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Togo

Country Reports on Human Rights Practices -2000

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Togo is a republic dominated by President General Gnassingbe Eyadema, who has ruled since 1967, when he came to power in a military coup. Although opposition political parties were legalized following widespread protests in 1991, Eyadema and his Rally of the Togolese People (RPT), strongly backed by the armed forces, have continued to dominate the exercise of political power. Eyadema used his entrenched position to repress genuine opposition and to secure another 5-year term in an election held in June 1998, which, like previous multiparty elections, was marred by systematic fraud. Serious irregularities in the Government's conduct of the election strongly favored the incumbent and appear to have affected the outcome materially. Despite the Government's professed intention to move from authoritarian rule to democracy, institutions established ostensibly to accomplish this transition did not do so in practice. However, on April 5, the President promulgated a new Electoral Code, which was drafted by the RPT-controlled Government in consultation with opposition parties. The Electoral Code establishes an Independent Electoral Commission (CENI), composed of 20 members, 10 from the President's RPT party and 10 drawn from opposition parties. The CENI is intended to monitor, collect, tally, and announce the results of the next legislative elections. In the March 1999 legislative elections, which were boycotted by the opposition, the RPT won 79 of the 81 seats in the National Assembly, and the elections were marred by procedural problems and significant fraud, particularly the misrepresentation of voter turnout. In July 1999, President Eyadema promised new legislative elections in March; however, such elections were not held by year's end. Eyadema and his supporters maintain firm control over all facets and levels of the country's highly centralized Government and have perpetuated the dominance of northern ethnic groups, including Eyadema's Kabye ethnic minority, throughout the public sector, especially the military. The executive branch continues to influence the judiciary.

The security forces consist of the army (including the elite Presidential Guard), navy, air force, the Surete Nationale (including the national police), and the Gendarmerie. Approximately 90 percent of the army's officers and 70 percent of its soldiers are from the Kabye ethnic minority. Although the Minister of the Interior is in charge of the national police, and the Defense Minister has authority over most other security forces, all security forces effectively are controlled by President Eyadema. Members of the security forces continued to commit serious human rights abuses.

Approximately 80 percent of the country's estimated population of 5 million is engaged in subsistence agriculture, but there is also an active commercial sector. The main exports are phosphates, cotton, and cocoa, which are the leading sources of foreign exchange. Per capita gross domestic product remains less than \$400 a year. Economic growth continues to lag behind population growth. The economy is impeded by a large and inefficient state-owned sector, high (although drastically reduced) spending on the security forces, widespread corruption, and lack of Government budget and fiscal discipline. Most major bilateral donors have suspended their aid due to the Government's weak democratization efforts and poor human rights record. Several international financial institutions also halted budgetary assistance to the Government.

The Government's human rights record remained poor; although there were a few improvements in a few areas, serious problems remain. Citizens' right to change their government is restricted. Unlike previous years, there were no confirmed reports of extrajudicial killings. Security forces committed beatings. The Government did not, in general, investigate or punish effectively those who committed abuses, nor did it prosecute openly those persons responsible for extrajudicial killings and disappearances in previous years. Prison conditions remained very harsh. Arbitrary arrest and detention was a problem, and prolonged pretrial detention was common, with prisoners often detained 6 to 7 months without being charged. The Government continued to influence the judiciary, which is understaffed and overburdened, and did not ensure defendants' rights to 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. Laws were passed in January allowing for an extended imprisonment of journalists who write articles critical of the Government and its officers. The Government restricted academic freedom. The Government restricted 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) among some ethnic groups persisted; although there is a 1998 law that prohibits FGM, the Government enforced it rarely. Discrimination against ethnic minorities remained a problem. The Government limits workers' rights to collective bargaining. Trafficking in women for the purpose of forced prostitution and trafficking in children for forced labor remained problems.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing

Unlike previous years, there were no confirmed reports of extrajudicial killings.

On March 27, an agitator reportedly paid by the Government was killed on the University of Benin campus in Lome during a confrontation between demonstrating students and a group of false student demonstrators paid by the Government to disrupt the demonstration (see Section 2.a.).

There were no developments in the October 1999 killing of a missionary in Lome. One soldier and one assailant were killed in an exchange of gunfire between police, military personnel, and the assailants.

There were no developments or arrests in the January 1999 case in which gendarmes raided the Akodessewa-Kpota shantytown neighborhood in Lome and set fires that reportedly killed two children.

