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Togo

Country Reports on Human Rights Practices - [2005](#)

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Togo is a republic governed by newly elected President Faure Gnassingbe, son of former Gnassingbe Eyadema, who died on February 5, after 38 years in power. Eyadema and his party Rally of the Togolese Persons (RPT), strongly backed by the armed forces, dominated politics and maintained firm control over all levels of the country's highly centralized government until his death. Following some constitutional changes in the National Assembly and quick action by the military, Faure Gnassingbe was installed as the new president. Faure eventually bowed to sustained international pressure and stepped down to allow presidential elections. On April 24, Faure was declared president in an election marred by severe irregularities. The civilian authorities generally did not maintain effective control of the security forces.

Before Eyadema's death, the government made some progress in improving its human rights record; however, following Eyadema's death, the government's human rights record deteriorated significantly. The unjust election and its violent aftermath had a significant negative impact on the human rights situation. Nevertheless, the new government under President Faure has shown a willingness to improve the country's human rights record through the adoption of a long-pending antitrafficking law and official recognition of the country's oldest human rights organization. The following human rights problems were reported:

- inability of citizens to change their government
- politically motivated killings, disappearances, rape, and other abuses by security forces
- violent acts committed by both pro-regime and opposition militants during the election period
- government impunity
- harsh prison conditions
- an increase in arbitrary arrest, particularly around election time and secret arrests
- prolonged pretrial detention
- executive control of the judiciary
- frequent infringement of citizens' privacy rights
- severe restrictions on the press, including closing media outlets
- restrictions on freedom of assembly and violent dispersals of demonstrations
- restrictions on freedom of movement
- harassment of human rights workers
- female genital mutilation (FGM), and violence against women
- discrimination against women and ethnic minorities
- trafficking in persons, especially children
- child labor
- lack of worker's rights in export procession zones (EPZs)

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 reports during the year that the government and its agents committed politically motivated killings. There were frequent reports that security officers committed arbitrary or unlawful killings during the year, particularly during the presidential election.

On April 26, just after the announcement that Faure won the election, several cities erupted in violence. The government deployed security forces to quell demonstrations. Security forces fired tear gas indiscriminately into crowds. After dispersing large crowds, they began a house-by-house campaign of violence against supposed opposition supporters in reprisal for protesting alleged electoral fraud. Security forces targeted neighborhoods thought to be opposition strongholds, killing persons in their houses and shooting at those who tried to flee. These attacks resulted in many deaths throughout the country in the opposition strongholds of Aneho, Atakpame, Sotouboua, Sokode, and especially the capital Lome. Amnesty International (AI) reported that a young man from Lome witnessed

his mother's death on April 26 as she fled soldiers entering their house. AI also provided an account of a woman who watched soldiers beat her husband to death with cudgels on April 27 in Lome.

In September the UN Office of the High Commissioner on Human Rights (UNHCHR) released a report concerning human rights violations committed in the country after Eyadema death and the end of the election period. The report described the killings of two young men in the main city of the Central Region, Sokode, one shot by the Presidential Election Security Force (FOSEP) and the other beaten to death by the gendarmes, also on April 26. The same day, in an effort to subdue a demonstration, security forces fired into a crowd and killed Late Lawson, a nephew of the king of Aneho. After protesters retaliated by laying siege to the police station, a helicopter appeared carrying reinforcements, which shot at the protesters. At least, 20 persons died from election-related violence in Aneho on April 26 and 27.

There were reports of nightly raids by government security forces after the elections. While no exact figure of deaths can be attributed to these nighttime security forces attacks, it was believed that they caused a substantial portion of election-related deaths. A UN Development Program (UNDP) Humanitarian Assessment published in May reported that about 100 persons died following the April 24 presidential elections. The coalition of opposition parties reported that between February and May, more than 500 persons died for political reasons. The September UNHCHR report attributed 400 to 500 deaths to post-election violence.

High-ranking officials of the security forces admitted that they lost control of some of the troops dispatched to handle demonstrations. They also acknowledged that some men had abused their power, but refused to disclose their identities or state whether they had been disciplined.

The UN report indicated that summary executions had occurred in the country but offered no other details. The UN delegation also heard accounts of army commandos tasked with clearing demonstration sites of debris and corpses to impede efforts to help victims and assess damage. Reports of the creation of mass graves also circulated. The opposition coalition reported that military personnel transported more than 100 unidentified dead bodies to unknown destinations.

Following the death of President Eyadema, security forces clashed with and killed demonstrators (see section 2.b).

There were numerous reports of killings perpetrated by militias, both those affiliated with the ruling party and those aligned with the opposition. AI and the opposition coalition reported that the RPT militia aided security forces throughout the election turmoil. Several witnesses saw them shooting at demonstrators, raiding houses, and killing persons, and assaulting persons with cudgels, knives, and cutlasses. The RPT caught a young man singing the opposition rally cry and beat him at the RPT headquarters until he died. They left his body in a ditch behind the building.

Just after the announcement of the election results, on April 26, militant opposition members took to the streets throughout the country, erecting barricades, burning tires and attacking RPT sympathizers. Militants, unhappy with the results and armed with machetes, killed 12 persons. The militants targeted foreigners, setting fire to eight Malians, who were suspected of practicing voodoo, the same day mobs killed four persons from Niger. At year's end, the gendarmerie had not released the results of its investigation into these incidents.

On April 26 and 27, the marshal of the Kpele-Adeta prefecture and the sub-brigadier of the attorney general's office died as a result of being attacked by unknown assailants.

