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Togo

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Togo is a republic dominated by President Gnassingbe Eyadema, who came to power in 1967 following a military coup. Eyadema and his Rally of the Togolese People party (RPT), strongly backed by the armed forces, have continued to dominate political power and maintained firm control over all levels of the country's highly centralized Government. Despite the Government's professed intention to move from authoritarian rule to democracy, institutions established to accomplish this transition did not do so in practice. Procedural problems and significant fraud, particularly in the misrepresentation of voter turnout, marred the 1998 presidential elections. In February the Government made unilateral changes to the electoral code and in May replaced the national independent electoral commission (CENI) with a committee of seven magistrates to manage the legislative elections. In response to these changes, the traditional opposition boycotted the legislative races, held October 27. The RPT won 72 of 81 seats in the National Assembly; the remaining nine seats, eight went to newly formed opposition parties and one to an independent candidate. On December 30, the newly elected National Assembly modified the 1992 Constitution, which limited the president to two terms to allow President Eyadema to run again. These 34 constitutional changes also helped to consolidate presidential power. Eyadema and his supporters maintained firm control over all facets and levels of the country's highly centralized Government. The executive branch continued to influence the judiciary.

The security forces consisted of the army (including the elite Presidential guard), navy, air force, the Surete Nationale (including the national police), and the Gendarmerie. The police and Gendarmerie performed domestic intelligence functions. Approximately 90 percent of the army's officers and 70 percent of its soldiers were from the Kabye ethnic minority. Although the Minister of the Interior nominally was in charge of the national police and the Defense Minister had nominal authority over most other security forces, President Eyadema effectively controlled all security forces. Members of the security forces effectively curtailed civil liberties of regime opponents, especially in the northern part of the country. Members of the security forces committed serious human rights abuses.

Approximately 80 percent of the country's estimated population of 5 million was engaged in subsistence agriculture, but there also was an active commercial sector. Economic growth continued to lag behind population growth. The Government privatized several companies during the year. Anti-corruption efforts continued, but the Government's budgetary and fiscal discipline eroded. International and bilateral donors continued to suspend foreign aid because of the Government's weak democratization efforts and poor human rights record, as well as repayment arrears.

The Government's human rights record remained poor, and it continued to commit numerous abuses. Citizens' right to change their government was restricted. As in the past, human rights abuses increased as the country neared elections; however, because of the mainline opposition boycott, there were few confrontations during the October 27 legislative elections. Nevertheless, the Government forcibly dispersed political rallies and protests, seized independent newspapers, and jailed political opponents and critics of the Government. Although there were no confirmed reports of extrajudicial killings, security forces beat civilians. The Government in general did not investigate or punish effectively those who committed abuses, nor did it prosecute persons responsible in

previous years for extrajudicial killings and disappearances. Prison conditions remained very harsh. Arbitrary arrest and detention was a problem, and prolonged pretrial detention was common. The Government continued to influence the understaffed and overburdened judiciary and did not ensure fair and expeditious trials. Security forces often infringed on citizens' privacy rights. The Government and the security forces restricted freedom of speech and of the press, often using investigative detention and criminal libel prosecutions to harass journalists and political opponents. The Government restricted academic freedom and freedom of assembly, association, and movement. The National Commission for Human Rights (CNDH) continued to be dominated by supporters of the President, and the Government restricted and impeded the work of independent human rights groups. Violence and societal discrimination against women remained a problem. Female genital mutilation (FGM) persisted among some ethnic groups. Discrimination against ethnic minorities remained a problem. The Government limited workers' rights to collective bargaining. Child labor was a problem. Trafficking in women and children remained problems.

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 no confirmed reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents during the year, and no extrajudicial killings from previous years were discovered during the year. However, one person died during the year when police and demonstrators clashed (see Section 2.b.).

There were no developments in the investigation of the March 2000 killing of an alleged government-paid agitator at the University of Benin (now known as the University of Lome).

In April at the annual meeting of the U.N. Human Rights Commission, the U.N./Organization of African Unity (OAU) Commission of Inquiry into allegations of extrajudicial killings disbanded without further investigations. In February 2001, the Commission released the results of its investigation into reports that the Government threw hundreds of bodies into the sea during the 1998 presidential elections (see Sections 1.b. and 4), including what it called credible evidence of some extrajudicial killings that merited further investigation. The Commission's report also alleged that security forces or militias linked to government authorities were responsible for the following previously unreported extrajudicial killings or disappearances during the 1998 elections: Kodjo Ahadji; Anani Teko Allyn; Koffi Amouzou; Koffi Roger Ahiakpo; Kossi Kossi; Koffie Tenou; Germain Palanga N'Gamnouwe; Pele Keleou; and Hoffia Messan Pomeavor. In March 2001, the Government established a National Commission of Inquiry to investigate the Commission's allegations, which concluded that these allegations were unfounded and took no further action in any of the cases.

