



## 2008 Human Rights Report: Togo

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

[2008 Country Reports on Human Rights Practices](#)

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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, had dominated politics and maintained firm control over all levels of the highly centralized government until his death. In October 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: partial inability of citizens to change their government; torture and other abuse of detainees; rape; 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, including banning media programs; restrictions on freedom of assembly and movement; corruption; female genital mutilation (FGM) and violence against women; discrimination 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 (EPZs).

During the year the government took significant steps to advance human and political rights, including the organization of a Truth, Justice, and Reconciliation consultation process meant to facilitate forgiveness and reconciliation, aid the fight against corruption and judicial impunity, and reinforce national unity in the country. The government waived public primary school fees and more than doubled the minimum wage.

### RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

The government or its agents did not commit any confirmed politically motivated killings.

On August 15, an outspoken political leader and former government minister was found dead on the beach in Lome. The results of an autopsy performed by a coroner from the international NGO Physicians for Human Rights were inconclusive but did disprove the findings of the Togolese coroner, who had ruled the minister's death as a result of a drug overdose. The government did not investigate the minister's death further

Despite promises to investigate, the government had not released a report at year's end on the July 2007 killing of

a soldier guarding the national radio station, Radio Lome.

The government took no action against the police officer who beat Yaya Moussa to death in 2006.

During the year the government held no trials and conducted no prosecutions of the perpetrators of violence and vandalism related to the 2005 presidential elections. In 2005 there were reports of mass graves, and military personnel reportedly transported more than 100 unidentified bodies to unknown destinations. In 2005 the government created the Special Independent Investigation Commission to probe the violence and vandalism that occurred before, during, and after the election. The commission held security forces, the ruling party, and opposition party members responsible for the violence and recommended that individuals involved be prosecuted. However, the government still had not acted on the recommendations at year's end.

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, such practices continued to occur. There were numerous reports of torture or mistreatment of detainees, according to Amnesty International (AI) in its 2008 report. Impunity remained a problem, and the government did not prosecute publicly officials for such abuses.

Members of the security forces raped prostitutes who refused to provide sex in exchange for being allowed to enter some sections of Lome.

Prison and Detention Center Conditions

Prison conditions remained harsh, with serious overcrowding, poor sanitation, and unhealthy food. At year's end Lome's central prison, built to accommodate 500 prisoners, held 1,557 inmates, including 39 women. Medical facilities were inadequate, and disease and drug abuse were widespread. Sick prisoners reportedly had to pay 1,500 CFA francs (approximately \$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.

The government provided no statistics on the number of prison deaths, but confirmed that prisoners died as a result of poor living conditions.

The infants of convicted women were incarcerated with their mothers. Pretrial detainees were not held separately from convicted prisoners.

Local nongovernmental organizations (NGOs) were allowed access to all prisons. Local NGOs also had access to military detention centers; however, the visits by NGOs generally were announced well in advance.

In April 2007 a delegation of the UN Special Rapporteur on Torture visited prison, gendarmerie, police, and military detention facilities throughout the country without prior announcement and met with detainees. The special rapporteur stated that prisons were overcrowded. He noted evidence of ill-treatment by law enforcement officials, mainly inflicted during interrogation to obtain a confession, and that conditions in police custody and in most prisons amounted to inhumane treatment. He reported that soldiers at the military camp of Kara insulted and

threatened the members of his delegation and prevented them from visiting cells inside the camp.

#### 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

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 gendarmerie and military. Police and gendarmes are responsible for law enforcement and maintenance of order. However, the army, charged with external security by law, was in charge of domestic security. 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 a collective of 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 (approximately \$50) to the court to move their cases forward. Some of the victims 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 August 2007 newly recruited police agents randomly beat civilians in an area of Lome; young men in the area had beaten a policeman a day earlier. The chief of police stated that the perpetrating police agents, as well as the men who beat the policeman, would be arrested and prosecuted. However, by year's end there was no new information available on the case.

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

##### Arrest and 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. 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. 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.

A number of persons detained in 2005 continued to be held without trial in Lome Central Prison, including suspected critics of the government. Most reportedly were tortured or mistreated during the first few days of detention, according to AI's 2007 report. An accurate count of the detainees was not available. During the year a domestic newspaper reported that six persons detained in 2005 in connection with election-related violence remained in prison, although the government continued to claim that there were no political prisoners.

