

TOGO 2013 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Togo is a republic governed by President Faure Gnassingbe, whom voters re-elected in 2010 in a process international observers characterized as generally free and fair. In July the ruling UNIR (Unity) party won 62 of 91 seats in the National Assembly. International and national observers monitoring the election declared it generally free, fair, transparent, and peaceful, although there were logistical shortcomings. Authorities failed at times to maintain effective control over the security forces, which committed human rights abuses.

The main human rights problems reported during the year included prison overcrowding and harsh and life-threatening prison conditions, official corruption and impunity, and lengthy pretrial detention.

Other human rights abuses included executive influence over the judiciary; government restrictions on freedom of press and assembly; rape, violence, and discrimination against women; child abuse, including female genital mutilation/cutting (FGM/C) and sexual exploitation; and trafficking in persons. Official and societal discrimination persisted against persons with disabilities, regional and ethnic groups, and lesbian, gay, bisexual, and transgender (LGBT) persons. Societal discrimination against persons with HIV/AIDS was significant. Child labor, including forced child labor, was a problem.

The government took limited steps to prosecute or punish officials who committed abuses. Impunity, including in the security services, was widespread.

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

a. Arbitrary or Unlawful Deprivation of Life

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

b. Disappearance

There were no reports of politically motivated disappearances during the year.

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

The constitution prohibits such practices; however, the law contains no provision defining and criminalizing torture. In contrast with previous years, there were no reports of torture or other cruel, inhuman, or degrading treatment or punishment by government officials. Although there were no new reports, given prior years' records of abuse and the fact that impunity was widespread in the security services, abuses may have continued.

Prison and Detention Center Conditions

Prison conditions remained harsh and in some cases life threatening, due to serious overcrowding, poor sanitation, disease, and unhealthy food. There were reports prison officials sometimes withheld medical treatment from prisoners.

Physical Conditions: There were 4,287 prisoners (including 136 women) in 12 prisons and jails designed to hold 2,720. Men often guarded women. There were 36 juveniles held in the Brigade for Minors facility, officially intended to accommodate only 28. Infants of female pretrial detainees and prisoners were placed in the care of private nurseries, which received government support. Pretrial detainees were held with convicted prisoners. Prisoners had access to potable water, but medical facilities were inadequate, and disease was widespread.

Thirty-eight prisoners died during the year from various causes, including malaria.

Administration: Recordkeeping was inadequate. Many of those in pretrial detention qualified for release under the law for having served half of the possible sentence while in pretrial detention, but since the prison administration did not maintain records of charges against detainees it did not know which detainees were eligible for release. There were no ombudsmen to assist in resolving the complaints of prisoners and detainees. There were no alternatives to incarceration, even for nonviolent prisoners.

Authorities granted prisoners and detainees reasonable access to visitors and permitted religious observance.

Authorities allowed prisoners and detainees to submit complaints to judicial authorities without censorship and to request investigation of credible allegations of inhumane conditions. Authorities, however, 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.

Independent Monitoring: Local nongovernmental organizations (NGOs) accredited by the Ministry of Justice could visit prisons. International NGOs were required to negotiate an agreement with the government to gain similar access. The International Committee of the Red Cross and other international human rights organizations had prison access.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention; in contrast with previous years, the government generally respected these prohibitions.

Role of the Police and Security Apparatus

The national police and the gendarmerie are responsible for law enforcement and maintenance of order within the country. Unlike in previous years, the National Intelligence Agency no longer had internal security responsibilities or operated detention facilities, although it did work with police and gendarmes on other matters. 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.

Corruption and inefficiency were endemic in the police force, and impunity was a problem. Abuses by security forces were subject to internal disciplinary investigations and criminal prosecution by the Ministry of Justice, but this rarely occurred. The government generally neither investigated nor punished effectively those who committed abuses. Authorities, however, arrested one police officer after he shot into a crowd of rioting students, killing one. He was tried, convicted, and awaiting sentencing at year's end.

Police often failed to respond to societal violence.

