

2024 Country Reports on Human Rights Practices: Togo

EXECUTIVE SUMMARY

The government enacted significant constitutional changes on elections through a process lacking transparency and a meaningful opportunity for public participation.

Significant human rights issues included credible reports of: torture or cruel, inhuman, or degrading treatment; arbitrary arrest or detention; and serious restrictions on freedom of expression and media freedom, including unjustified arrests or prosecutions of journalists.

The government took limited steps to identify and punish officials who committed human rights abuses.

Violent extremist organizations committed numerous abuses during incursions into the country's territory. The government made some efforts to investigate these abuses but conducted no prosecutions.

Section 1.

Life

a. Extrajudicial Killings

There were no confirmed reports the government or its agents committed arbitrary or unlawful killings. Terrorist groups committed killings.

b. Coercion in Population Control

There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Section 2.

Liberty

a. Freedom of the Press

Although the constitution provided for freedom of expression, including for members of the press and other media, the government restricted these rights.

The law criminalized "hate speech" and added restrictions on discussion of political or religious concerns or matters of public interest. Authorities frequently used criminal charges to limit citizens'

freedom of expression.

In June, authorities arrested a social activist after she published video of a woman praying and cursing in front of the ruling party's headquarters. Initially charged with "violation of the intimacy and private life of a person on complaint of the family," she was eventually released following a substantial online advocacy campaign.

Physical Attacks, Imprisonment, and Pressure

In April, hooded men believed to be associated with the government detained and beat a French journalist critical of the government, then handed him over to police. A judge expelled him from the country within 24 hours.

In August, authorities renewed an arrest warrant for journalist Ferdinand Ayite, charging him with "plotting against state security and terrorism." Ayite fled the country in 2023 after a court sentenced him to a three-year prison sentence.

Censorship by Governments, Military, Intelligence, or Police Forces, Criminal Groups, or Armed Extremist or Rebel Groups

The Press Code did not protect online media. The law imposed penalties on journalists deemed to have committed "serious errors," such as privacy infringement; incitement of racial, ethnic, or religious hatred; apology for war crimes, sedition, or terrorism; and dissemination of defamatory statements. The High Authority for Audiovisual and Communication attempted to regulate online media and required media to be hosted under the government domain name before it issued publishing authorization.

After months of harassment, on July 26 the High Authority for Audiovisual and Communication suspended radio journalist Joachim Agbetim and his popular program for "failure to censor" guests on his show.

b. Worker Rights

Freedom of Association and Collective Bargaining

The constitution provided for the right of workers, except security force members (including firefighters and police), to form and join unions, bargain collectively, and conduct legal strikes. Supporting regulations allowed workers to form and join unions of their choosing under restrictive conditions. Those who wished to form a union had to obtain written authorization from a mayor.

While workers had the right to strike, they could be ordered back to work if the government determined it necessary for the security and well-being of the population. Unions were obliged to seek dialogue with the employer before filing a strike notice. The government could legally requisition public workers in the event of a strike, and workers who refused to participate could be subjected to up to six days of forced labor. While no legal provisions protected strikers against employer retaliation, the law required employers to obtain an authorizing judgment from the labor inspectorate before they could fire workers on strike. If employees were fired illegally, including for union activity, they had to be reinstated and compensated for lost salary.

The law prohibited antiunion discrimination.

There were no legal restrictions that limited freedom of association or collective bargaining. The law creating an export-processing zone (EPZ) allowed EPZ workers to form unions but exempted

companies within the EPZ from providing workers with many legal protections, including protection of freedom of association and collective bargaining.

The government generally enforced legal provisions regarding freedom of association, collective bargaining, and the right to strike, particularly outside the EPZ, but if parties engaged in collective bargaining did not reach agreement, the government could compel arbitration. Penalties, however, were not commensurate with those under other laws involving denial of civil rights and were never applied against violators.

Forced or Compulsory Labor

See the Department of State's annual *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Acceptable Work Conditions

Wage and Hour Laws

The National Collective Bargaining Agreement set minimum wages for different labor categories, ranging from unskilled through professional positions. While the established minimum wage was above the poverty line, employers often paid less, mostly to unskilled workers. The law did not provide wage and hour protections for the informal sector.

The government heavily regulated the labor market. Working hours, except in the agricultural sector, were not to exceed 40 hours per week. There were several categories of work allowing a range of base weekly hours from 42 to 56 hours per week. Working hours for employees in the agricultural sector were not to exceed 2,400 hours per year (46 hours per week).

The private sector seldom respected requirements on overtime pay. Alleged violations of wage, hour, or overtime laws were most common in the mining sector and the EPZ.

Occupational Safety and Health

Occupational safety and health (OSH) standards were not appropriate for the main industries in the country. OSH inspectors actively worked to identify unsafe working conditions in addition to responding to workers' OSH complaints.