As during the previous year, the government made some effort to clear the backlog of criminal cases by providing free legal services for 67 prisoners and preparing for trial 94 cases of pretrial detainees.

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.

On April 27, the 48th anniversary of the country's independence day, the president released 297 prisoners who had served three quarters of their sentences.

#### 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. A judicial reform process started in 2005 and intended to last until 2010 was significantly behind schedule.

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. The military court 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. Defendants have the right to be present at their trials. Trials were open to the public, juries were used, and judicial procedures generally were respected. Defendants 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.

In rural areas, the village chief or 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; however, they offered little of the political commentary and criticism of the government that was widespread in the print media.

International media were allowed to operate freely.

The station director of Radio Lumiere, who fled the country after a military detachment seized Radio Lumiere's broadcasting equipment in 2005, remained in self-exile. Radio Lumiere resumed broadcasting under another director in 2005, but in July the High Authority of Audiovisuals and Communications (HAAC) suspended all live debates on the station.

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 political stations--but broadcast only to limited geographic areas. TV7, an independent station, also carried weekly political debates through the program "Seven on Seven," a weekly 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 or support for the government. La Chaîne du Futur, a private station similar to TV7 created during the year, reported positively on the ruling government.

The constitution established the 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.

According to the NGO Committee to Protect Journalists, on February 19, the HAAC issued a ruling banning all editorials and commentary by journalist Daniel Lawson-Drackey from private radio station Nana FM; the ban continued at year's end. In February 2007 the president of the HAAC temporarily had banned radio Nana FM from broadcasting commentary by journalist Daniel Lawson-Drackey that criticized the minister of territorial administration.

In January 2007 the president of the HAAC closed Radio Victoire for ignoring two warnings to stop airing a program that French journalist Jacques Roux presented. The program criticized the chairman of the football federation. The HAAC stated that the French journalist had no accreditation and was insulting authorities on air. The ban lasted for 15 days.

In June 2007 the HAAC temporarily suspended three newspapers: La Trompette for four months for disrespecting its authority and for refusing to publish a right of reply, Le Perroquet for two months for publishing false news and for refusing to respect the press code, and Le Courrier de la République for three months for refusing to publish a right of reply.

#### 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. Internet access was readily available except in remote rural locations.

#### Academic Freedom and Cultural Events

The government intimidated academics by maintaining a security force presence at the University of Lomé. 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.

In March the government denied applications for permits from the Togolese Consumers Association to protest the high cost of living.

On April 15, military police used tear gas to disperse a group of retired military members who were protesting the nonpayment of pension arrears from 2000.

On April 16, a paratroop brigade broke up a group of students protesting the condition of the University of Kara. Several injuries were reported.

In February 2007 the government published new rules for political demonstrations. The rules provide that, in compliance with the Global Political Agreement (which provided for a transitional unity government to prepare for legislative elections), and to preserve public order, political parties must hold their public demonstrations on a Saturday or Sunday and must notify the Ministry of Security and the Ministry of Territorial Administration 72 hours prior to the planned demonstration. No notification is required for rallies on private property.

In August 2007 the government banned street demonstrations planned by several opposition parties, including the UFC, ADDI, and UDS-Togo. The government stated that the demonstrations aimed to block preparations for the legislative elections.

In October 2007 security forces used tear gas to disperse a group of UFC activists attempting to invade the CENI office after a meeting that the party held at Freau Jardin, a local plaza. The UFC and the media reported that security forces beat, brutalized, and insulted demonstrators; an estimated 10 persons were injured and 25 arrested.

#### 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.

#### c. Freedom of Religion

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

The government recognizes three main faiths as state religions: Roman Catholicism, Protestantism, and Islam. Other religious groups, such as animists, Mormons, and Jehovah's Witnesses, were required to register as associations. Official recognition as an association affords the same rights that the official religious groups enjoy.

#### 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 2008 International Religious Freedom Report at [www.state.gov/g/drl/irf/rpt](http://www.state.gov/g/drl/irf/rpt).

#### 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. While the government reduced the number of official checkpoints to four nationwide during the year, there were many unofficial checkpoints, at which security forces solicited bribes.

On August 28 and August 30, two parliamentarians were prohibited from departing the country because they did not have written permission from the president of the National Assembly; written permission for parliamentarians

to travel is not required by law.