An Amnesty International (AI) report issued in May 1999 stated that hundreds of bodies--presumably members of the opposition--were thrown into the sea around the time of the June 1998 presidential election (see Sections 1.b. and 4). The Government denied the charges and called for an international inquiry. In September the Government accepted a joint U.N./OAU commission to investigate allegations of hundreds of extrajudicial killings around the time of the 1998 presidential election. The U.N./OAU commission of inquiry visited the country in November to investigate these charges; the three-person commission met with the President and members of his cabinet, as well as with fishermen and farmers in the country and in Benin. Under the terms of the inquiry, the Government pledged not to retaliate against the witnesses. The commission is scheduled to release the results of its investigation in early 2001 (see Section 4).

There was no development in the August 1998 killing of Liman Doumougue, Deputy Secretary General of the National Association of Independent Unions of Togo (UNSI), a pro-opposition labor federation. In May 1999, UNSI wrote a letter to President Eyadema requesting an independent investigation into the killing; however, the Government did not respond. The September 1998 killing of Koffi Mathieu Kegbe, a local activist in the opposition Action for Renewal Committee (CAR) party, was still under investigation at year's end. There were no developments in the 1998 killings of the Togolese Human Rights League founding member Dr. Tona Pierre Adigo and businessman Malou Borozi. There has been no public investigation into the June 1998 killing of the child, Ayele Akakpo. The Government claims that the August 1998 attack on Union of Forces for Change (UFC) Secretary-General Fabre's residence was carried out by coup plotters from Ghana.

b. Disappearance

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

An AI report issued in May 1999 reported that hundreds of bodies--presumably those of opposition members--were thrown into the sea around the time of the June 1998 presidential election (see Sections 1.a. and 4). According to AI, the corpses were found and buried by Beninese fishermen. The Government strongly denied the accusations and initiated legal proceedings against AI in 1999; however, it has not pursued the charges. The independent Benin Human Rights League reported that bodies were dropped along the coastal waters by military aircraft, although other official sources in Benin denied that this event happened. In September a U.N./OAU commission arrived to investigate those charges and other alleged disappearances.

AI also reported that on August 20, 1998, two young men, Komlan Edoh and Kodjo Kouni, were beaten and arrested by security forces in a northwest suburb of Lome, then taken to a nearby military camp, after which they disappeared. There were no further developments in the case during the year.

There was no investigation into the mass burials of 1997 and 1998 reportedly in the vicinity of Lome.

There were no developments in the 1994 disappearance of David Bruce, a high-level Foreign Ministry employee sympathetic to the opposition, which remained under investigation by the Government.

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 immediately after arresting them. Some suspects have claimed credibly to have been beaten, burned, or denied access to food and medical attention.

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

Security forces used tear gas and batons to disperse demonstrators forcibly (see Section 2.b.). On January 12, police forcibly dispersed opposition party demonstrators using tear gas and truncheons, inflicting minor injuries (cuts and bruises) on the demonstrators (see Section 2.b.). On July 6, security forces forcibly dispersed a UFC rally and beat several demonstrators (see Section 2.b.). Although several protestors were detained briefly, the Government did not press charges; no action was taken against the security forces.

On February 17, students demonstrated in protest of the selection of the president of an independent student organization; government security forces dispersed the demonstrators with truncheons and tear gas; some students suffered cuts and bruises (see Section 2.a.).

Impunity remains a problem, and the Government did not publicly prosecute any officials for these abuses.

An Angolan diplomat accredited to Benin and Togo was arrested and allegedly tortured in November 1999 for allegedly attempting to kidnap one of Jonas Savimbi's children. The diplomat was released quickly and deported immediately; the Government took no action on the allegations of torture.

There was neither investigation into nor action taken on the 1999 case in which security forces reportedly tortured a human rights monitor. There was no investigation into nor action taken in the August 1999 case in which five young men, who traveled from Lome to Kara to hold discussions on the Lome Framework Agreement, said that they were detained and beaten on two occasions by police, gendarmes, and military personnel in Kara. Authorities maintained that their wounds resulted when they resisted arrest. There was no investigation into nor action taken in the May 1999 case in which security forces allegedly beat and tortured Ameen Ayodele, a member of the Nigerian section of AI (see Section 4). There was no investigation into nor action taken in the March 1999 case in which security forces in Lome beat university student Gerard Amedjro and a female friend, allegedly after the latter refused to undress for them.

Prison conditions reportedly remained very harsh, with serious overcrowding, poor sanitation, and unhealthy food. Lome's central prison, built for 350 prisoners, reportedly housed 1,500 inmates or more during the year. Medical facilities are inadequate, and disease and drug abuse are widespread. Despite these problems, for the fourth consecutive year there were no reported deaths of prisoners due to disease or inadequate medical facilities. Prison guards in the overcrowded civil prison of Lome charge prisoners a small fee to shower, use the toilet, or have a place to sleep. Prisoners reportedly have to pay \$2.50 (CFA 1,500) to guards before being allowed to visit the infirmary if sick. The children of convicted adults often are incarcerated with the female inmates, who are housed separately from the male prisoners. Juvenile prisoners are held separately from adults.