On May 25, the government created a Special Independent Investigation Commission to probe the violence and vandalism that occurred before, during, and after election-day. On November 10, the commission released its report. The commission held security forces, the ruling party, and opposition party members responsible for the violence related to the elections. The report also criticized the election commission for running a shoddy election. The private media also shared the blame for inciting violence and fomenting fear, according to the report. The commission recommended that individuals involved in the violence be prosecuted.

There were no developments in the of Kouma Tengue, who died while in police custody. In September, the Togolese League of Human Rights (LTDH) reported that Kouma Tengue's body, which bore signs of being beaten, was still at the Lome morgue, awaiting an official autopsy.

The government took no action against the security force members who killed three civilians in two separate clashes related to the 2003 presidential election.

b. Disappearance

There were reports of politically motivated disappearances. Many persons reported that security forces forcibly took away family members involved with the opposition. The LTDH also reported that Police Commissioner Emile Kodjovi

Dadji was detained in an unknown location. The reason for his detention was unknown.

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

Although the law prohibits torture and physical abuse of prisoners and detainees, there were reports such practices occurred. The intense circumstances of the election period resulted in an increased incidence of arrest, which in turn produced many more reports of torture than in the previous year. Some former prisoners credibly claimed that security forces beat them during detention. There were reports that soldiers flogged the genitals of male prisoners. Impunity remained a problem, and the government did not publicly prosecute any officials for these abuses.

Security forces arrested and detained opposition members during the year (see section 1.d.).

Following the election, military personnel systematically raped women, often in view of the woman's children and husband. Opposition supporters were most frequently targeted, and approximately two thousand citizens fled the country after the elections (see section 3).

Prison and Detention Center Conditions

Prison conditions remained very harsh, with serious overcrowding, poor sanitation, and unhealthy food. At year's end Lome's central prison, meant to hold 500 prisoners, held 1,193 inmates, including 40 women prisoners. Almost 90 percent of the inmates were pretrial detainees. Medical facilities were inadequate, and disease and drug abuse were widespread. Sick prisoners reportedly had to pay approximately \$2.75 (1,500 CFA francs) to guards before being allowed to visit the infirmary. There were reports that prison security 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.

The children of convicted women were often incarcerated with their mothers, who were held separately from the male prisoners. Unlike in previous years, juvenile detainees were not held separately from adults. Pretrial detainees were not held separately from convicted prisoners.

On July 8, Lieutenant Denan, 1 of 14 officers arrested in 2003 along with putative coup plotter Lieutenant Colonel Kouma Bitenewe, died in prison after inexplicably falling into a coma. Denan and the others had been detained in Lome until they were accused of having led a mutiny in Lome's prison in February and were then transferred to Kara. Since being incarcerated, 3 of the original 14 have died.

Local NGOs were allowed access to all prisons in the country. In June, the delegation of the UNHCHR investigating election violence visited prisons to research allegations of violence and human rights violations that occurred between February 5 and May 5. The delegation was allowed to meet with certain prisoners in private to conduct interviews. Diplomatic representatives were given access to their detained citizens.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention; however, the government generally disregarded these prohibitions.

Role of the Police and Security Apparatus

The security forces are consist of the army, navy, air force, the national security service (including the national police and investigation bureau), and the gendarmerie. The police are under the direction of the Ministry of Security, while the Ministry of Defense oversees the gendarmes and military. Legally, the police and gendarmes are responsible for law enforcement and maintenance of order within the country. However, the army, charged with external security by law, was truly in command of domestic security. Approximately 75 percent of the army's officers and soldiers are from the late President Eyadema's Kabye ethnic group.

The government established a special authority -- FOSEP -- composed primarily of police officers, to ensure security during the vote.

Police were generally ineffective and corrupt, and impunity was a problem. 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. During the year, the government recruited 615 new police personnel, who had started duty at year's end. The police failed to prevent societal violence after the April election, although it was their responsibility to ensure internal security.

Arrest and Detention

The law authorizes judges, senior police officials, prefects, and mayors to issue arrest warrants; however, especially after the election, 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. Minors detained since the election have not had access to a lawyer. 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.

The government at times resorted to false charges of common crimes to arrest, detain, and intimidate opponents. For example on April 27, soldiers forcibly entered the home of the Guin traditional leader of Aneho, King Togbe Ahuawoto Savado Zankli Lawson VIII, taking him and his nephew into custody. The soldiers detained the two men at the gendarmerie. The king overheard the soldiers referring to a police officer who had disappeared the day before. The king told them that the officer in question had sought refuge at his palace the night before, unable to return home due to barricades on the roads. The gendarmes released the king and his nephew several hours later at the order of the chief of the general staff of the armed forces. Later, the king learned that he had been charged with sequestering the police officer, possession of firearms, and inciting trouble. At year's end the charges against the king were still pending.

In June the UN delegation visited Lome Prison and interviewed a woman detained without charge since 1998 for her political convictions.

After forcibly dispersing demonstrations during the year, members of the security forces arrested and detained participants, sometimes without bringing formal charges (see section 2.b.).

The government denied the existence of political detainees; however, several persons arrested after the election and affiliated with the opposition, 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 elections. After the announcement of election results, 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 access to them. On July 12, the government released the remaining military officers accused, but never convicted, of plotting a coup in 2003 (see section 1.c.).

In July two opposition members and four former military officers were arrested for suspicion of plotting a coup, according to credible reports. The group, including Kossi Tudzi of the Union of Forces for Change (UFC) and Hermes Woamede Da Silveira of the Alliance of Patriots for Unity and Action, was accused of recruiting and training mercenaries and acquisitioning illegal weapons in order to attack the government. At year's end, they remain incarcerated in Lome Prison without a trial scheduled. No further information was available.