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.

Of the 40,000 citizens who fled as refugees to Ghana and Benin following election-related violence in 2005, most had returned due to government outreach and facilitation agreements signed between the government, UNHCR and the governments of Benin and Ghana. Approximately 4,600 refugees remained in Ghana and Benin at year's end.

#### Protection of Refugees

The laws do not provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, 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. The government granted refugee status or asylum.

A voluntary repatriation program for 508 Ghanaian refugees remained unimplemented because of continuing unrest and instability in Ghana along the Togo–Ghana border. An unknown number of additional Ghanaian refugees arrived during the year. Some of these refugees have been integrated into society and no longer receive assistance.

The government also provided temporary protection to approximately 420 individuals who may not qualify as refugees under the 1951 convention and its 1967 protocol.

The government cooperated with the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers.

#### 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 October 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 October 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 October 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.

On October 23, CENI announced that the ruling RPT had won 50 seats, the 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 on September 15 after the resignation of Prime Minister Komlan Mally following the completion of his mandate.

In August the government prohibited two opposition parliamentarians from leaving the country because they did not notify the president of the National Assembly. Both submitted their letters and were allowed to leave several days later.

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.

#### Government Corruption and 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. For example, in 2007 the CAC levied allegations of corruption against the director general of the Social Security Agency, who remained in his position at year's end.

According to the government's official interim poverty reduction strategy paper, prepared in April, corruption and lack of transparency in the management of public funds was a problem throughout the government. The constitution provides for the creation of a court of accounts to oversee public expenditures; however, the government had not established it by year's end.

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 4 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 met with some domestic NGOs that monitor human rights but took no action in response to their recommendations. In 2006 AI and other international NGOs criticized the government for failing to bring to justice those involved in election-related violence during 2005.

The government generally cooperated with international governmental organizations and permitted visits by UN representatives or other organizations such as the International Committee of the Red Cross.

In April 2007 a delegation of the UN Special Rapporteur on Torture visited prison, gendarmerie, police, and military detention facilities without prior announcement throughout the country and met with detainees. The special

rapporteur stated that prisons were overcrowded. He noted evidence of ill-treatment by law enforcement officials, mainly inflicted during interrogation to obtain a confession, and noted conditions in police custody and in most prisons amounted to inhumane treatment. He reported that soldiers at the military camp of Kara insulted and threatened the delegation and prevented it from visiting cells inside the camp.

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 5 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.

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 during the year. Police generally did not intervene in abusive situations, and women were not made aware of the formal judicial mechanisms designed to protect them.

The law prohibits prostitution, including operating a brothel, and provides for fines of up to one million CFA francs (approximately \$2,200) for brothel owners and panderers. Prostitution in Lome was fairly widespread since economic opportunities for women were severely limited. Several prostitutes in Lome reported that they had to pay security forces to pass through certain parts of town; this payment most often took the form of sex or bribes. Members of the security forces raped prostitutes who protested the payment. The government did not act to stop this practice.

A presidential decree, issued in 1984, prohibits sexual harassment and specifically mentions harassment of female students; however, authorities did not enforce the decree.

Although the law declares women equal under the law, women continued to experience discrimination, especially in education, pension benefits, and inheritance, as 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. Polygyny was practiced. Otherwise, women can own property with no special restrictions. Women did not experience economic discrimination in access to employment, credit, or managing a business.

During the year the Ministry of Social Affairs and Promotion of Women, along with independent women's groups

and concerned NGOs, continued to campaign to inform women of their rights.

#### Children

Although the law provides for the protection of children's rights, government programs often suffered from a lack of funding, materials, and enforcement. According to the year's budget, 4.2 percent of the national budget was allocated to education.

There were many practices that discriminated against children, especially girls. A private radio station, Radio Zephir, sponsored by the NGO Plan International, broadcast a weekly program for children titled "Children Also Have Rights."

In July 2007, the government put into effect the country's first Child Code. The code 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. As a result of this code, during the year, hundreds of children were released from service as assistants to traditional healers.

The government provided education in state schools, and school attendance is compulsory for both boys and girls until the age of 15. On October 1, the government announced that 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.

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.