In September a local NGO, the African Center for Democracy, Human Rights, and Protection of Detainees (CADEPROD), began to conduct a census of civilian prisons funded by a foreign Government. The study was proceeding at year's end.

Although some international and local private organizations have access to prisons for monitoring purposes, the International Committee of the Red Cross did not request a visit during the year. Following an October seminar on torture sponsored by the Togolese Human Rights League and attended by gendarmes, prison guards, and magistrates, the Justice Minister agreed to authorize a prison visit by the league's president accompanied by the prison director. However, after the prison tour on December 21, there was no change in the treatment of the prisoners.

d. Arbitrary Arrest, Detention, or Exile

Arbitrary arrest and detention remain problems. 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. In practice detainees can be, and often are, held without bail for lengthy periods with or without the approval of a judge. Family members and attorneys officially have access to a detainee after an initial 48- or 96-hour detention period; however, authorities often delay, and sometimes deny, access.

Judges or senior police officials issue warrants. Although detainees have the right to be informed of the charges against them, police sometimes ignore this right. The law stipulates that a special judge conduct a pretrial investigation to examine the adequacy of evidence and decide on bail. However, a shortage of judges and other qualified personnel, plus official inaction, have resulted in lengthy pretrial detention—in some cases several years—and confinement of prisoners for periods exceeding the time they would have had to serve if they had been tried and convicted. For example, Kokou Alowou and Dela Atidepe were arrested in 1993, charged with armed robbery and manslaughter, and were still awaiting trial at year's end. An estimated 50 percent of the prison population is pretrial detainees.

The Government continued to use brief investigative detentions of less than 48 hours to harass and intimidate opposition activists and journalists for alleged defamation of Government officials (see Section 2.a.). On February 24, security forces arrested seven members of the opposition UFC party, the day after a confrontation between UFC and RPT party members; no RPT members were arrested. After many delays during which time some of the UFC members remained in detention, they were tried in August; two were acquitted and five others were convicted of disturbing the peace and destroying public property. They received jail sentences of 2 to 6 months and were ordered to pay a \$700 (CFA 500,000) fine. On July 31 and August 1, Kofi Messa Devotsu of the LTDH was questioned and threatened with arrest by the Minister of the Interior after the LTDH published a report on July 20 that was critical of human rights in the country (see Section 4). A number of independent journalists also were questioned at the same time for publishing articles on the LTDH report. The Government at times has resorted to false charges of common crimes to arrest, detain, and intimidate opponents.

Members of the security forces arrested and detained journalists without charging them with any offense (see Section 2.a.).

Members of the security forces detained human rights monitors and activists (see Sections 2.b. and 4).

On December 23, 1999, authorities arrested Roland Comlan Kpagli, publisher of L'Aurore newspaper on charges of reporting false information (see Section 2.a.). In response to international pressure, he was not tried, was never charged officially, and was finally released on February 4. On January 28, authorities arrested Norbert Gbikpi-Benissan of the UNSIT teachers' union and Allagua Odegui, Secretary General of the FETRAN/UNSI, for allegedly providing false information to Kpagli for the article that prompted his arrest. International pressure resulted in their release within a month.

In November 1999, security forces arrested and allegedly tortured an Angolan diplomat for allegedly attempting to kidnap one of Jonas Savimbi's children (see Section 1.c.). He was released subsequently and immediately deported.

The status of UFC activist Abevi Abbey, detained by security forces in April 1999 for distributing leaflets that urged the public to participate in UFC-sponsored Independence Day demonstrations, remains unknown. A domestic NGO believed that he had been released.

The Constitution prohibits exile, and the Government respects this prohibition; however, several opposition and human rights workers remain in self-imposed exile because they fear arrest.

For example, on March 8, several student opposition leaders were sentenced to 18-month jail terms for inciting riots on the campus of the University of Benin. Some students fled into self-imposed exile in Ghana before they could be arrested.

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 are supporters of President Eyadema. Judges who belong to the pro-Eyadema Professional Association of Togo Magistrates (APMT) reportedly receive the most prestigious assignments, while judges who advocate an independent judiciary and belong to the National Association of Magistrates (ANM) are 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. In June 1999, when President Eyadema named a new cabinet, he appointed former Interior Minister General Seyi Memene to replace a civilian Justice Minister.

The court system remained overburdened and understaffed (see Section 1.d.). Magistrates, like most government employees, are 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 are open to the public, and judicial procedures generally are 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 is the starting point for cases in urban areas.

Impunity for those who commit abuses, particularly those close to Eyadema, remains a problem.