Arrest Procedures and Treatment of Detainees

In contrast with 2012, there were no reports of persons arbitrarily detained in secret without warrants. The law authorizes judges, senior police officials, prefects, and mayors to issue arrest warrants. Detainees have the right to be informed of the

charges against them, and unlike in previous years, police generally respected this right. Attorneys and family members have the right to see a detainee after 48 to 96 hours of detention, but authorities often delayed, and sometimes denied, access. All defendants have the right to an attorney, and the bar association sometimes provided attorneys for indigents charged with criminal offenses. A law passed on May 24 gives indigent defendants the right to free legal representation, but the government had yet to fund implementation by year's end. 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, detainees often were held without bail for lengthy periods with or without the approval of a judge.

Arbitrary Arrest: In contrast with 2012, there were few reports of arbitrary arrest and no arrests of participants in lawful demonstrations. There were, however, reports of police misusing arrest authority for personal gain.

Pretrial Detention: 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. Pretrial detainees and persons in preventative detention totaled 2,648 or 62 percent of the total prison population.

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 judicial corruption was a problem. There was a widespread perception lawyers often bribed judges to influence the outcome of cases. The court system remained overburdened and understaffed.

Trial Procedures

The constitution provides for the right to a fair trial; however, executive influence over the judiciary limited this right. The judicial system employs both traditional law and the Napoleonic Code in trying criminal and civil cases. Defendants enjoy a presumption of innocence and the right to be informed, with free interpretation as necessary, promptly and in detail of the charges against them, to a fair trial without undue delay, to communicate with an attorney of their choice, and to adequate time and facilities to prepare a defense. Most of these rights were generally respected,

but there were many delays in the justice system. 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 the right to counsel and to appeal. All defendants have the right to an attorney, and the bar association sometimes provided attorneys for the indigent in criminal cases. Defendants may confront witnesses and may present witnesses and evidence on their own behalf. Defendants have the right not to testify or confess guilt. Those convicted have the right to appeal. The law extends the above rights to all citizens and authorities generally respected these rights. Defendants have the right to access government-held evidence relevant to their cases, but this right was not respected.

In rural areas the village chief or a council of elders is authorized to try minor criminal and civil cases. Those who reject traditional authority may take their cases to the regular court system.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

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. Some past cases submitted to the Court of Justice of the Economic Community of West African States resulted in rulings that the government did not implement.

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

The constitution and law prohibit such actions, and the government generally respected these prohibitions.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Although the constitution provides for freedom of speech and press, the government restricted these rights, although less so than in previous years. The law imposes penalties on journalists deemed to have committed “serious errors” as defined in the media code.

Freedom of Speech: In contrast with 2012, there were no reports that persons were reluctant to criticize the government publicly or privately due to violent reprisals by government agents or the possibility of civil liability charges. Hate speech (“incitement to hatred”) is illegal.

Press Freedoms: In general the independent media were active and expressed a wide variety of views, often with scant respect for the facts, without restriction.

Violence and Harassment: In contrast with 2012, there were no reports of journalists subjected to violence or harassment.

Censorship or Content Restrictions: The High Authority of Audiovisuals and Communications (HAAC) is a constitutionally mandated body charged with assuring press freedom, ensuring ethical standards of journalism, and allocating frequencies to private television and radio stations. The HAAC has the power to impose penalties, including suspending publications for up to six months, withdrawing press cards, and seizing equipment from journalists, for violations of the press code. The National Assembly passed a more restrictive media law that would have given the HAAC greater power over media outlets during the year, but the Constitutional Court overturned the law.

On August 23, a judge permanently shut down radio station Legend FM, citing a long history of violations and the failure of the director to appear for a hearing to determine whether to renew the station’s license. The HAAC temporarily shut down Legend on July 25 after it broadcast false rumors about fake polling places at the home of a traditional chief. The broadcast allegedly inspired a mob to vandalize the chief’s house and threaten his safety.

Internet Freedom

There were no known government restrictions on access to the internet or reports the government monitored e-mail or internet chat rooms without appropriate legal authority. According to the International Telecommunication Union, 4 percent of the population used the internet in 2012.