Following the September 1998 killing of Koffi Mathieu Kegbe, an activist in the opposition Action for Renewal Committee (CAR) party, police arrested Kodjovi Akomabu in 2001. He was found to be the leader of a criminal gang and was sentenced to 6 years in prison. He appealed the sentence, and it was raised to 10 years. Akomabu began serving his time in August 2001. He was transferred to the prison in Kara in the north during the year.

There still was no investigation into the April 2001 lynchings in Akodessewa of Anani Adable and Apelete Koffi Klutse, two alleged thieves; there was no suspicion of government involvement.

b. Disappearance

There were no reports of politically motivated disappearances.

In a final report released in February 2001, the U.N./OAU Commission of Inquiry reported the disappearance of the following six persons, previously unreported, last seen under arrest by security forces in 1998: Koffi "Hitler" Akakpossa; Nicolas Assiongbon; Adrisse "Ringo" Djiewone;

Yao Homawoo; Kokou Akakpo; and Eugene Senyo. The Government denied it had anything to do with their disappearances.

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

The law prohibits torture and physical abuse of prisoners and detainees; however, security forces often beat detainees after arresting them. Some suspects claimed credibly to have been beaten, burned, or denied access to food and medical attention. Impunity remained a problem, and the Government did not prosecute publicly any officials for these abuses.

On June 26, security forces detained two opposition CAR Party members who claimed they were beaten at the Para-Commando military camp in Kara. They were released June 30. They were accused of distributing political tracts, reportedly endorsing a proposed presidential bid by RPT figure Dahuku Pere.

In November 2001, Union of Forces for Change (UFC) members Andre Kuevi and Atanai Aboubakar were attacked and beaten in the northern city of Kara. Kuevi was beaten on the head with iron bars and required a blood transfusion. Atanai reportedly slipped into a coma for 3 days. The Government vowed to investigate; however, there were no developments during the year.

Security forces harassed, intimidated, and beat journalists (see Section 2.a.).

Security forces dispersed demonstrators forcibly (see Section 2.b.).

On February 5, the Government forcibly retired former Army Chief of Staff LTC Kouma Bitenewe. Following his April 2001 arrest, Bitenewe accused troops of holding him incommunicado and torturing him. He was under house arrest for much of 2001.

There was no investigation into the April 2001 incident in which the UFC claimed that RPT militants doused UFC Secretary General Jean-Pierre Fabre with gasoline and threatened to set him on fire.

Prison conditions reportedly remained very harsh, with serious overcrowding, poor sanitation, and unhealthy food. According to the First Instance Court, a bureau of the Appellate Court in the Ministry of Justice, Lome's central prison, built for 350 prisoners, housed 1,100 inmates at its peak during the year. In December the total prison population for Lome was 1,146, including 35 women awaiting trial and 3 judged guilty as well as 871 men awaiting trial and 275 judged guilty. Medical facilities were inadequate, and disease and drug abuse were widespread. Prison guards in the overcrowded civil prison of Lome charged prisoners a small fee to shower, use the toilet, or have a place to sleep. Sick prisoners reportedly had to pay \$2 (1,500 CFA francs) to guards before being allowed to visit the infirmary.

The children of convicted adults often were incarcerated with the female inmates, who were housed separately from the male prisoners. Juvenile prisoners were held separately from adults. Political prisoners and pretrial detainees were not held separately from convicted prisoners.

Although some international and local private organizations had access to prisons for monitoring purposes, the International Committee of the Red Cross (ICRC) did not request a visit during the year.

d. Arbitrary Arrest, Detention, or Exile

Arbitrary arrest and detention remained problems. Judges or senior police officials may issue warrants. 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; however, authorities often delayed, and sometimes denied, access. The law stipulates

that a special judge conduct a pretrial investigation to examine the adequacy of evidence and decide on bail; however, in practice detainees could be, and often were, held without bail for lengthy periods with or without the approval of a judge.

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. For example, Kokou Alowou and Dela Atidepe were arrested in 1993, charged with armed robbery and manslaughter, and still were awaiting trial at year's end. In December an estimated 70 percent of the prison population was pretrial detainees (see Section 1.c.).

The Government continued to use brief investigative detentions of less than 48 hours to harass and intimidate opposition activists and journalists (see Section 2.a.). The Government at times has resorted to false charges of common crimes to arrest, detain, and intimidate opponents. On August 17, three members of the UFC opposition party were arrested and briefly detained for urging people to attend a political rally scheduled for August 24. Five persons were arrested, detained, and ultimately convicted of crimes for political reasons during the year (see Section 1.e.).

On September 24, a member of the opposition CAR party, Kokou Avigan, was arrested and charged with distributing political tracts to Alabi Sofiou, another CAR member. At year's end, both men remained in jail without being formally charged or given a trial.

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

Unlike in the previous year, there were no records that members of the security forces detained human rights monitors and activists during the year. The Constitution prohibits exile, and the Government generally respected this prohibition; however, several opposition and human rights workers remained in self-imposed exile because they feared arrest. For example, some students who fled in 2000 remained in Ghana due to fear of arrest if they returned to the country.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, in practice the executive branch continued to exert control over the judiciary. A majority of the members of the Supreme Council for the Magistrature were supporters of President Eyadema. Judges who belonged to the pro-Eyadema Professional Association of Togo Magistrates (APMT) reportedly received the most prestigious assignments, while judges who advocated an independent judiciary and belonged to the National Association of Magistrates (ANM) were marginalized.

