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2010 Human Rights Report: Togo

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

2010 Country Reports on Human Rights Practices

April 8, 2011

Togo, with a population of 6.6 million, is a republic governed by President Faure Gnassingbe, who was reelected on March 4 in a process characterized by international observers as generally free and fair. The election presented a stark contrast to the 2005 presidential election, which was accompanied by systematic fraud, voter intimidation, and widespread violence. Following the announcement of the official election results, limited incidents of violence between security forces and opposition protesters occurred. The military strongly backed the ruling Rally of the Togolese People (RPT), which dominated politics and maintained firm control over all levels of the highly centralized government. Security forces reported to civilian authorities.

Human rights problems in the country included: security force use of excessive force, including torture, which resulted in deaths and injuries; 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 freedoms of press, assembly, and movement; official corruption; discrimination and violence against women; child abuse, including female genital mutilation (FGM), and sexual exploitation of children; regional and ethnic discrimination; trafficking in persons, especially women and children; societal discrimination against persons with disabilities; official and societal discrimination against homosexual persons; societal discrimination against persons with HIV; and forced labor, including by children.

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 several reports that the government or its agents committed arbitrary or unlawful killings during the year.

Security forces killed striking demonstrators during the year (see section 2.b.).

On May 28, Amnesty International (AI) reported that several persons died in detention in 2009 "probably as a result of torture or other ill-treatment."

According to a June 24 report by Freedom House, three bodyguards of Kpatcha Gnassingbe, the president's half brother, were killed during the army's April 2009 raid on the home of Gnassingbe, who was suspected of coup plotting.

In May 2009 the government established a Truth, Justice, and Reconciliation Commission in response to public and international pressure to account for the complaints lodged by victims of political violence between 1958 and 2005. The commission, which has no power to prosecute or grant amnesty, held public hearings and began taking individual statements during the summer.

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 in January 2009 a UN special rapporteur found evidence that police and gendarmes abused detainees during interrogation, guards beat prisoners, and young persons and children were at risk of corporal punishment while in detention. The government did not prosecute officials for such abuses, and impunity remained a problem.

Information surfaced during the year that detainees died from torture in March 2009 (see section 1.a.).

Unlike in previous years, there were no reports of attacks on or intimidation of human rights workers.

Prison and Detention Center Conditions

Prison conditions remained harsh with serious overcrowding, poor sanitation, and unhealthy food. At year's end the expanded Central Prison of Lome, which was built for 666 prisoners, held 1,925 prisoners. In April 2009 the media reported that prisoners were dying of hunger and received typically one meal a day worth 150 CFA francs (\$0.31). During the year the warden of the central prison confirmed that adult prisoners received one meal a day, and juveniles were provided three. Medical facilities were inadequate, and disease and drug abuse were widespread. Sick prisoners reportedly had to pay 1,500 CFA francs (\$3.12) 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 confirmed 22 prisoner deaths during the year from various causes, including asthma, hypertension, and tuberculosis.

As of October 11, there were 4,116 prisoners in the country's 12 prisons and jails. There were 28 juveniles held in the Brigade for Minors during the summer, 10 of whom were released at the start of the school year. Infants of female prisoners and detainees were placed in the care of private nurseries, which received government support. Pretrial detainees were not held separately from convicted prisoners.

Prisoners and detainees were granted reasonable access to visitors and were permitted religious observance.

Authorities permitted prisoners and detainees to submit complaints to judicial authorities without censorship and request investigation of credible allegations of inhumane conditions. However, authorities rarely investigated such complaints and

did not publicly document such investigations. The government monitored and investigated prison and detention center conditions only rarely, and official impunity was a problem.

Ombudsmen did not serve on behalf of prisoners and detainees to consider such matters as alternatives to incarceration, the status and circumstances of juvenile confinement, improving pretrial detention, or recordkeeping procedures. However, the Ministry of Justice continued to work on ameliorating these problems through its multi-year reform program financed by the European Union.

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Local NGOs accredited by the Ministry of Justice could visit the prisons anytime, although the accreditation process 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. Only internationally recognized groups such as the Office of the UN High Commissioner for Refugees (UNHCR) and the ICRC were granted access to National Intelligence Agency (NIA) detention facilities.

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 NIA is responsible for domestic and foreign intelligence and security, including criminal investigations. The police are under the direction of the Ministry of Security and Civil Protection, which reports to the prime minister. The Ministry of Defense, which reports directly to the president, oversees the military and the gendarmerie. Police and gendarmes are responsible for law enforcement and maintenance of order. The army is in charge of external security. Approximately 80 percent of the army's officers and soldiers were from the Kabye ethnic group, which constituted 23 percent of the population and to which the current and previous presidents belonged.

