, child prostitution, child

pornography, and the use of children in armed conflict. Due to limited resources, the enforcement of child labor laws was weak. The ministry funded a center for abandoned children and worked with NGOs to combat child trafficking. The ministry frequently held workshops in collaboration with UNICEF, the ILO, NGOs, labor unions, and other partners to raise awareness about child labor in general and forced labor in particular.

e. Acceptable Conditions of Work

The government sets minimum wages for different labor categories, ranging from unskilled through professional positions. There was no minimum wage for workers in the informal sector. In practice employers often paid less than the official minimum wage, mostly to unskilled workers. In August 2008, the government raised the official monthly minimum wage from 10,000 to 16,000 CFA francs (\$22 to \$35) to 28,000 CFA francs (\$62). However, the new wage did not provide a decent standard of living for a worker and family. Many workers supplemented their incomes through second jobs or subsistence farming. The Ministry of Labor, Employment, and Social Security is responsible for enforcement of the minimum wage system, especially in the private sectors, but it did not enforce the law in practice.

Working hours of all employees in any enterprise, except for the agricultural sector, normally are not to exceed 40 hours per week; at least one 24-hour rest period per week is compulsory, and workers are expected to receive 30 days of paid leave each year. Working hours for employees in the agricultural sector are not to exceed 2,400 hours per year (46 hours per week). The law requires overtime compensation, and there are restrictions on excessive overtime work; however, the Ministry of Labor, Employment, and Social Security's enforcement was weak, and employers often ignored these provisions.

A technical consulting committee in the Ministry of Labor, Employment, and Social Security sets workplace health and safety standards. It may levy penalties on employers who do not meet the standards, and employees 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 was limited. Large enterprises are obliged by law to provide medical services for their employees and usually attempted to respect occupational health and safety rules, but smaller firms often did not. Although workers have the legal right to remove themselves from unsafe conditions without fear of losing their jobs, in practice some could not do so. Labor laws also provide protection for legal foreign workers.