Three members of the UFC were arrested in September for allegedly bombing a post office in Lome. Gendarmes took Anate Andre Abbey, Kossi Jomo Azonledzi, and Koffi Adodo Akoumey into custody and held them at the Lome Prison, where they reportedly remained at year's end. No further information is available.

In June the government released former prefect Hemou Kpatcha who was incarcerated in October 2004 for providing Togolese identification documents to former prime minister and regime critic Agbeyome Kodjo in the 1980s.

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. Official figures from the government indicate that pretrial detainees constituted 90 percent of the prison population. (see section 1.c.).

On July 9, the government released more than 200 persons in Lome, Aneho, Tabligbo and Vogan. Most of the incarcerated had been arrested following the election and were still pending trial at the time of their release. On July 18 and 20, the government released 80 more pretrial detainees who had been taken into custody following the election. According to the government, 77 persons involved in election violence were still imprisoned and awaiting trial at year's end (see section 1.e.).

Amnesty

On November 2, the Minister of Justice released 460 prisoners from Lome Prison. The minister was prompted to discharge these prisoners to relieve the overcrowding at Lome Prison and released those who had either already served half of their original sentences or committed merely minor infractions.

e. Denial of Fair Public Trial

Although the law provides for an independent judiciary, the executive branch continued to exert control over the judiciary.

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 late President Eyadema. Judges who belonged to the pro-Eyadema APMT reportedly received the most prestigious assignments, while judges who advocated an independent judiciary and belonged to the ANM and SMT often were assigned to second-tier positions. For example, in Lome, the presidents of the Constitutional Court, 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.

In August a change occurred in the membership of the Supreme Council of Magistrates, the body that nominates judges to their positions, in order to be more representative of all of the magistrates associations. Previously, APMT judges dominated the council. This move was meant to equalize the assignments among the different associations; however, at year's end, all judgeships remained unchanged, so that APMT affiliates still occupy prime positions.

The Constitutional Court stands at the apex of the court system. The civil judiciary system includes the Supreme Court, appeals courts, and court of first instance. A military tribunal exists for crimes committed by security forces; its proceedings are closed. The court system remained overburdened and understaffed.

Trial Procedures

The judicial system employs both traditional law and the Napoleonic Code in trying criminal and civil cases. Trials are open to the public, juries were used, and judicial procedures generally were respected. Defendants have the right to counsel and to appeal. The Bar Association provides attorneys for the indigent. Defendants may confront witnesses and present evidence on their own behalf.

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

During the year, the government continued to report that there were no political prisoners.

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

The law prohibits such practices, but security forces often infringed on these rights. In criminal cases, a judge or senior police official may authorize searches of private residences, and in political and national security cases the security forces need no prior authorization. Security forces entered houses by force and without warrants, beating persons. In reaction to a demonstration in March, security forces pursued opposition supporters and threw tear gas canisters inside houses in the Be district. From April until August, security forces throughout the country entered houses by force, searching for opposition sympathizers (see section 1.a.). Togolese refugees in Ghana and Benin and numerous persons interviewed in Lome and the opposition stronghold of Aneho described nightly raids by government security forces after the April elections. These extrajudicial incursions into private homes remained a common occurrence until August and generally targeted suspected opposition sympathizers.

On April 24, a group of armed and masked members of the security forces broke through the doors of the Multi Media Line computer center while an opposition group was tallying election results. The intruders took the center's computer equipment and personal effects belonging to the group.

On April 27, security forces scaled the walls of and rammed open the doors to the palace of the king of Aneho, Togbe Ahuawoto Savado Zankli Lawson VIII (see section 1.d.).

In 2003 gendarmes confiscated documents during a search of a private residence. The items included identity documents of Dahuku Pere, a former RPT member turned voice of opposition, and his family. In June 2004 Pere addressed a letter to the government requesting the return of the documents. The government returned the documents in March.

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 law provides for freedom of speech and of the press; however, while the government made some improvements in the media environment during the year, its respect for freedom of speech and the press worsened. The government

harassed and intimidated journalists. Unlike in the previous year, independent newspapers were permitted to circulate in Kara. The government frequently interfered with radio stations during the year, particularly after Eyadema's death. Journalists and radio and television broadcasters practiced self-censorship.

Though the government did not censor individual expression, most persons practiced self-censorship because of past violent reprisals at the hands of 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 15 privately owned newspapers were published with some regularity. The only daily newspaper, *Togo-Presse*, was government owned and controlled. There were several independent newspapers that published on weekly and bi-weekly schedules. 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.

The government-owned *Togo Television* was the only major television station in the country. Four smaller television stations operated during the year but their broadcasts were limited to certain geographic areas. TV-2, RTDS, and TV7 carried France-based TV-5's international news programming, and TV-Zion's content was of a primarily religious nature. TV7 also carried weekly political debates through the program Seven on Seven, a weekly political forum where governing and opposition party leaders, human rights organizations, and other observers participated in discussions on political issues and expressed criticism or support for the government.

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

In September the Council of Ministers appointed nine professionals of the media sector to the HAAC. The pro-regime national legislature elected five members and the president nominated the other four. Only one appointee comes from the independent media while the others are affiliated with government-owned media outlets.

After some positive steps during the previous year, the government intensified its harassment of the private media after the death of President Eyadema. In February the government released reports in *Togo-Presse* accusing international and local media of broadcasting rumor and misinformation detrimental to the peace.