Child abuse was a widespread problem. Although the law explicitly prohibits sexual exploitation of children and child prostitution, the government did not effectively enforce the prohibitions. 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 six percent of girls. Although no statistics were available, the government and NGOs believed the practice had decreased significantly in urban areas since the 1998 anti-FGM law was passed but continued as previously in rural areas. 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 victims generally were unaware of their rights. 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 educational campaigns to inform women of their rights and how to care for victims of FGM and worked to create alternative labor opportunities for former practitioners.

#### Trafficking in Persons

The law prohibits trafficking in children but not adults; however, persons were trafficked to, from, and within the country. 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 can pay a bribe to secure their release; however, during the year ten traffickers were arrested, and all remained in prison at year's end.

Government agencies involved in antitrafficking efforts included the Ministry of Social Affairs and Protection of Women, the Ministry of Health, the Ministry of Security, the Ministry of Justice, the Ministry of Labor, 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.

The country remained a country of origin, transit, and destination for trafficking in persons, primarily children. More young girls than boys were victims of trafficking. Trafficking in women for the purpose of prostitution or forced labor as domestic servants was a problem.

Trafficking occurred throughout the country. 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. 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 bicycles, radios, or clothing and signed parental authorizations transferring their children to the custody of the trafficker.

Children were trafficked into indentured and exploitative servitude, which amounted at times to slavery. Most trafficking occurred internally, with children trafficked from rural areas to cities, primarily Lome, to work as domestics, produce porters, or roadside sellers. The country 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. Children were trafficked to Benin for indentured servitude and to Cote d'Ivoire and Ghana for domestic servitude. 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.

Traffickers were believed to be men and women of Togolese, Beninese, and Nigerian nationalities.

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 (approximately \$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.

There were no reports that governmental authorities or security force members facilitated or condoned trafficking in persons. There were no reports that border guards, customs or immigration officials, labor inspectors, or local police received bribes from traffickers, although it was possible given the high level of corruption.

The government, along with international and local NGOs and some diplomatic representatives, continued to train judges, security forces, and local volunteer committees on the 2005 antitrafficking law and other existing texts; by year's end approximately 100 members of the security forces had received such training.

Trafficking occurred at both official points of entry and covertly at unrecognized, unmonitored border crossing points.

Local volunteer committees investigated reports of trafficking. The ministries of education, interior, and social affairs worked with the International Labor Organization (ILO) to establish approximately 300 antitrafficking committees in 2007.

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 the year assisted in the repatriation of 55 trafficking victims, including 52 children. Most of these children were reintegrated 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, RELUTET and Ahuefaon reintegration of trafficked children, awareness campaigns for parents and communities, keeping children in school, and supporting women's income-generating activities.

During the year local officials, especially the Ministry of Social Affairs, 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 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. On June 17, the president presided over a day-long workshop that analyzed different aspects of trafficking in persons.

#### 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. Although the law nominally obliged the government to aid persons with disabilities and shelter them from social injustice, the government provided only limited assistance.

#### 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.

#### Other Societal Abuses and 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.

There was also societal discrimination based on sexual orientation. Homosexuality is illegal. 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 (approximately \$220 to \$550).

## Section 6 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 for members of the security forces and government health workers, although the latter must ensure minimal services. The 2006 labor code prohibits retribution against strikers by employers. However, in July, after a strike of five hours and 30 minutes by the employees of the national phosphate company, Societe Nouvelle des Phosphates du Togo, nine of the strikers were fired.

In January health workers went on strike to protest work conditions. The minister of health promised to meet their conditions; however, nothing was done, and the health workers went on strike again in September. As a result of the September strike some of the strikers' conditions were met; some received overtime pay from 2007, and others were promised "risk pay" for performing dangerous activities.

In September 2007 the government responded to a threatened strike by agreeing to pay arrears on civil servant salaries and on pension payments for retired public and private sector workers.

### 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 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 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.

Forced or compulsory labor by children was a problem.

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 are found working in both rural and urban areas, particularly in family-based farming and small-scale trading. 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 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 and Promotion of Women was responsible for enforcing the prohibition of the worst forms of child labor. In July 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.

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 the government raised the official monthly minimum wage from 10,000 to 16,000 CFA francs (approximately \$22 to \$36) to 28,000 francs CFA (\$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 and Social Security is responsible for enforcement of the minimum wage system, especially in the private sectors, but 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's enforcement was weak, and employers often ignored 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 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.