By law, workers could remove themselves from situations endangering health or safety without jeopardy to their employment.

A 2019 government-commissioned study asserted the highest risk sectors included mining, manufacturing, construction, and public works. The law did not provide OSH protections for workers in the informal sector. Abuses in the informal sector were common.

Wage, Hour, and OSH Enforcement

The government did not effectively enforce the law, and formal-sector employers often ignored applicable law. The technical consulting committee in the Ministry of Civil Service, Labor, and Social Dialogue enforced penalties on employers who did not meet wage, hour, and OSH laws.

Penalties were not commensurate with penalties for similar crimes such as fraud or negligence; they were sometimes applied. The number of labor inspectors was insufficient for enforcement actions. Labor inspectors had the right to conduct unannounced inspections and impose fines.

According to a 2019 government-commissioned study, more than 91 percent of the country's workforce, both urban and rural, participated in the informal economy. Informal employment was found in virtually every sector of the economy including agriculture, manufacturing, mining, and public works. The government did not enforce labor law in the informal sector.

c. Disappearance and Abduction

Disappearance

There were no confirmed reports of enforced disappearances by or on behalf of government authorities.

Militant groups and criminals kidnapped dozens of individuals, especially local chiefs and herders with their cattle.

Prolonged Detention without Charges

The constitution and law prohibited arbitrary arrest and detention and provided for the right of any person to challenge the lawfulness of their arrest or detention in court. The government did not always observe these requirements.

The law authorized judges, senior police officials, prefects, and mayors to issue arrest warrants. Detainees had the right to be informed of the charges against them, and police generally respected this right. The law provided for a suspect to be brought before a judicial officer within 72 hours of arrest. Although the law stipulated a judge conduct a pretrial investigation to examine the adequacy of evidence and to decide on bail, authorities often held detainees without bail for lengthy periods regardless of a judge's decision. Attorneys and family members had the right to see a detainee after 48 to 96 hours of detention, but authorities often delayed or denied access. All defendants had the right to an attorney. The law gave indigent defendants the right to free legal representation, but the government provided only partial funding for counsel; the bar association sometimes provided attorneys for indigents. Abuses of legal protections were supposedly subject to internal disciplinary investigations and criminal prosecution by the Ministry of Justice, but investigations and prosecutions seldom occurred.

Authorities engaged in arbitrary arrests. For example, authorities arrested and violently interrogated two youths following their posting of an online video expressing disagreement with constitutional changes. They received a six-month suspended sentence for insulting public authorities.

A shortage of judges and other qualified personnel, as well as official inaction, often resulted in pretrial detention for periods exceeding the maximum sentence for the alleged crime, in many cases by more than 12 months. Human rights organizations reported the use of prolonged preventive detention.

d. Violations in Religious Freedom

See the Department of State's annual *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

e. Trafficking in Persons

See the Department of State's annual *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Security of the Person

a. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The constitution and law prohibited such practices; however, there were multiple reports government officials employed disproportionate use of force equaling cruel, inhuman, or degrading treatment. For example, human rights organizations reported systemic physical mistreatment of political detainees.

The government took no action on the June 2023 Economic Community of West African States Court of Justice request to investigate torture and other abuses of 10 detainees in the Tiger Revolution affair. The 10 persons remained in jail.

Impunity remained a problem in the security forces, including police, gendarmes, and the armed forces.

b. Protection of Children

Child Labor

See the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings/>.

Child Marriage

The legal ages for marriage were 18 for girls and 20 for boys, although both could marry at younger ages with parental consent. The government did not effectively enforce these minimum age requirements.

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

c. Protection to Refugees

The government sometimes cooperated with the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, or asylum seekers, as well as other persons of concern.

Provision of First Asylum

The law provided for the granting of asylum or refugee status, and the government had established a system for providing protection to refugees. According to local observers, the government conducted time-consuming individual refugee status determinations for the Burkinabe (citizens of Burkina Faso), resulting in slow refugee counts and thus delays in these vulnerable populations

receiving necessary support. UNHCR encouraged the government to grant prima facie refugee status to the Burkinabe or expedite the process by granting automatic asylum to certain categories of Burkinabe, such as women and children, as permitted under the law.

The government limited travel within the Savanes Region by international organizations, such as the International Organization for Migration, and some local NGOs, requiring two weeks' notice for approval of all missions to the Savanes since the 2022 state of emergency declaration for the region. This delayed and limited access for organizations providing protection and assistance to Burkinabe asylum seekers. While the government released a census of refugees, asylum seekers, and displaced persons, it did not visit all of the areas in which many such persons were believed to be; consequently, the full scale of protection concerns and material needs remained unknown. During the first three months of refugee registration the government paused the registration while the census was being conducted and the results released.

d. Acts of Antisemitism and Antisemitic Incitement

There was no known Jewish community, and there were no reports of antisemitic incidents.