The Constitutional Court stands at the apex of the court system. The civil judiciary system includes the Supreme Court, Sessions (Court of Assizes), and Appeals Courts. A military tribunal exists for crimes committed by security forces, but its proceedings are closed. General Seyi Memene served as Justice Minister. The court system remained overburdened and understaffed. Magistrates, like most government employees, were not always paid on time. The judicial system employs both traditional law as well as the Napoleonic Code in trying criminal and civil cases. Trials were open to the public, 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, present evidence, and enjoy a presumption of innocence. In rural areas, the village chief or council of elders may try minor criminal and civil cases. Those who reject the traditional ruling may take their cases to the regular court system, which was the starting point for cases in urban areas.

Opposition figures were imprisoned for expressing political opinions and frequently were denied a fair trial. On January 10, an appeals court ruled in favor of opposition CAR Party President Yawovi Agboyibo, but only after President Eyadema issued instructions for his release from prison after 7 months. Agboyibo had been convicted in August 2001 of defaming then Prime Minister Agbeyome Kodjo. The trial was flawed; there were serious irregularities, including a disregard for proper

judicial procedure. In September former Prime Minister Kodjo blamed President Eyadema for Agboyibo's imprisonment, saying that Eyadema forced him to bring the suit against the opposition party leader.

In June Yawovi Jules Kpizia, an opposition CAR political party official, was released from prison after serving 1 year for defamation of the President's son, LTC Ernest Gnassingbe.

In September the Government tried Claude Ameganvi, leader of an opposition labor party and union activist, for defamation of the President. The prosecutor allegedly changed Ameganvi's statement; the prosecutor insisted the text included typographical errors. The presiding judge rejected demands to withdraw the document. Ameganvi was sentenced to 4 months for defamation of the president's image and an additional 2 months after the public prosecutor raised the sentence.

In June 2001, Harry Olympio, former Human Rights Minister and opposition Rally for the Support of Democracy and Development (RSDD) president, was arrested and convicted in a seriously flawed trial for the production and possession of explosives. He was sentenced to 18 months in prison and fined \$500 (360,000 CFA francs); however, President Eyadema pardoned him in 2001.

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

The Constitution provides for the sanctity of residences, the confidentiality of correspondence and telecommunications, and prohibits searches and seizures not prescribed by law; however, 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. Police conducted searches without warrants, searching for arms caches as well as for criminals, often under the guise of searching for identity cards. Armed security checkpoints existed throughout the country, and security forces regularly searched vehicles, baggage, and individuals in the name of security (see Section 2.d.).

Security forces entered private residences, particularly in the north, for the purpose of disrupting meetings among opposition political figures. On July 3, gendarmes and other security officials reportedly searched the home of Dany Ayida, a journalist and director of a human rights center in Lome who was exiled in France and mistreated his wife. He remained in Benin at year's end.

Citizens believed that the Government monitored telephones and correspondence, although this surveillance was not confirmed. The Government maintained a system of informers on the university campus (see Section 2.a.).

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press; however, the Government restricted these rights in practice. The Government repeatedly harassed and intimidated print media journalists through threats, detentions, and criminal libel prosecutions. Police and gendarmes occasionally harassed newspaper vendors and confiscated issues of some opposition newspapers. Advertisers reportedly often were intimidated. Few opposition newspapers were allowed distribution outside the Lome area, particularly in areas not known to be ruling party strongholds.

On September 3, the National Assembly approved another revision of the 1998 Press and Communication Code, further restricting freedom of expression in the country. The revision focused on Article 91, enacting a 5-year term of imprisonment (up from 3 years in the previous code) and a \$7,600 (up from \$2,500) fine for any journalist found guilty of defamation of military or of government officials. The severest penalties were reserved for offenses to the "honor, dignity ... and the public functions" of "the president, prime minister, national assembly president, parliamentarians, members of government and public institutions." In addition, the new code requires independent newspapers to constitute their reporting staffs with at least one-third "professional journalists," a status accorded only by the government-appointed authority.

During the year, persons were charged with defamation (see Section 1.e.).

Despite government interference, there was a lively press, most of which was heavily politicized, and some of which was highly critical of President Eyadema. More than 15 privately owned newspapers 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 biweekly schedules.

There was no pre-publication censorship of print media in law or practice; however, journalists practiced varying degrees of self-censorship, and security forces frequently threatened or detained print media journalists and interfered with the distribution of newspapers.

During the year, authorities seized copies of newspapers that criticized the Government. For example, on April 4, security agents seized all copies of La Tribune du Peuple, apparently for publishing an article entitled "Togo State of Terror: FAT (Armed Forces of Togo) Members Mistreated Agbekodo."