Following Eyadema's death in February, the president of HAAC repeatedly threatened to stop or did stop radio programs discussing the political events in the country and opposition viewpoints. Stations affected included Nana FM and Kanal FM.

Beginning on February 6, the Voice of America (VOA) affiliate in the northern city of Sokode, Radio Tchaoudjo, had its power cut just before each VOA news segment. Power was always restored 30 minutes after the scheduled start of the thrice-daily broadcasts. This disruption of power continued for several weeks.

On February 7, Minister of Communications Pitang Tchalla, summoned journalists of the international media to express alarm at their reporting and to request they cover the unfolding political situation with impartiality. He also accused Radio France International (RFI) of fomenting fear and social unrest through its reporting and ordered it to suspend broadcasting from the morning of February 8 through the morning of February 10. On February 8, immigration officials at the border with Benin denied an entry visa to an RFI special correspondent.

On February 7, the president of HAAC, ordered Radio Nostalgie to cease all transmissions concerning political events. The following day, two armed gendarmes forcibly entered the station and threatened broadcasters and guests who were on air discussing the political developments in the country. After spending two hours at the station, the gendarmes finally left after persuasion from media association leaders and police officers.

On February 10, in retaliation for airing a segment with opposition figures, the military commander of Aneho, the local prefect, and a military detachment seized Radio Lumiere's transmitter and all broadcasting equipment. Eventually, the radio station's director fled to self-exile, and Radio Lumiere remained closed at year's end.

On February 11, the government ordered the closure of Kanal FM, Nana FM, Radio Nostalgie, and television station TV7, citing the failure to pay overdue taxes as the reason for closure. All stations also suffered disruption in telephone service. A total of 11 radio stations were eventually shut down, for reasons as specious as engaging in "tribalism." By February 24, all radio stations were back on the air.

On February 12, security forces briefly detained a journalist and two accompanying photographers for taking pictures of violent demonstrations.

On April 15, nine days prior to the election, the HAAC, in contravention of the electoral code, banned independent newspapers and television and radio stations from covering the presidential campaign and from "broadcasting partisan, defamatory, and insulting news or inciting violence." The HAAC also ordered private media to refrain from

organizing any programs featuring the candidates. The military, under orders from the minister of communications, closed media outlets that defied the directive. Kanal FM was suspended for one month because it aired an editorial considered critical of the government. Radio Maria, Radio Nostalgie, and TV7 were shut down for one month for broadcasting "false information that could frighten the population" after mistakenly reporting a curfew. Several radio stations in the country ceased transmission to avoid harassment by the military.

On April 27, during an interview with a surgeon at Aneho hospital, security forces arrested 12 journalists. They were subsequently released and ordered to leave Aneho.

On October 9, masked men with clubs severely beat Jean-Baptiste Dzilan, also known as Dimas Dzikodo, the country's most outspoken journalist and publisher of the independent newspaper *Forum de la Semaine*. Although the government stated it would investigate the incident, no official statement had been announced by year's end.

On November 9, RFI resumed broadcasting in Lome and Kara, on the same day 250 journalists from around the world visited the country to participate in a Francophone press conference. The radio station had been closed since April 26. There were reports that RFI agreed to a provision that required the station to refrain from transmitting inflammatory broadcasts.

In November the HAAC issued a decree banning all political programs on local and religious radio and television stations. Private stations are still permitted to air political programming, but because most radio stations in the interior of the country and several stations in Lome are classified as local stations, they have been affected. The HAAC approached only Radio Maria specifically to require cessation of political broadcasts.

There was no prepublication censorship of print media in law or practice; however, journalists practiced varying degrees of self-censorship.

Unlike in the previous year, there were no reports that the government blocked access to opposition Web sites. There were no reports that the government restricted access to the Internet.

The government did not restrict academic freedom, although security forces maintained a presence at the University of Lome. According to students and professors, a government informer system continued to exist and gendarmes went undercover on campus and attended classes.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The law provides for freedom of assembly; however, the government often restricted this right in practice. Government officials prohibited, and security forces forcibly dispersed, political gatherings.

A political party wishing to hold a demonstration or rally on public property is required to notify the minister of territorial administration and decentralization. If a political party intends to hold a rally on private property, notification is legally not required.

On February 7, the government banned all street demonstrations for two months in observance of a national mourning period for the late president Eyadema. Several impromptu marches occurred on this day in Lome and other major cities to voice quiet disapproval of the recent extra-constitutional maneuvers. In some cities, the security forces forcibly dispersed the protestors. On February 18, the government lifted the demonstration ban.

On February 9, military personnel beat students in Lome when they walked out of classes to show support for an opposition-led civil boycott.

On February 11, approximately 300 protestors gathered in Lome in response to an opposition call for a rally. Soldiers quickly surrounded the neighborhood and fired tear gas into the crowd.

On February 12, security forces dispersed an opposition demonstration in Lome, using batons and belts to beat protestors and firing bullets into the crowd, resulting in five civilian casualties.

On February 27, security forces forcefully dispersed a peaceful women's march, beating persons with batons and firing tear gas into crowds. Five persons were killed in the course of this demonstration. The bodies were found the following day; three were found in a lagoon and two in an opposition stronghold neighborhood in Lome. All of the bodies had contusions consistent with having suffered beatings from batons. The government promised to investigate the deaths, but at year's end there were no known investigations.

On April 26 and 27, demonstrations took place throughout the country following the announcement of the election results. Some began peacefully and ended with security forces tossing tear gas at the protestors and beating them. In some areas, demonstrators attacked regime supporters and security forces reacted with more violence. All major cities saw clashes that resulted in several deaths (see section 1.a.).