Academic Freedom and Cultural Events

According to uncorroborated reports from 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 sometimes restricted this right. After especially destructive or violent protests, the government restored calm through limited bans on further protests. For example, on May 22, the government issued a two-day ban on public demonstrations after university students, protesting the incarceration of four students for rioting, destroyed several buses and government cars and broke building windows.

Marches and protests over labor issues, proposed media legislation, and political issues were a near-weekly occurrence. These usually occurred without incident, but in some instances police forcibly disrupted and dispersed peaceful protests. For example, on March 14, journalists held a three-day sit-in across from the old presidential palace. Police broke up the peaceful protest with rubber bullets and tear gas.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/j/drl/irf/rpt/.

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

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation; however, the government restricted some of these rights. The government cooperated with the UN High Commission for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

In-country Movement: Traffic police often stopped motorists on fabricated charges of violating traffic laws in order to solicit bribes.

Internally Displaced Persons (IDPs)

In contrast with 2012, there were no reports of IDPs during the year.

Protection of Refugees

Access to Asylum: The law does not provide for the granting of asylum or refugee status, but the government established a system for providing protection to refugees in partnership with the UNHCR through the Coordination Nationale d'Assistance aux Refugies. In August there were 23,700 refugees in the country. Most were from Ghana (17,000) and Cote d'Ivoire (5,600).

Durable Solutions: The government cooperated with the UNHCR to provide assistance to Ivoirian refugees participating in voluntary repatriation. From November 2011 to August, 913 Ivoirian refugees were assisted in returning to their country.

As of February, 87 Togolese refugees were assisted by the UNHCR to return and provided with reintegration assistance.

Temporary Protection: During the year an estimated 130 persons requested asylum and received temporary protection.

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 through periodic, free, and fair elections based on universal suffrage.

Elections and Political Participation

Recent Elections: In July the ruling UNIR party won 62 of 91 seats in the National Assembly. 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, although there were logistical shortcomings. Human rights groups noted that the Ministry of Security cooperated with them to improve the professionalism of the security services during the election.

Political Parties: The UNIR party dominated politics and maintained firm control over all levels of government. UNIR membership conferred advantages, such as

better access to government jobs. In contrast with previous years, legal restrictions on demonstrations were applied equally to both opposition and progovernment parties.

Participation of Women and Minorities: There were 14 women in the 91-seat National Assembly, an increase of six from 2012, and seven female ministers in the 27-member cabinet.

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

Section 4. Corruption and Lack of Transparency in Government

Although the law provides criminal penalties for official corruption, the government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity.

Corruption: The body officially responsible for combating corruption was the National Commission for the Fight against Corruption and Economic Sabotage. It remained moribund due to the lack of a specific legal mandate to fight corruption. The World Bank's Worldwide Governance Indicators for 2012, the most recent available, reflected that corruption was severe and that government corruption was most severe among prison officials, police officers, and members of the judiciary.

Whistleblower Protection: While the law protects witnesses who testify at trials, it does not apply to those who disclose other than prosecuted unlawful activity. Since most applicable cases are settled through administrative action, very few whistleblowers receive legal protection.

Financial Disclosure: No provisions in the constitution, law, regulations, or codes of conduct require income and asset disclosure by appointed or elected officials.

Public Access to Information: Although the law provides for public access to government information, the government does not always respond to requests. Many documents are only available in hard copy, and there is little pressure within the government to digitize or widely distribute government information.

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

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

Government Human Rights Bodies: A permanent human rights committee exists within the National Assembly, but it did not play a significant policymaking role or exercise independent judgment.

The National Commission of Human Rights (CNDH) is the government body charged with investigating allegations of human rights abuses. CNDH representatives visited many prisons, documented prison conditions, and advocated for prisoners, especially those in need of hospital medical attention. The CNDH also provided training in how to prepare and submit cases to the CNDH for investigation and redress.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

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

Women

Rape and Domestic Violence: 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 incidents due to the social stigma associated with being raped and fear of reprisal. Some judges did not impose the required sentences. For example, one man found guilty in March of the rape of a girl in 2010 was sentenced to 42 months in prison, which equaled time served, instead of the five-year minimum sentence required by law. Although neither the government nor any other group compiled statistics on rape or rape arrests, some observers claimed that rape was a widespread problem throughout the country.