On April 9, agents confiscated copies of the newspaper Le Regard for commenting on a Human Rights Commission meeting in Geneva in which the Amnesty International (AI) report entitled "Togo: A State of Terror" was discussed. A former minister threatened to put the director of Le Regard in jail for life.

On April 16, security forces unsuccessfully sought to confiscate all copies of Le Regard that contained a letter written by Member of Parliament (M.P.) Dahuku Pere, a member of the ruling RPT Party's Central Committee, that called on the RPT to convene a party congress to discuss the party's performance and image (see Section 3). On April 22, security agents seized copies of two newspapers, Le Combat du Peuple and Motion d'Information, for publishing Pere's letter.

Members of the security forces arrested and detained journalists, sometimes without charging them with any offense.

For example, in June Basile Agboh, publisher of the weekly newspaper Aekle, was jailed for publishing a story claiming that the President's eldest son, LTC Ernest Gnassingbe, had made death threats against then-Prime Minister Agbeyome Kodjo. He was released after 70 days of detention.

On August 5, Julien Ayi, editor of Agoon Nami, and Alphonse Klu, director of Nouvel Echo, were arrested for publishing unsubstantiated information allegedly given to them by Claude Ameganvi that Forbes Magazine had named President Eyadema one of the world's wealthiest people. Ameganvi was arrested the next day (see Section 1.e.). On September 13, Ameganvi and Ayi were sentenced to 4 months in jail and each fined \$150 (100,000 CFA francs). Klu, still in hiding, was sentenced to 6 months in prison and fined the same amount. At the time of sentencing, the Government had not enacted the new press code.

In October 2001, the Gendarmerie arrested journalist Komi Nemvame Klu for publishing false information about a public figure. He was released on October 30, 2001.

Unlike in the previous year, no press offices were closed due to government threats.

Radio remained the most important medium of mass communication. Two government-owned and 53 private radio stations were officially licensed in December in response to the first government-enacted licensing operation. Two of these, Radio Avenir and Galaxy FM, were associated with the ruling RPT Party. 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. A private station, Kanal FM, was a foreign affiliate and carried several hours of news, music, and commentary daily.

Beginning on September 17, the Government blocked transmission of Radio France International to prevent the broadcast of an interview with former Prime Minister Kodjo. In the interview, Kodjo criticized President Eyadema for controlling the judicial and legislative as well as the executive branches of the Government. He said that Eyadema's stepping down was the only way for the country to complete its democratic transition.

The government-owned and controlled Television Togo, and the independent TV-2 were the only major television stations in the country. TV-2 carried France-based TV-5's international news programming. Three smaller television stations operated during the year but their broadcasts were limited to certain localities, and their content primarily was of a religious or entertainment nature.

The Constitution mandates equal access to state media; however, the official media heavily slanted their contents in favor of the President and the Government. The High Authority for Audio-Visual and Communications (HAAC) was charged with providing equal access to state media, as mandated by the Constitution. Although nominally independent, in practice HAAC operated as an arm of the Government. It was dominated by Eyadema supporters and had not increased opposition access to the government controlled media. Two opposition representatives were appointed in 2001 to improve the HAAC's balance. In February HAAC sent a letter to Radio Victoire telling it to stop all programming until it signed the convention that authorized all broadcasting.

The Togolese Media Observatory (OTM), a nongovernmental organization (NGO), was established to protect press freedom and to improve the professionalism of journalists. OTM's board and membership included both government and private journalists. During the year, it met regularly to discuss journalistic ethics and professional standards.

There were no reports that the Government restricted access to the approximately 15 Internet service providers in the country. Most Internet users were businesses rather than households. Access to the Internet and fax machines also was available in many small stores and cafes in Lome and other cities.

At the country's sole university, the University of Lome, previously known as the University of Benin, academic freedom was constrained by potential harassment by the Government and anti-opposition militants, or both, and the lack of a Rector elected by the faculty. Teachers' salaries and students' stipends rarely were paid on time. Drastic increases in tuition and cuts in scholarships reduced the total number of students, and as a result, there were fewer interruptions to university classes during the year. A government informer system reportedly continued to intimidate students. The only officially tolerated student groups; the High Council of the Student's Movement (Haut Conseil des Mouvements Etudiants) and the General Union of Students and Interns of Togo (Union General des Etudiants et Stagiaires du Togo), were pro-Eyadema. The independent student organization CEUL has had longstanding unofficial recognition, and its elected representatives have participated on university committees.

Unlike in the previous year, security forces did not forcibly disperse student protests at the University of Lome.

Thomas Gnandi and Kodjo Gbodzisi, the President and Vice President of the CEUL, remained expelled at year's end, and no action was taken against security forces who allegedly tortured them following protests by students and professors over their May 2001 expulsion.