Unlike in the previous year, there were no student demonstrations during the year.

Freedom of Association

Under the law, citizens have the right to organize associations and political parties; while there were improvements in this area, the government denied official recognition to some associations, including some human rights groups. In October the government provided the country's first independent human rights group, LTDH, its certification documents after it denied the organization official accreditation for 15 years.

There were many non-governmental organizations (NGOs); they were required to register with the government. The government established requirements for recognition of associations and NGOs. The Ministry of Territorial Administration and Decentralization issues official recognition documents. Upon filing with the ministry, associations are given a receipt allowing them to begin operations. The Civil Security Division enforces the regulations and is the agency responsible for handling problems or complaints concerning an association or an organization. If an application provides insufficient information for recognition to be granted, the application remains open indefinitely. Members of groups that are not officially recognized could organize activities but do not have legal standing.

c. Freedom of Religion

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

The government recognizes three main faiths as state religions: Roman Catholicism, Protestantism, and Islam. Other religions, such as animism, Mormonism, and Jehovah's Witness, were required to register as associations. Official recognition as an association affords the same rights as the official religions.

Societal Abuses and Discrimination

The Jewish population of the country is negligible, and there were no reports of anti-Semitic acts.

For a more detailed discussion, see the 2005 [International Religious Freedom Report](#).

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

Although the law provides for these rights, the government restricted them in practice. Armed security checkpoints and arbitrary searches of vehicles and individuals were common and increased following Eyadema's death and during the election period. Undisciplined acts of some soldiers manning roadblocks, such as frequent demands for bribes before allowing citizens to pass, impeded free movement within the country.

Twice during the year the government closed all land borders and air access to the country. First, on February 5, immediately after President Eyadema's death, the government restricted all entry to and departure from the country. As a result, the plane carrying the designated interim president, Speaker of the National Assembly Fambare Natchaba was forced to reroute to neighboring country Benin. Thereafter, the government prevented Natchaba from returning to the country until borders reopened on February 8.

The second border closure occurred on April 22, prior to the election. The government also banned all intercity travel. The government reopened the borders and lifted the travel ban on April 25.

In March the government returned all identity documents, confiscated in 2003, to former National Assembly president and regime critic Dahuku Pere. The government also issued a passport and identity card to his son for the first time. In September the government returned previously seized documents to former prime minister Agbeyome Kodjo and delivered new passports to his children.

Unlike in previous years, the government did not restrict opposition members from leaving or entering the country.

The law prohibits exile, and the government did not employ it. However, several opposition and human rights workers remained in self-imposed exile because they feared arrest. Former army chief of staff, Lieutenant Colonel Kouma Bitenewe, who fled to Benin in 2003 returned to the country in June.

After the elections approximately 40 thousand citizens, mostly affiliated with the opposition, fled to neighboring Ghana or Benin as a result of the abuses committed by security forces.

Internally Displaced Persons (IDPs)

Large numbers of persons fled their homes following Eyadema's death and the presidential election. The February 5 closure of borders and subsequent illegitimate transfer of power created panic in the country, prompting persons to leave their homes in the cities and seek refuge in smaller villages.

Violent demonstrations and the ensuing security forces reaction after the April 26 announcement of election results caused 10 thousand persons to leave their cities of residence. Since security forces targeted areas considered opposition strongholds, most IDPs fled those areas in Lome and Sokode. Ethnic Kabyes abandoned Atakpame for Kara, fearing reprisals from opposition supporters.

On June 8, the government created the High Commission for Repatriates and Humanitarian Action to assist and protect repatriates. There were no reports that the government targeted IDPs or forcibly returned them.

Protection of Refugees

Although the law does not provide for the granting of refugee status and asylum in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, in practice, the government has established a system for providing protection to refugees. In practice the government provided protection against *refoulement*, the return of persons to a country where they feared persecution, and granted refugee status or asylum.

An estimated 40 thousand Togolese fled to Ghana and Benin as refugees following election-related violence. Despite urgings from the government, most did not return home by year's end because of fear for their security.

A voluntary repatriation program for 508 Ghanaian refugees was still not implemented because of continuing unrest and instability in Ghana along the Togo–Ghana border. These refugees have been integrated into society and no longer qualify for assistance. According to the government, there were approximately 800 refugees (mostly from Rwanda and the Democratic Republic of the Congo) registered in Lome and approximately 1,200 additional refugees living in rural villages.

The government also provided temporary protection to individuals who may not qualify as refugees under the 1951 convention and the 1967 protocol and provided it to approximately 100 persons during the year.

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees during the year.

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

The law provides for the right of citizens to change their government peacefully; however, the government restricted this right in practice. The government and the state remained highly centralized. The national government appoints officials and controls the budgets of all subnational government entities, including prefectures and municipalities, and influences the selection of traditional chiefs. The National Assembly exercised no real oversight of the executive branch of the government.

Elections and Political Participation

On February 5, the government announced the death of president Eyadema. The constitution prohibits any revision of the document in the case of a presidential vacancy. Nevertheless, on February 6, the National Assembly held an extraordinary session to amend the constitution and Electoral Code, dismiss Speaker Fambare Ouattara Natchaba, and elect Eyadema's son Faure Gnassingbe as the new speaker, allowing him constitutionally to step into the presidency. In a ceremony in the middle of the night, the armed forces installed Faure Gnassingbe as the new president. On February 7, the Constitutional Court, vested with guaranteeing respect of the law, swore Faure in as president. On February 22, Faure resigned the presidency due to international and internal pressure. The National Assembly elected a new speaker, Abass Bonfoh, who then became interim president.