Police generally were ineffective and corrupt, and impunity was a problem. Police often failed to respond to societal violence. The government generally did not investigate or punish effectively those who committed abuses, including 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 (see section 1.a.). In 2007 the victims were asked to pay 25,000 CFA francs (\$52) 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.

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.

Security forces arbitrarily arrested opposition members during the year (see sections 1.e. and 3).

During the year the government arrested and detained political prisoners, all of whom were released by year's end (see section 1.e.).

The 33 persons arrested in April 2009 for suspected coup plotting, including Kpatcha Gnassingbe, one of the president's half brothers and a national assembly member, remained in detention (see section 1.e.).

The law prohibits arrest for civil debt; however, according to the Togolese League of Human Rights, an unknown number of persons were arrested for outstanding debts and detained in gendarmeries and police stations for more than 48 hours.

A shortage of judges and other qualified personnel, as well as official inaction, resulted in lengthy pretrial detention 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. The Togolese League of Human Rights reported that a man suspected of stealing a chicken remained in pretrial detention for a year.

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 the ruling RPT and 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.

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. The preceding rights were respected in practice. Defendants have the right to access government-held evidence relevant to their cases, but in practice that right was not respected.

The law extends these rights to all citizens, but not to persons convicted in the military court. 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 may take their cases to the regular court system, which is the starting point for cases in urban areas.

Political Prisoners and Detainees

The government arrested and held 16 political detainees in connection with the March 4 presidential election; however, the government denied it held political detainees or prisoners. On March 3, five were arrested in Akoumape; on March 6, four were arrested in Lome; on May 9, six were arrested in Bassar, the home town of opposition candidate Kofi Yamgnane;

and on August 11, another person was arrested for refusing to obey police directives not to attend an unauthorized opposition vigil. The 16 were charged with inciting violence. As of September, according to AI and the League of Togolese Human Rights, all 16 had been released. Some were held for weeks and others for six months, but none had been mistreated, according to AI. The government permitted access to such persons on a regular basis by international humanitarian organizations.

The 33 persons arrested in April 2009 for suspected coup plotting, including presidential half brother Kpatcha Gnassingbe, remained in detention. Most of the detainees were held by the NIA and charged with offences against the security of the state, conspiracy, rebellion, and "voluntary violence"; those charged with inciting violence were held at Kara civil prison in the north. According to AI, some of the detainees were initially held incommunicado, and several had been denied family visits. Lawyers were sometimes denied access to their clients. The ICRC and other human rights organizations were initially denied access to the detainees, but subsequently granted access. On September 30, another suspect was arrested in Abidjan in connection with the alleged plot and extradited to Togo.

The six opposition members arrested after the 2005 election were released from Kara civil prison during the year. During their incarceration the government permitted regular access to them by international humanitarian organizations and the League of Togolese Human Rights.

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. Numerous journalists were fined or sued, usually for defamation, and President Faure personally initiated several lawsuits, which he subsequently dropped. Impunity for past crimes against journalists encouraged self-censorship.

Although the government did not officially censor individual expression, persons were reluctant to criticize the government publicly or privately due to past violent reprisals by government agents and the possibility of civil liability.

The High Authority of Audiovisuals and Communications (HAAC) was established 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 the government's censorship arm.

For example, following the disruption of the April 2009 alleged coup plot led by Kpatcha Gnassingbe (see section 1.a.), the HAAC issued an order banning all radio and television programs in which the public was allowed to express its opinion; the ban was lifted a few days later.

In October the government passed a law that provides the HAAC with the power to impose severe penalties, including suspending publications for up to six months, withdrawing press cards, and seizing equipment from journalists responsible for "serious errors."

There was a lively independent press, most of which was heavily politicized, with some highly critical of the government. More than 25 privately owned newspapers were published with some regularity. The official media heavily slanted their content in favor of the government.

On August 25, a criminal court judge banned indefinitely the distribution of *Tribune d'Afrique*, a newspaper based in Benin but with a bureau in Lome. The newspaper had published an investigative series on the alleged involvement of Mey Gnassingbe, a half brother of the president, in drug trafficking. The judge ordered the newspaper to pay 60 million CFA francs (\$125,000) to President Faure and fined the Togo-based editor and two reporters two million CFA francs (\$4,166) each. On August 25, defense lawyer Darius Atsoo filed an appeal, noting the newspaper did not have a lawyer during the trial and was not able to present a defense. Observers noted that the fines were excessive, and that if upheld on appeal, could bankrupt the newspaper.

Information surfaced during the year that in December 2009 a Lome court fined independent periodical *Golfe Info* 1.5 million CFA francs (\$3,125) and ordered it to pay 82.3 million CFA francs (\$17,450) directly to the NIA; suspend all publication for two months; and retract the offending September story and any subsequent coverage of it. The original article had claimed that a celebrity who was allegedly involved in drug trafficking had worked as a project officer for the presidential administration.