There were no developments in the 2000 case of former CEUL leader Lorempo Lamboni.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly; however, the Government restricted this right in practice. Opposition political parties rarely were permitted to hold public meetings in Lome, and authorities systematically interfered with the freedom of political opponents attempting to assemble in the central and northern regions. Government officials prohibited, and security forces forcibly dispersed, some public demonstrations critical of the Government. For example, on August 3, Claude Ameganvi, coordinator of a group called "What Solution for Togo," organized a

demonstration commemorating the 10th anniversary of the murder of opposition political leader Tavio Amarin. In response to a request by the UFC party to hold a rally August 3, the Minister of Interior organized a "Clean the City" day, forcing the UFC party members to postpone the rally until the following day. Police dispersed the participants using batons, injuring several marchers, including one who required medical treatment.

On August 17, UFC members were arrested for inviting people to attend another rally scheduled for August 24. The Minister of Interior convoked UFC leaders to his office and complained about the statements made in the August 4 rally and the blocked August 24 rally.

On September 28, security forces used tear gas and batons to break up a public opposition UFC Party meeting, and at least one UFC member was injured slightly. Police arrested Secretary General Jean-Pierre Fabre but released him a few hours later.

On November 9, security forces broke up a march organized by a coalition of opposition parties. Police and opposition members clashed when the group attempted to change from the pre-approved route. Numerous persons from both sides were injured, and one protestor, Alex Hedeka, a member of the opposition UFC party, died a few days later from his injuries.

Opposition groups continued to accuse Northern Military Zone Commander LTC Ernest Gnassingbe, the President's son, of blocking or breaking up public and private political demonstrations and meetings.

There were no official reports of student demonstrations during the year. However, security forces remained present on the University of Lome campus (see Section 2.a.).

No known action was taken against security forces that used excessive force when dispersing demonstrations in 2001 and 2000.

Unlike in the previous year, the Government did not ban opposition gatherings.

Under the Constitution, citizens have the right to organize associations and political parties; however, the Government restricted this right in practice. While political parties were able to elect officers and register, few opposition party offices and no pro-opposition newspapers operated in most towns in the central and northern regions.

There were many NGOs; they were required to register with the Government.

c. Freedom of Religion

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

The Government has established requirements for recognition of religious organizations outside the three main faiths--Roman Catholicism, Protestantism, and Islam--which were recognized officially. Applications for recognition must be submitted to the Interior Ministry's Division of Civil Security. The Interior Ministry issues official recognition. The Civil Security Division also has enforcement responsibilities when there are problems or complaints associated with a religious organization. The Government recognized 109 religious groups, of which most were smaller Protestant groups and some new Muslim groups as well as new traditional religious groups. Members of those religions not officially recognized were permitted to practice their religion, but had no legal standing. During the year, 12 religious groups submitted applications to the government requesting official recognition. Since 1991, 329 groups have applied for recognition. There was no information available regarding the criteria for recognition, the number of rejections, or details about the groups that had been rejected. If an application provided insufficient information for recognition to be granted, the application often remained open indefinitely.

For a more detailed discussion see the 2002 International Religious Freedom Report.

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

The Constitution provides for these rights; however, the Government restricted them in practice. Armed security checkpoints and arbitrary searches of vehicles and individuals were common, and government security forces searched cars throughout the country. Undisciplined acts of some soldiers manning roadblocks, such as frequent demands for bribes before allowing citizens to pass, impeded free movement within the country. The Government prevented opposition political parties from traveling and campaigning in the north of the country and from traveling or entering certain towns.

In June the Government placed former Prime Minister Agbeyome Kodjo's French-citizen wife under house arrest, blocked her attempts to leave her house, and prevented others from visiting her. After 1 month, and appeals from the French Embassy and international groups, the Government removed the security forces. The Government insisted the troops had been placed there for her protection.

In August the Government refused to act on the passport application by the son of Dahuku Pere, a prominent critic of the Government from within the ruling RPT, apparently in retaliation for his father's views. By year's end, Pere's son still had not been issued a passport. The Government permitted citizens to use a national identity card instead of a passport for travel to other member countries of the Economic Community of West African States. The Government required that a married woman have her husband's permission to apply for a passport.

There was no law that provided for the granting of asylum or refugee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. However, the Government provided first asylum. The Government cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. During the year, a National Refugee Assistance Coordination (CNAR) group was established.

In December UNHCR estimated there were 11,000 refugees from Ghana living in the northern areas of the country, near the cities of Bassar, Sotouboua, and Dankpen. A total of 508 Ghanaian refugees were in the process of being repatriated at year's end. According to the Government, there were approximately 800 refugees (mostly from Rwanda and the Democratic Republic of the Congo) registered in Lome and an approximate 1,200 additional refugees living in rural villages. According to UNHCR estimates, approximately 1,600 Togolese refugees lived in Benin and another 800 in Ghana.

There were no reports of the forced return of persons to a country where they feared persecution.

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

The Constitution provides for the right of citizens to change their Government peacefully; however, the Government restricted this right in practice. In the 1998 presidential election, the Interior Ministry declared Eyadema the winner with 52 percent of the vote; however, serious irregularities in the Government's conduct of the election strongly favored Eyadema and appear to have affected the outcome materially.