Although the law requires holding elections within 60 days of a vacancy in the presidency, the international community and local opposition contended that the election timeframe, culminating with elections on April 24, was not sufficient to ensure a free and fair election.

Numerous irregularities marked the election preparation period. Some registration centers required, in accordance with the law, only the national identity card while others demanded several other documents. Although names of citizens eligible to vote did not appear on voter lists, those of deceased persons did appear. While voter registration cards were readily available in the ruling party-dominated Kara region, the government severely limited access for opposition supporters. The interior ministry released figures before the election showing an 80 to 100 percent rate of registration in ruling party regions and between 20 to 30 percent in opposition strongholds.

On April 22, in an unannounced 2 a.m. press conference, the interior minister, who is responsible for conducting elections, appealed for the postponement of the elections, saying that conditions for a credible election had not been met and that the potential for a civil war was enormous. The interim president denounced the interior minister's statement and removed him from office. The elections were held as planned on April 24.

Accredited international election observers noted massive irregularities during the election itself. For example, observers noted the presence of armed soldiers at polling stations. Also, many polling stations opened late, did not

have the voter lists, or did not have ballots. A number of polling places closed on time despite starting late and despite not accommodating all who wanted to vote. Representatives of the opposition, legally permitted to be present inside the voting station, were prevented from doing so. Observers witnessed several underage children voting. There were reports that some ballot boxes arrived already filled with ballots. There were numerous reports of election officials adding ballots to the boxes during the course of election day. There were several claims that ruling party delegates had given voters money and pre-marked ballots to cast.

At the end of election day, FOSEP entered polling stations to take the ballot boxes. According to election observers and an AI report released in July, FOSEP fired shots into the polling stations and took the ballot boxes. Witnesses also reported the same scene being played out with the Presidential Guard Force taking the boxes.

Four persons were killed in Mango on election day when security forces opened fire on opposition supporters who tried to prevent security forces from removing ballot boxes from a polling site.

On April 26, the Electoral Commission announced Faure had received 60 percent of the vote and declared him president. An opposition candidate filed a complaint with the Constitutional Court based on flaws in the voting procedures. The court certified the results without an investigation.

There were no developments in the government's commitment to the European Union to organize fair and transparent legislative elections, to hold local elections within 12 months of April 2004, or to organize a national dialogue with the main opposition parties.

There were five female members in the 81-member National Assembly, and there were four female ministers in the president's 30-member Cabinet. Members of the southern ethnic groups were underrepresented in the government, especially the military, relative to their percentage of the general population.

Government Corruption and Transparency

Official corruption was a problem and there was widespread public perception of corruption in both the executive and legislative branch. The Anti-Corruption Commission (CAC) was generally ineffective. While it continued to investigate current relatively low-level and former high-level officials, it did not use fair and transparent procedures to deal with allegations of corruption. In 2004 the CAC proposed prosecuting two former officials and high-ranking party members; however, no action had been taken by year's end.

The CAC allowed most senior government officials accused of corruption to continue in their positions and did not investigate allegations made against them. For example, the CAC levied allegations of corruption against the director general of the Social Security Agency, yet he remained in his position.

According to the government's official poverty reduction strategic paper, prepared in conjunction with the World Bank and UNDP, corruption and lack of transparency in the management of public funds was a problem throughout the government. The law provides for the creation of a court of accounts to oversee public expenditures; however, the government failed to initiate its creation.

There were reports of executive branch interference in the judiciary. A 2004 UNDP diagnosis of the country's justice system revealed that lawyers often bribed judges to influence the outcome of cases.

In August the government embarked on a judicial reform process. This five-year program aims to modernize the judiciary and insulate it from executive branch interference.

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

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

The government generally allowed domestic and international groups to operate without restriction, investigating, and publishing alleged violations of human rights; however, the government occasionally threatened or hindered the activities of human rights activists and was inconsistent in following up on investigations of abuses.

There were several domestic private human rights groups, including the LTDH, 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. A few groups such as the Togolese Movement for the Defense of Liberties and Human Rights, the African Committee for the Promotion and Support of Human Rights, and the African Center for the Rehabilitation of Victims of Torture and Repression served as apologists for the government by making public statements explaining the behavior of the government in favorable way.

The government sometimes withheld official accreditation from human rights groups. The lack of official recognition made it harder for some human rights groups to acquire technical and financial support from international

organizations. LTDH, the first independent human rights group in the country, was only able to acquire official recognition in October.

The government met with some domestic NGOs that monitor human rights but took no action in response to their recommendations.

The government at times restricted the activities of domestic NGOs. For example the government did not allow any domestic groups to participate as observers during the elections. There also were reports that the government harassed, threatened, and targeted workers of independent human rights NGOs. On May 31, the LTDH reported that its board members and staff were in hiding because they received death threats through anonymous telephone calls and because individuals followed them and maintained surveillance of their houses. The government used the HAAC and the RPT youth organization to suppress criticism of its human rights policies.

The government generally did not impede the work of international NGOs during the year. However, prior to the election, the minister of interior refused to allow the National Democratic Institute (NDI) to train presidential candidate representatives who would be present at polling stations. He later allowed NDI to conduct the training session.

The government denied a regional group, the West African Civil Society Forum, the opportunity to observe the election even though the organization complied with all the requirements to participate. After the denial, security personnel followed the team wherever they went.

Envoys from Economic Community of West African States (ECOWAS) traveled to the country before the April 24 election to consult with the government regarding procedures to hold free elections. ECOWAS representatives also acted as election observers during the vote, and the government fully cooperated with them. On April 27, ECOWAS announced that the "irregularities and shortcomings," though regrettable, were not sufficient to "call into question the proper administration and credibility" of the election.