Radio remained the most important medium of mass communication, and there were approximately 100 radio stations, most of which were privately owned.

Information surfaced during the year that military personnel in July 2009 assaulted a reporter with the private FM Radio Metropolis; the reporter had failed to heed the directions of military forces deployed to a construction zone. After the beating, the journalist called a demonstration, which was forbidden by authorities and dispersed by gendarmes.

Unlike in the previous year, there were no reports the radio journalists were suspended after criticizing authorities.

The government-owned Togo Television was the only major television station. Eight smaller television stations operated during the year.

Internet Freedom

There were no known 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 2009, approximately 5.7 percent of the country's inhabitants subscribed to an Internet service provider, and 15 percent 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 informant 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. The government prevented opposition supporters from meeting and forcibly dispersed demonstrations on several occasions during the year, which resulted in deaths.

On March 24, the gendarmerie fired tear gas into a crowd of opposition supporters, who were beating an undercover gendarme discovered among them. In the ensuing panic, several persons were injured.

Following the March 24 violence, the minister of security decreed that no further demonstrations, marches, or public meetings to protest the election results would be tolerated. The government subsequently deployed police and gendarmes, who used tear gas to prevent demonstrations. Although the ban remained in effect, the government allowed the opposition UFC party to conduct weekly Saturday marches and Wednesday prayer vigils until August, when the government again enforced the ban.

On June 22, the gendarmerie used live ammunition, batons, and tear gas to disperse protests over a 20 percent increase in fuel prices, resulting in several deaths and numerous injuries.

On August 10, gendarmes used tear gas to disperse UFC supporters who gathered at a church for their annual congress. Police equipped with batons, tear gas, and live ammunition formed a line to block access to the road leading to UFC headquarters. After the UFC held its two congresses in early August, the government denied permission for the weekly Wednesday noon prayer vigil and an August 14 march and rally at the beach.

No action was taken against security forces who in January 2009 severely beat students at the African School for Architecture and Urban Planning, who were protesting school management and poor campus security following numerous muggings of students.

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

For a complete description of religious freedom, please see the Department of State's *2010 International Religious Freedom Report* at 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. The government cooperated with the 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.

Checkpoints with armed security personnel and arbitrary searches of vehicles and individuals were common. There were four official checkpoints in the country as well as numerous unofficial checkpoints where security forces solicited bribes and impeded movement.

The constitution prohibits forced exile, and the government did not employ it. Several opposition and human rights workers remained in self-imposed exile, claiming they feared arrest. However, many who fled in the early 1990s returned, including the current foreign minister.

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

Protection of Refugees

The country's laws do not provide for the granting of asylum or refugee status, 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.

In March and again in April approximately 300 Ghanaian refugees fled a violent land dispute in northeast Ghana and crossed the border into Togo, according to the UNHCR. Refugees reportedly outnumbered the host community, and many of the refugees were living in schools and other public buildings or staying in tents provided by the government.

The government facilitated local integration for longstanding Ghanaian refugee populations that remained in the country. 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 relating to the Status of Refugees 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 in the March 4 presidential election.

Elections and Political Participation

On March 4, president and ruling RPT candidate Faure Gnassingbe was reelected with 61 percent of votes cast. The Constitutional Court rejected opposition claims of fraud and vote buying, citing lack of evidence. International and national observers monitoring the election declared it generally free, fair, transparent, and peaceful. Unlike the 2005 presidential election, which resulted in approximately 400 deaths and the flight from the country of an estimated 40,000 persons, the March election occurred with minimal violence.

Political parties are required to provide 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.

The government arrested opposition members during the year and banned political demonstrations (see section 1.e.).

The UFC, the largest opposition party, split into two factions following the March election, one led by presidential runner-up Jean Pierre Fabre and the other led by UFC president Gilchrist Olympio, who agreed to join the ruling RPT. As a result of a May 26 accord between Olympio and the government, President Faure named seven UFC ministers to his cabinet. Competing UFC party congresses on August 10 and 12 formally ratified the split by excluding rival leaders from party leadership. Noting the split, the government banned UFC weekly marches, justifying the action on the grounds that Fabre was no longer the legal head or voice of the UFC.

The government remained highly centralized. The national government appointed officials and controlled the budgets of government entities at all levels, including prefectures and municipalities, and influenced the selection of traditional chiefs.

There were nine female members of the national assembly and seven female ministers in the 32-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. According to the World Bank's Worldwide Governance Indicators for 2009, government corruption was a severe problem.

Corruption was common among prison officials, police officers, and members of the judiciary.

In July the customs office created a disciplinary committee to investigate corrupt officers; however, the committee had not started operating by year's end.

An independent court with an autonomous budget to oversee public expenditures was established in September 2009; the court began operations in July.

Officials were not subject to financial disclosure laws.