Although the Government generally did not obstruct the actions of political opponents openly, the President used the military and his government allies to intimidate and harass citizens and opposition groups (see Sections 1.d., 1.e., and 2.b.). LTC Ernest Gnassingbe, the President's son, threatened the leading legislative candidate for the opposition party CAR, Palakizima Aweli, telling him to leave the city.

The Government and the State remained highly centralized. President Eyadema's national

Government appointed the officials and controlled the budgets of all subnational government entities including prefectures and municipalities, and influenced the selection of traditional chiefs. The National Assembly has little authority or influence on President Eyadema and has limited influence on the Government. Aside from controlling its own programs and activities and writing amendments to the Constitution, the National Assembly largely approved the proposals of the President and the Government.

After the 1999 legislative elections, boycotted by the opposition and marred by procedural problems and significant fraud, the Government announced that it would pursue dialog with the opposition. In July 1999, all sides signed the "Lome Framework Agreement," which included a pledge by President Eyadema that he would respect the Constitution and not seek another term as president after his term expires in 2003. In 2000 the Government established the CENI, composed of 10 members of the President's RPT party and 10 members of the opposition, and adopted a new Electoral Code largely drafted by the opposition.

On February 1, in what it called a bid to speed up election preparations, the Government amended the electoral code to include: A requirement that legislative and presidential candidates must be citizens; a reduction of the composition of the CENI to 10 members (5 from the RPT and 5 representing the opposition); and that all CENI decisions could be made by a simple majority vote. On April 25, the Constitutional Court replaced the CENI with a seven-magistrate commission (C7), which proceeded to organize elections for October 27.

In April longtime RPT Party official and former president of the National Assembly, Dahuku Pere, publicly criticized the party's failure to break with its authoritarian one-party past. Noting that excesses from 1991 to 1993 had included murders and repression committed by the both the RPT and its opponents, Pere called for a renewal of party values and recommitment to success in a fairly fought democratic contest. Gendarmes questioned and then released Pere. A nearly unanimous RPT Central Committee vote rejected Pere's treatise, and President Eyadema stripped him of his party position and decorations.

On June 27, Prime Minister Agbeyome Kodjo left his post, and fled to France. He was the only member of the RPT Central Committee who did not sign the letter rejecting Pere's declaration. Upon his departure, he released a 14-page letter criticizing President Eyadema for his "monarchic-despotic" regime and accusing him of looting public coffers to sustain a life of luxury. As with Pere, the Government immediately stripped Kodjo of his party membership and decorations and accused him of treason.

In August four leading opposition parties united their agendas to demonstrate solidarity against the Government. Opposition parties that did not join the unified "Front" included the UFC party of Gilchrist Olympio, the son of the former president who was assassinated in 1963, and the Opposition Pan-African Patriotic Convergence party of former Prime Minister Edem Kodjo. In September several other minor opposition parties also united their agendas, calling themselves the Republican Opposition Front (FOR). Following the June 2001 presidential pardon of Harry Olympio on coup-plotting charges, the former Human Rights Minister and RSDD president stated that he intended to participate in the October legislative elections.

Long-delayed legislative elections were held on October 27, and the opposition parties who were members of the Lome Framework Agreement boycotted the races. President Eyadema's RPT party won 72 out of the total 81 seats in the National Assembly. Three newly formed opposition parties and one independent candidate shared the remaining nine seats. The Government said voter turnout was 67 percent, a figure contested by the main opposition parties as well as some of the government-sponsored international election observers. There were reports of incidents of intimidation and fraud.

On December 30, the newly elected National Assembly passed 34 modifications to the 1992 Constitution. President Eyadema promulgated the law on December 31. Chief among the changes was a rewrite of Article 59 erasing the two-term limit for the presidency. In addition, the new Constitution lowered the age of presidential candidates from 45 to 35; stipulated only one-round of voting for all future elections; and created a new legislative body, the Senate, making the National

Assembly a bicameral legislature, the Parliament. Many of the changes restored powers to the presidency taken away by the 1992 Constitution, including new language strengthening the president's authority over national policy, the power to dismiss the prime minister, and appoint a greater number of judges, especially to the country's highest bench, the Constitutional Court. The Constitutional Court now also was tasked as final arbiter in resolving future election disputes.

There were no legal restrictions on the participation of women and ethnic minorities in the government. There were 5 female members in the 81-member National Assembly and there were 3 female ministers in the President's 20-member Cabinet. Members of southern ethnic groups were underrepresented.

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

There were several domestic private human rights groups, including the LTDH, the Center of Observation and Promotion of the Rule of Law (COPED), the CADEPROD, and the Togolese Association for the Defense and Protection of Human Rights (ATDPDH). In general the Government allowed groups to investigate 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. 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 monitors to end their public activities.

Former officials of the domestic chapter of AI remained in exile, although it resumed its activities in the country in 2000.

The National Commission for Human Rights (CNDH) continued to be dominated by supporters of the President, individual human rights groups, and activists. Although there were no records of arrest and mistreatment, the CNDH found it difficult to accomplish its agenda of making people more aware of their rights.

Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution prohibits discrimination on the basis of ethnic group, regional or family origin, sex, religion, social or economic status, or personal, political, or other convictions; however, the Government did not provide effective redress for discrimination complaints. Discrimination against women and ethnic minorities remained a problem. Members of President Eyadema's Kabye ethnic group and other northern ethnic groups dominated much of the public sector, especially the military.

Women

Domestic violence against women continued to be a problem. Although mechanisms for redress existed within formal judicial structures, police were not given any authority to protect women in abusive situations, and women were not made aware of the formal judicial mechanisms that would give them protection. As a result, the police rarely intervene in domestic violence incidents. Wife beating was estimated to affect approximately 10 percent of married women.

FGM continued to be practiced. 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; however, among the practicing groups rates ranged from 40 to 98 percent. FGM is illegal and penalties for practitioners ranged from 2 months to 5 years imprisonment as well as substantial fines. The law rarely was applied because most FGM cases occurred in rural areas where neither the victims nor the police knew 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.

There was some trafficking of young women (see Section 6.f.).

The Constitution declares women equal under the law; however, 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. 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.

The Ministry of Health, Social Affairs, Promotion of Women, and Protection of Children, 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 Constitution 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. Although the law protected children, there were many practices that discriminated against children, especially girls. The Government provided free education in state schools. School attendance was compulsory for both boys and girls until the age of 15. Approximately 61 percent of children aged 6 to 15 years attended school, mostly boys. In the age group of 6 to 15 years, approximately 89 percent of boys and 66 percent of girls started primary school; however, only an estimated 39 percent of boys and 13 percent of girls reached secondary school. Approximately 3 percent of boys and 0.6 percent of girls reached the university level. Literacy rates were 57 percent for adult men and 31 percent for adult women. In its June 2001 General Direction of Education Planning (Direction Generale de la Planification de l'Education), 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 less from the State. 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.

In November 2001, traditional chiefs met and agreed to set up watchdog committees and conduct awareness campaigns against the abuse of children, especially trafficking, confinement in voodoo shrines, FGM, torture, forced marriages, and other forms of sexual harassment. Without financial or legal support, success of the committees was sporadic, and they continued to function on a minimal level during the year. FGM was performed on approximately 12 percent of girls (see Section 5, Women).

There were reports of trafficking in children (see Section 6.f.).

Persons with Disabilities

The Government did not mandate accessibility to public or private facilities for persons with disabilities. Although the Constitution nominally obliged the Government to aid persons with disabilities and shelter them from social injustice, the Government provided only limited assistance in practice. There was no overt state discrimination against persons with disabilities and some held government positions. However, persons with disabilities had no meaningful recourse against private sector or societal discrimination, and in practice there was discrimination against persons with disabilities.

National/Racial/Ethnic Minorities

The country's 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, societal discrimination on the basis of ethnicity was practiced routinely by members of all ethnic groups. In particular discrimination against southerners by northerners and against northerners by southerners was evident in private sector hiring and buying patterns, in patterns of de facto ethnic segregation in urban neighborhoods, and in the relative rarity of marriages across the north-south ethnic divide. Discrimination extended into the public sector, where the centralization of the State allowed little scope for regional or ethnic autonomy, except through the circumscribed authority of traditional rulers and the use of dispute resolution systems.

The relative predominance in private sector commerce and professions by members of southern ethnic groups, and the relative predominance in the public sector and especially the security forces by members of 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 CAR opposition parties.

In each region, members of majority ethnic groups harassed and attacked members of ethnic groups originating from the other region, forcing them back to their home region. 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.

There were reports of violence involving ethnic Ibos from Nigeria. In October in the northern city of Dapaong, an Ibo was accused of killing a taxi driver and a vigilante mob gathered and demanded the police turn over the suspect for punishment.

Following an investigation that revealed the taxi driver had stolen from the Ibo, the Ibo accused of killing him was not turned over to the crowd but was detained by authorities. No trial had been set at year's end. Some believe that Nigerian Ibos kill young women, drain their blood, and steal their sex organs to perform voodoo to accumulate wealth, health, or protection.

Section 6 Worker Rights

a. The Right of Association

The Constitution provides most workers with the right to join unions; however, security forces, including firefighters and police, did not have these rights. The Constitution also prohibits discrimination against workers for reasons of sex, origin, beliefs, or opinions. The World Bank estimates that the country's total workforce was approximately 2 million persons. The work force in the formal sector was approximately 20 percent of the total, of whom from 60 to 70 percent were union members or supporters.

The 1974 Labor Code prohibits foreign nationals from performing administrative or management functions in trade unions.

There were several major trade union federations, including the the National Confederation of Togolese Workers (CNTT), which was closely associated with the Government; the Labor Federation of Togolese Workers (CSTT); the National Union of Independent Syndicates (UNSIT); and the Union of Free Trade Unions.

The Labor Code prohibits antiunion discrimination. The Ministry of Labor was charged with resolving labor-related complaints, but it did not always do so effectively.