From June 13 through 24, a delegation from the UNHCHR visited the country to investigate allegations of violence and human rights violations that occurred in the country between February 5 and May 5. The government cooperated with the representatives during the visit.

On September 26, the UN mission released its findings, which revealed that approximately 500 persons died and that the government was responsible for significant human rights violations (see section 1.a). The government issued a response emphasizing the portion of the report that cast the government's responsibility for some violence on opposition leaders and supporters. There were reports that the government interfered with the drafting of the report and demanded certain segments be excluded.

On September 28, the president of the International Federation of Human Rights Organizations visited the country to investigate violations of human rights and the government also cooperated with him.

Supporters of the president continued to dominate the National Commission for Human Rights.

A permanent human rights committee exists within the National Assembly, but it did not play any significant role in policy-making and was not independent of the government.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, gender, religion, disability, language, or social status; however, the government did not enforce these provisions effectively. Violence and discrimination against women, FGM, trafficking in persons, discrimination against ethnic minorities and individuals with HIV/AIDS were problems.

Women

Domestic violence against women continued to be a problem. The law does not specifically prohibit domestic violence. Police generally did not intervene in abusive situations, and women were not made aware of the formal judicial mechanisms that would give them protection. According to an indigenous women's rights NGO, wife beating was estimated to affect approximately 6 percent of married women.

The law criminalizes rape and provides for prison terms of 5 to 10 years for anyone found guilty of rape. The law does not specifically penalize spousal rape. Although the government was diligent in investigating and prosecuting instances of rape, reports were rare because of the social stigma associated with being raped.

FGM continued to be practiced on approximately 12 percent of girls. The most commonly practiced form of FGM was excision, which usually was performed on girls a few months after birth. Most of the larger ethnic groups did not practice FGM. FGM is illegal and penalties for practitioners ranged from two months to five years in prison as well as substantial fines. The law was rarely applied because most FGM cases occurred in rural areas where neither the victims nor the police understood the law. Traditional customs often superseded 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.

The law prohibits prostitution, including running a brothel, and provides for fines of up to \$2 thousand (1.09 million CFA francs) 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. Members of the security force raped them prostitutes who protested the payment. The government has not acted to stop this practice. A presidential decree prohibits sexual harassment and specifically targeted harassment of female students, although the authorities did not enforce the law.

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. A husband legally could 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, which regulated labor practices, requires equal pay for equal work, regardless of gender, but this provision generally was observed only in the formal sector. Under traditional law, which applied to the vast majority of women, 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. Women can own property with no special restrictions.

The Ministry of Population, Social Affairs, and Promotion of Women, along with independent women's groups and related NGOs, continued to campaign actively during the year to inform women of their rights.

Children

Although the law and family code laws provide for the protection of children's rights, in practice government programs often suffered from a lack of money, materials, and enforcement. There were many practices that discriminated against children, especially girls.

The government provided education in state schools, and school attendance is compulsory for both boys and girls until the age of 15. According to a September UN Children's Fund (UNICEF) report, approximately 79 percent of children aged 5 to 11, mostly boys, attended school. In that age group, approximately 83 percent of boys and 74 percent of girls started primary school, but only an estimated 51 percent of boys and 22 percent of girls reached secondary school. The General Directorate of Education Planning in the Ministry of Education estimated one-third of the national budget was spent on education.

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. In rural areas, traditionally the best food was reserved for adults, principally the father.

FGM was performed on approximately 12 percent of girls (see section 5, Women).

Statutory rape is illegal and punishable by up to 5 years of imprisonment and up to 10 years if violence was involved. If a victim is a child under 14; was gang-raped; or if the rape results in pregnancy, disease, or incapacitation lasting more than six weeks, the prison term is 20 years. Although the law explicitly prohibits sexual exploitation of children and child prostitution, the government did not effectively enforce the prohibitions. (see section 5, Trafficking).

There were reports of trafficking in children (see section 5, Trafficking)

Child labor was a problem (see section 6.d.).

Trafficking in Persons

The law prohibits trafficking in children but not adults; however, there were reports that persons were trafficked to, from, or within the country. On August 2, the government passed the "Law for the Repression of Child Trafficking." The law provides for prison sentences and fines for anyone who recruits, transports, hosts, or receives trafficked children and prison sentences for parents who willingly facilitate the trafficking of their children. The law provides from 3 months to 10-year prison sentences and fines ranging from \$2 thousand to \$20 thousand (1 to 10 million CFA francs) for traffickers of children and/or their accomplices. Anybody who assists and/or provides information, arms, or transportation to facilitate the trafficking is considered an accomplice. Although approximately 10 people have been arrested under the new law, none had been prosecuted by year's end.

Local committees were voluntarily set up in every region, and without financial or legal support, these committees investigated reports of trafficking. The government had little or no funding to investigate traffickers or trafficking rings. The police had limited success in intercepting victims of trafficking, and prosecution of traffickers was rare. Most persons that security forces arrested or detained for trafficking ultimately were released for lack of evidence. No records were available of the number of individual traffickers who were prosecuted during the year.

Government agencies involved in antitrafficking efforts included the Ministry of Population, 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 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 the victims of trafficking. Trafficking in women for the purpose of prostitution or nonconsensual labor as domestic servants occurred.