The law does not specifically prohibit domestic violence, and domestic violence against women continued to be widespread. Police generally did not intervene in

abusive situations, and many 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.

Female Genital Mutilation/Cutting (FGM/C): See section 6, Children.

Sexual Harassment: Sexual harassment was a problem. While the law states that harassment is illegal and may be prosecuted in court, no specific punishment is prescribed, and authorities did not enforce the law.

Reproductive Rights: The government recognized the right of couples and individuals to decide freely and responsibly the number, spacing, and timing of their children and to have the information and means to do so free from discrimination, coercion, and violence. Health clinics and local NGOs operated 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 according to estimates from the UN Population Fund, only 13 percent of girls and women between ages 15 and 49 used a modern method of contraception. The major barriers to contraceptive use were poverty and a lack of education.

Skilled health care personnel attended approximately 60 percent of births. Although the government provided free cesarean sections, it did not provide free childbirth services generally, and the lack of doctors meant most women used skilled midwives for childbirth as well as for prenatal and postnatal care, unless the mother or child suffered serious health complications. Maternal mortality was 300 deaths per 100,000 live births in 2010, according to the World Health Organization. The most common causes of maternal mortality were hemorrhaging, high blood pressure, and lack of access to skilled care during childbirth.

Discrimination: Although women and men are equal under the law, women continued to experience discrimination in education, pay, pension benefits, and inheritance. In urban areas women and girls dominated market activities and commerce. Harsh economic conditions in rural areas, however, where most of the population lived, left women with little time for activities other than domestic tasks and agricultural fieldwork. Under traditional law, which applied to the vast majority of women, a husband legally may restrict his wife's freedom to work and control her earnings. While formal law supersedes traditional law, it is slow,

distant, and expensive to access; rural women were effectively subject to traditional law.

The law 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 signing contracts, opening bank accounts, and owning property. Women did not experience formal sector economic discrimination in access to employment, credit, or managing a business. Under traditional law a wife has no maintenance or child support rights in the event of divorce or separation. The formal law provides inheritance rights for a wife upon the death of her husband. Polygyny was practiced.

Children

Birth Registration: Citizenship is derived either from birth within the country's borders or from the parents.

Approximately 50 percent of children were registered at birth, but the percentage was lower in rural areas far removed from government offices. The main obstacles were the cost and difficulty of registering births for rural families far from government offices.

Education: 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 must pay for books, supplies, uniforms, and other expenses. Primary school education ends between the ages of 11 and 13. There was near gender parity in attendance at the primary school level, and in general girls and boys were treated the same. Girls were more likely than boys to complete primary school but less likely to attend secondary school.

Child Abuse: Child abuse was a widespread problem. Although it 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 government maintained a toll-free line for persons to report cases of child abuse and to seek help. The service provides information on the rights of the child and legal procedures and access to social workers who may intervene in emergencies. The government also established school curricula to educate children

on human rights and, working with the UN Children's Fund (UNICEF), trained teachers on children's rights.

Forced and Early Marriage: The legal age for marriage is 18, although with parental permission it is 16. Of women ages 20-24, 25 percent reportedly were married or in a union before the age of 18. The practice significantly declined in recent years. Rates were highest in the Savannah Region at 61 percent, followed by the Plateau Region at 37 percent, Kara Region at 36 percent, Central Region at 31 percent, and the Maritime Region at 29 percent.

The government engaged in a range of actions to prevent early marriage, particularly raising awareness among community and religious leaders. Multiple initiatives focused on helping girls stay in school. Messages broadcast through mass media, particularly local radio, stressed avoiding early marriage and the importance of educating girls.