Although the press code provides for public access to government information, the government in the past did not permit access for either citizens or noncitizens, including foreign media; however, the government provided some information during the year, including postings on Web sites.

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 cooperated, but typically were not responsive to NGO recommendations.

There were several domestic 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.

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 or exercise independent judgment.

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 those convicted. 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

reports of rape and prosecuting suspects, victims were reluctant to report rape due to the social stigma associated with being raped and fear of reprisal. Rape was thought to be a widespread problem throughout the country. During the year 22 persons were arrested for rape. At year's end all were in prison awaiting trial, awaiting convictions to be formalized, or serving sentences.

The law does not specifically prohibit domestic violence, and domestic violence against women continued to be a widespread problem. Police generally did not intervene in abusive situations, and women were not 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 educating women on their rights.

A 1984 presidential decree prohibits sexual harassment and specifically mentions harassment of female students; however, authorities did not enforce the decree, and sexual harassment was a problem throughout the society. While the law states that harassment is illegal and can be taken to court, no specific 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 inhabitants in urban areas used them. The government did not provide free childbirth services, and the lack of sufficient doctors meant most women only used midwives for childbirth as well as for prenatal and postnatal care, unless the mother or child suffered serious health complications. Maternal mortality was 510 deaths per 100,000 live births. Only heterosexual men and women 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.

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 applied 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.

The Ministry of Social Action and National Solidarity, along with independent women's groups and concerned NGOs, campaigned to inform women of their rights. In September President Faure launched a campaign to improve women's health and reduce infant mortality; the president also pledged financial support to the effort.

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.

School attendance is compulsory for both boys and girls until the age of 15, and the government provides tuition-free public education from nursery through primary school; however, parents were required to pay for books, supplies, uniforms, and other expenses. 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. 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. There was no statutory rape law. The government continued to work with local NGOs on public awareness campaigns to prevent exploitation of children.

The law prohibits FGM, which was perpetrated on approximately 6 percent of girls, according to UNICEF. It was believed the practice had decreased significantly in urban 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 ranged 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 educational seminars against FGM. Several NGOs, with international assistance, organized campaigns to educate women of their rights and on 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, broadcast a weekly program for children titled "Children Also Have Rights."

In January 2009 the government established a toll-free line for persons to report cases of child abuse and to seek help. The line provides free information on the rights of the child and legal procedures. 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 in 2009 of hundreds of children from service as assistants to traditional healers. A 2009 ILO program continued to raise awareness of and rescue children from 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.

The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance at http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.html.

Anti-Semitism

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

Trafficking in Persons

For information on trafficking in persons, please see the Department of State's annual *Trafficking in Persons Report* at www.state.gov/g/tip.

Persons with Disabilities

The law prohibits discrimination against persons with physical, mental, and sensory 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 such persons 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 had ramps. While the law nominally obliges 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 and National Solidarity, 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, particularly in 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.

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

The law 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 (\$208 to \$1,041). Eight persons were arrested for "indecent assault" and were in prison awaiting trial at year's end.

There was societal discrimination based on sexual orientation.

Other Societal Violence or Discrimination

A 2005 law prohibits discrimination against persons infected with HIV/AIDS, and 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; however, striking health care workers may be ordered back to work as necessary for the personal security and wellbeing of the population. The 2006 labor code prohibits retribution against strikers by employers. In December 2009 culinary employees at the Sarakawa Hotel went on a 48-hour strike to demand year-end bonuses. The strike ended when management agreed to their demands.

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 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. Unions generally did not have free access to EPZs or the freedom to organize workers there; however, in late 2009 the government allowed the creation of two unions representing workers from various EPZ companies.

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. Children were also forced to perform agricultural work and beg. Women were trafficked for prostitution or forced labor as domestic servants.

Also see the Department of State's annual *Trafficking in Persons Report* at www.state.gov/g/tip.

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, the employment of 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 porters and domestic servants, considered one of the worst forms of child labor. In some cases children worked in factories. In agricultural sectors, children assisted their parents with the harvesting of cotton, cocoa, and coffee. Children were involved in the production of foodstuffs, such as beans and corn, for consumption by the family.

The most dangerous activity involving child labor was in the quarries, where children assisted their parents in crushing rock by hand and carrying buckets of gravel on their heads. Such labor was not sanctioned by the government and occurred only in small, privately-owned quarries. Reputable local NGOs reported that while quarry work was strictly a weekend and holiday activity for most children, others dropped out of school to work full time in the quarries.

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 their

families. 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 (\$26 to \$36).

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

The Ministry of Social Action and National Solidarity was responsible for enforcing the prohibition against 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 trafficking, prostitution, 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 of child labor in general and forced labor in particular.

For information on child trafficking, also see the Department of State's annual *Trafficking in Persons Report* at www.state.gov/g/tip.

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 (\$20 to \$33) to 28,000 CFA francs (\$58). 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.

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