While official statistics for trafficked persons were not available, trafficking occurred throughout the country. The majority of the country's trafficking victims were children from the poorest rural areas, particularly those of Kotocoli, Tchamba, Ewe, Kabye, and Akposso ethnicities and mainly from the Maritime, Plateau, and Central regions. Adult victims usually were lured with phony job offers. Children were often 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 into 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. Victims were trafficked elsewhere in West Africa and to Central Africa, particularly Cote d'Ivoire, Gabon, and Nigeria; in Europe, primarily France and Germany; and in 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 in Cote d'Ivoire and domestic servitude and street labor in Gabon. They were fed poorly, clothed crudely, cared for inadequately, given drugs to work longer hours, and not educated or permitted to learn a trade. There were reports that young girls were trafficked to Nigeria for prostitution.

The country 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.

The International Labor Organization/International Program for the Elimination of Child Labor (ILO/IPEC) office in Lome reported that from September 2003 to August 2004, local committees and security forces intercepted 1,837 children aged 6 to 17 in the process of being trafficked. The National Committee for the Reception and Social Reinsertion of Trafficked Children reported that 2,458 children ranging from ages 5 to 17 were repatriated to the country between 2002 and 2004.

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

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

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 next-of-kin could be notified. Assistance was also available from a government-funded Social Center for Abandoned Children. CARE International-Togo worked with three NGOs--Terre des Hommes, La Colombe, and Ahuefa--on reinsertion of trafficked children, awareness campaigns for parents and communities, keeping children in schools, and supporting women's income-generating activities. During the year, ILO/ IPEC worked with other NGOs to increase awareness of the trafficking problem.

During the year, local government officials worked closely with NGOs to conduct public awareness campaigns. ILO/IPEC 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.

Persons with Disabilities

A new law enacted in November 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 state discrimination against persons with disabilities and some held government positions, but there was societal discrimination against persons with disabilities. It was not clear whether persons with disabilities would have meaningful recourse against private sector or societal discrimination with the new law. The government does not mandate accessibility to public or private facilities for persons with disabilities. 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 population included members of approximately 40 ethnic groups that generally spoke distinct primary languages and were concentrated regionally in rural areas. Major ethnic groups included the Ewe (between 20 and 25 percent of the population), the Kabye (between 10 and 15 percent), the Kotokoli (between 10 and 15 percent), the Moba (between 10 to 15 percent), and the Mina (approximately 5 percent). The Ewe and Mina were the largest ethnic groups in the southern region and the Kabye was the largest group in the less prosperous northern region.

Although prohibited by law, members of all ethnic groups routinely practiced societal favoritism on the basis of ethnicity. In particular, favoritism by southerners for southerners and by northerners for northerners was evident in private sector hiring.

The relative predominance in private sector commerce and professions by members of southern ethnic groups, and the relative prevalence in the public sector and especially the security forces of members of late president Eyadema's Kabye group 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 Action Committee for Renewal 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

Although the government passed a law prohibiting discrimination against them in November, persons infected with HIV/AIDS faced significant societal discrimination.

Section 6 Worker Rights

a. The Right of Association

The law provides workers, except security forces, including firefighters and police, with the right to join unions, and they exercised this right in practice. The Ministry of Economy and Finance and Privatization estimated that the country's total workforce was approximately 1.6 million out of an estimated working population of 2.3 million persons. Approximately 72 percent of the working population was in the agriculture sector where employment was not stable and wages were low. The informal sector provided for an estimated 22 percent of total employment. Approximately 60 to 70 percent of the formal sector work force was union members or supporters.

b. The Right to Organize and Bargain Collectively

The Labor Code nominally provides workers with 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. The collective bargaining process did not occur for several years under the late President Eyadema. 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 law provides most workers the right to strike, but security forces and government health workers did not have this right. There is no specific law prohibiting retribution against strikers by employers, and the Ministry of Labor failed to enforce the prohibition on antiunion discrimination. There were no strikes during the year.

The law allows the establishment of export processing zones (EPZs). Many companies had EPZ status, and approximately 70 were in operation. The EPZ law provides exemptions from some provisions of the Labor Code, notably the regulations on hiring and firing. Employees of EPZ firms did not enjoy the same protection against antiunion discrimination as did other workers. Workers in the EPZs were prevented from exercising their freedom of association because unions did not have free access to EPZs or the freedom to organize workers.

c. Prohibition of Forced or Compulsory Labor

The law does not specifically prohibit forced compulsory labor, including by children, and there were reports such practice occurred (see sections 5 and 6.d.). Children sometimes were subjected to forced labor, primarily as domestic servants.

d. Prohibition of Child Labor and Minimum Age for Employment

The Labor Code prohibits the employment of children under the age of 14 in any enterprise; however, child labor was a problem, and many children worked on family farms. Some children started working as young as age five. These children routinely missed at least two-thirds of the school year. 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 \$25 to \$35 (12,500 to 17,500 CFA francs).

Trafficking in children was a problem (see section 5).

The Ministry of Population, Social Affairs, and Promotion of Women was responsible for enforcing the prohibition of the worst forms of child labor, but few resources were allotted for its implementation, and enforcement was weak. In November, this ministry, in conjunction with several NGOs and UNICEF, embarked on a campaign to improve the lives of children. These groups initiated this campaign to raise awareness of issues such as child labor and trafficking in the hopes of eradicating them.

e. Acceptable Conditions of Work

The government sets minimum wages for different labor categories, ranging from unskilled through professional positions. In practice less than the official minimum wage often was paid, mostly to unskilled workers. Official monthly minimum wages ranged from approximately \$20 to \$33 (10 thousand to 16 thousand CFA francs) and 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 was responsible for enforcement of the minimum wage system 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 72 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. 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 set 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 do not provide protection for legal foreign workers.

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