Harmful Traditional Practices: The law prohibits FGM/C which, according to UNICEF, was performed on approximately 4 percent of women and girls between the ages of 15 and 49, including 1 percent of girls in the 15-to-19 age group. Penalties for perpetrators of FGM/C range from two months to five years in prison as well as substantial fines. The law, however, was rarely enforced because most FGM/C cases occurred in rural areas where awareness of the law was limited. The most common form of FGM/C was excision, which was usually performed on girls a few months after birth. Most of the larger ethnic groups did not practice FGM/C, and others were abandoning it. The practice was most common in isolated Muslim communities in the sparsely populated Central Region. Traditional customs often took precedence over the legal system among certain ethnic groups. The government continued to sponsor educational seminars on FGM/C. Several NGOs, with international assistance, organized campaigns to educate women on their rights and on how to care for victims of FGM/C. NGOs also worked to create alternative labor opportunities for former FGM/C perpetrators.

Sexual Exploitation of Children: The law prohibits the sexual exploitation of children and provides penalties of between one and five years' imprisonment and fines from 100,000 to one million CFA francs (\$200 to \$2,000) for offenders. For violations involving children under 15, prison sentences may be up to 10 years. The minimum age of consensual sex is 16.

The law prohibits child pornography and provides for penalties of five to 10 years in prison. Minors were subjected to prostitution. During the year the government

began a survey and assessment of reports of child-sex tourism as part of its effort to address the problem.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism

There is no Jewish community in the country, and there were no reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/.

Persons with Disabilities

The law prohibits discrimination against persons with physical, mental, intellectual, and sensory disabilities in employment, education, access to health care, transportation, 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 law does not mandate accessibility to public or private facilities for persons with disabilities, although some public buildings had ramps. Children with disabilities attended schools at all levels, with some attending schools specifically for those with disabilities. There was no reported pattern of abuse in these facilities. The law does not restrict the right of persons with disabilities to vote and participate in civic affairs, although lack of accessible buildings and transportation posed barriers.

The Ministry of Social Action and National Solidarity (MSANS), the Ministry of Health, and the Ministry of Education are responsible for protecting the rights of persons with disabilities. During the year the MSANS held awareness campaigns to fight discrimination and promote equality; it also distributed food and clothing and provided skills training to persons with disabilities.

National/Racial/Ethnic Minorities

The northern ethnic groups, especially the Kabye, dominate civil and military services while southern ethnic groups, especially the Ewe, dominate the private commercial sector. This has been a recurring source of political tension.

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

The law provides that a person who engages in consensual same-sex sexual activity may be sentenced to one to three years' imprisonment and fined 100,000 to 500,000 CFA (\$200 to \$1,000), but the law was not enforced directly. On those occasions when police do arrest someone for engaging in consensual same-sex sexual activity, authorities file a charge for some other violation as a pretext for the arrest, such as disturbing the peace or public urination. The media code forbids promotion of immorality, including same-sex sexual activity. LGBT persons faced societal discrimination in employment, housing, and access to education and health care. Existing antidiscrimination laws do not apply to LGBT persons. No laws allow transgendered persons to change gender markers on government-issued identity documents.

No organizations openly focused on LGBT matters; LGBT organizations organized as public health or general human rights organizations. Activists reported that violence against LGBT persons was common, but police ignored complaints. Most human rights organizations, including the CNDH, refused to address LGBT problems.

Other Societal Violence or Discrimination

The law prohibits discrimination against persons infected with HIV/AIDS, and the government continued to sponsor broadcasts aimed at dissuading discrimination. Persons infected with HIV/AIDS, however, continued to face significant societal discrimination.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The constitution and law provide workers, except security forces (including firefighters and police), the right to form and join unions and bargain collectively. There are supporting regulations which allow workers to form and join unions of their choosing. Workers have the right to strike, although striking healthcare

workers may be ordered back to work as necessary for the security and well-being of the population. While no provisions in the law protect strikers against employer retaliation, the law requires employers to get a judgment from the labor inspectorate before it may fire workers. If workers are fired illegally, including for union activity, they must be reinstated and compensated for lost salary. The law creating the Export Processing Zone (EPZ) exempts companies within the EPZ from providing workers with many legal protections, including protection against antiunion discrimination with regard to hiring and firing.

The law recognizes the right to collective bargaining; representatives of the government, labor unions, and employers negotiate and endorse a nationwide agreement. This collective bargaining agreement sets nationwide wage standards for all formal sector workers. For sectors where the government is not an employer, the government participated in this process as a labor-management mediator. For sectors with a large government presence, including the state-owned companies, the government acts solely as an employer and does not mediate. Individual unions could negotiate agreements more favorable to labor through sector-specific or firm-specific collective bargaining.