Federations and unions were free to associate with international labor groups. The CNTT and the UNSIT were affiliates of the International Confederation of Free Trade Unions, and the CSTT was an affiliate of the World Confederation of Labor.

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 must 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 employees. 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 monopolize many sectors of the formal economy. Individual groups in the formal sector could attempt to negotiate agreements more favorable to labor through sector-specific or firm-specific collective bargaining, but this option rarely was used.

The Constitution provides most workers with the right to strike; however, security forces and government health workers do not have this right. Government health care workers may join unions.

There is no specific law prohibiting retribution against strikers by employers. Air Afrique workers held a strike at Lome's airport during the year.

The law allows the establishment of export processing zones (EPZs). Many companies had EPZ status, and more than 30 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. In practice unions did not have free access to EPZs or the freedom to organize workers.

c. Prohibition of Forced or Bonded Labor

The law does not specifically prohibit forced or bonded labor, including by children, and children sometimes were subjected to forced labor, primarily as domestic servants. 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 (15,000 to 20,000 CFA francs).

d. Status of Child Labor Practices and Minimum Age for Employment

The Labor Code prohibits the employment of children under the age of 14 in any enterprise. Some types of industrial and technical employment set a minimum age of 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.

The Ministry of Health, Social Affairs, Promotion of Women, and Protection of Children was responsible for enforcing the prohibition of the worst forms of child labor; however, few resources were allotted for its implementation and enforcement was weak. Forced and bonded labor by children was a problem (see Section 6.f.).

e. Acceptable Conditions of Work

The Government sets minimum wages for different categories, ranging from unskilled labor 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 (14,700 to 23,100 CFA francs) and did not provide workers a decent standard of living for themselves and their families. 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. The Labor Code, which regulated labor practices, required equal pay for equal work, regardless of sex; however, this provision generally was observed only in the formal sector.

Working hours of all employees in any enterprise, except for those in the agricultural sector, normally must not exceed 72 hours per week; at least one 24-hour rest period per week was compulsory, and workers must receive 30 days of paid leave each year. The law requires overtime compensation, and there were 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 were 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.

Workers have the legal right to remove themselves from unsafe conditions without fear of losing their jobs; however, in practice some could not do so.

f. Trafficking in Persons

The law does not prohibit specifically trafficking in persons, although other statutes against kidnaping, procuring, and other crimes linked to trafficking were used to prosecute traffickers, and trafficking was a problem. Local committees were set up in every region, and while they were voluntary without financial or legal support, these committees investigated reports of trafficking. The country remained a country of origin and a transit point for trafficking in persons, primarily children. Trafficking in women for the purpose of prostitution or nonconsensual labor as domestic servants existed.

The Government had little or no funding to investigate traffickers or trafficking rings. The police had limited success in intercepting victims of trafficking, but prosecution of traffickers was rare. In 2001 the Government reported that it detained 10 traffickers as well as 55 parents of the children stranded in Cameroon in a boat-capsizing incident. Most persons arrested or detained by security forces for alleged 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 Social Affairs and Protection and Promotion for Family and Children, the Ministry of the Interior and Security, the Ministry of Justice, and 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 majority of the country's trafficking victims were children from the poorest rural areas, particularly those of Cofocoli, Tchamba, Ewe, Kabye, and Akposso ethnicities and mainly from the Maritime, Plateau, and Central Regions. Adult victims usually were lured with phony lucrative jobs. Children usually were approached by friends or family friends. Sometimes parents sold their children to traffickers for bicycles, radios, or clothing.

Children were trafficked to indentured and exploitative servitude, which amounted at times to slavery. Victims were trafficked to West and Central Africa, particularly Cote d'Ivoire, Gabon, Nigeria; Europe, primarily France and Germany; the Middle East, including Saudi Arabia and Kuwait; and Asia. 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, and cared for inadequately, and neither were educated nor permitted to learn a trade. Children sometimes were trafficked abroad by parents misled into allowing them to depart under false pretenses. There were reports that young girls were trafficked from the country 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 of Nigerian women and children who trafficked through the country to Europe (particularly Italy and the Netherlands) for the purpose of prostitution.

From February 2001 until February, the Government reported that authorities intercepted 351 children ages 10 to 17 in the process of being trafficked.

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

The Government provided limited assistance for victims. Terre des Hommes, an NGO, assisted recovered children until their parents or next-of-kin could be notified. There also was a government-funded Social Center for Abandoned Children. During the year, the ILO-sponsored International Program for the Elimination of Child Labor (IPEC) program conducted a study of trafficking in persons in the country and in West Africa. During the year, ILO/IPEC worked with other NGOs to increase awareness of the trafficking problem and to encourage the Government to develop a law (which has been drafted but not passed and enacted) setting fines and penalties for anyone caught in the process of trafficking children. A World Bank program, started in 2001 to educate domestic servants and others at risk of being trafficked, was stopped when the country fell into arrears to the Bank on December 31, 2001.

During the year, the Government continued to conduct public awareness campaigns, with the help of UNICEF and NGOs such as WAO-Afrique and CARE.