The government generally respected and enforced laws regarding freedom of association and the right to organize, particularly outside the EPZs. Employees of EPZ firms did not enjoy the same protection against antiunion discrimination as did other workers, although two unions representing EPZ workers were created in late 2009. Union leaders were free from threats and violence from employers.

Worker organizations were independent of the government and political parties.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor. The government, however, did not enforce the law effectively, due to lack of resources. Investigations are infrequent because investigators must pay for their own travel and lodging expenses without reimbursement.

Forced labor occurred. Children were subjected to forced labor on coffee, cocoa, and cotton farms, as well as in stone and rock quarries, domestic service, street vending, and begging. Men were also exploited for forced labor in agriculture and women were exploited in domestic service and forced prostitution abroad.

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

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits the employment of children under age 15 in any enterprise or type of work and children under age 18 from working at night. It requires a daily rest period of at least 12 hours for all working children. The law, however, does not include corresponding penalties. For some types of industrial and technical employment, the minimum age is 18. The law prohibits the employment of children in the worst forms of child labor, including trafficking, prostitution, pornography, and the use of children in armed conflict. The law, however, authorizes the employment of children age 16 and older in other sectors likely to harm their health, safety, or morals.

The MSANS is responsible for enforcing the prohibition against the worst forms of child labor. The government did not effectively enforce child labor laws due to limited resources. In addition, legal penalties were insufficient to deter violations. Ministry inspectors enforced age requirements only in the formal sector in urban areas. 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 International Labor Organization, NGOs, labor unions, and other partners to raise awareness of child labor in general and forced labor in particular.

Child labor was a problem. According to UNICEF, 28 percent of children between the ages of five and 14 worked. 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. In some cases children worked in factories. In the agricultural sector, children assisted their parents with the harvesting of cotton, cocoa, and coffee. Children were involved in crop production, such as of beans and corn for family consumption.

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

In both urban and rural areas, particularly in farming and small-scale trading, very young children 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 (\$25 to \$35).

Children sometimes were subjected to forced labor, primarily as domestic servants, porters, and roadside sellers. Children were also forced to beg. Children were trafficked into indentured servitude (see section 7.b. for additional sectors). Child sexual exploitation occurred (see section 6, Children).

During the year the government, in collaboration with international organizations, conducted training and awareness activities with various officials, such as police and customs inspectors as well as private businesses.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/programs/ocft/tda.htm.

d. Acceptable Conditions of Work

The national collective bargaining agreement sets minimum wages for different labor categories, ranging from unskilled through professional positions. The minimum wage is 35,000 CFA francs (\$70) per month. The government set the poverty level at the internationally recognized level of one dollar per day.

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. The Interprofessional Collective Convention sets minimum rates for overtime work at 120 percent of base salary for the first eight hours rising to 140 percent for every hour after eight, 165 percent for work at nights, Sundays, and holidays; and double pay for Sunday and holiday nights. This was seldom respected in the private sector, however.

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 workers have the right to

complain to labor inspectors of unhealthy or unsafe conditions without penalty. Labor laws also provide protection for legal foreign workers. Workers in the informal sector and EPZ workers were not covered by these laws but represented a large, unregistered, nontaxpaying part of the economy.

The Ministry of Labor, Employment, and Social Security is responsible for enforcement of all labor laws, especially in the private sectors. It had 62 labor inspectors for the entire country, which was insufficient to enforce the law effectively.

Employers often ignored applicable laws. Employers often paid less than the official minimum wage, mostly to unskilled workers. Many workers supplemented their incomes through second jobs or subsistence farming.

A health insurance plan exists for public sector employees. The law obliges large enterprises to provide medical services for their employees, and large companies usually attempted to respect occupational health and safety rules, while smaller ones often did not. The National Social Security Fund compiles statistics on workplace accidents and fatalities, and transmits these once a year to the Ministry of Labor, Employment, and Social Security.