There were no reports of political prisoners. On March 11, 1999, the three remaining members of the opposition group MO5, arrested in 1994 and sentenced in 1996 to 5 to 7 years in prison, were freed. Although their crime appeared to have been politically motivated, the state prosecutor did not apply the December 1994 general amnesty law to this case and they remained in prison until their release in March 1999.

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

The Constitution provides for the sanctity of residences, the secrecy 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. 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 exist throughout the country, and security forces regularly search vehicles, baggage, and individuals in the name of security (see Section 2.d.).

In May the Government stationed security guards around the home of former human rights Minister Harry Olympio and restricted his movements, ostensibly for his own protection following an attempt to kill him.

Citizens believe that the Government monitors telephones and correspondence, although this surveillance has not been confirmed. The police and Gendarmerie perform domestic intelligence functions. The Government maintains 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 restricts 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 as well. Few opposition newspapers are distributed outside the Lome area, particularly in areas not known to be ruling party strongholds.

On January 4, the National Assembly adopted an amendment to the 1998 Press and Communication Code. Article 1 of the 1998 code declares that the media are free; most of the remaining 108 articles restrict media freedom. Article 62 makes the intentional publication of false information a criminal offense, punishable by fines of \$900 to \$1,800 (CFA 500,000 to 1 million). Articles 90 to 98 make defamation of state institutions or any member of certain classes of persons, including government officials, a crime punishable by imprisonment for up to 3 months and fines of up to \$4,000 (CFA 2 million). Article 89 makes it a crime, punishable by up to 3 months in prison for a second offense, to "offend the honor, dignity or esteem" of the President and other government leaders. The law also provides that editors and publishers, including legislators with parliamentary immunity, are liable for crimes committed through the press. The January amendment revised Article 89 to provide for 3- to 6-month jail terms for first offenders, who previously were subject only to 3-month suspended sentences. In practice first-time offenders were imprisoned in spite of the former article, which was changed to conform to practice.

On August 10, the National Assembly passed a law further regulating journalism, which included a provision requiring that all journalists must have a journalism degree; however, there are no journalism programs offered in the country. Although a grandfather clause applies to those already active in journalism, observers believe that this law could be used to prevent persons seen as unsympathetic to the Government from becoming journalists. Although it is not necessary to be an accredited journalist to publish an editorial or opinion article, the Government may take reprisals if offended by published material, such as arresting or detaining the writer, or firing a civil servant.

Despite Government interference, there is a lively press, most of which is heavily politicized and some of which is often highly critical of President Eyadema. About 16 privately owned newspapers publish with some regularity. The only daily newspaper, Togo-Presse, is government-owned and controlled. A private Lome-based newspaper, Crocodile, publishes on a biweekly schedule.

There is no prepublication censorship of print media in law or practice; however, security forces frequently threatened or detained print media journalists and interfered with the distribution of newspapers.

On April 6, security forces seized copies of opposition newspaper Crocodile without explanation. Authorities seized the April 13 edition of L'Exile and detained editor Hippolyte Agboh after the newspaper published an article alleging the death of Eyadema's daughter in a late-night car accident. Agboh was released on June 16, just prior to the OAU summit in Lome; he was never charged and no further action was taken in the case. On June 5, security forces seized copies of the weekly newspaper Le Combat du Peuple. The newspaper's publisher, Lucien Messan, was charged with libel and fined more than \$900 (CFA 600,000). By year's end, no journalists remained in prison.

On July 31 and August 1, the Minister of the Interior questioned and threatened with arrest Kofi Messa Devotsu of the Togolese Human Rights League (LTDH) after the LTDH published a report on July 20 that was critical of human rights in the country (see Section 4). A number of independent journalists also were questioned at the same time for publishing articles on the LTDH report.

On December 23, 1999, Roland Comlan Kpagli, editor of L'Aurore, was arrested for publishing false news regarding the death of a schoolgirl during a police response to a student demonstration. Kpagli was released on February 4 without being charged.

At year's end, no further action had been taken in the case of Ame Kpeto, an army warrant officer who made critical statements about Government officials at a military assembly in 1998. In 1999 Kpeto was charged with slandering the honor of the army and transferred to the civil prison of Lome to await a civil trial.

Since newspapers and television are relatively expensive, radio is the most important medium of mass communication. In addition to two Government-owned stations including Radio Lome, there are more than 20 private radio stations in the country. Two of these, Radio Avenir and Galaxy FM, are associated with the ruling party.

Prior to the adoption of the 1998 Press Code, the Government did not permit private radio stations to broadcast news programming. Some private radio stations began in 1999 to broadcast some domestic news, but they offered little of the political commentary and criticism of the Government that is widespread in the print media. However, Radio France International is heard 24 hours a day through an FM repeater and Africa Numero-1 also has an FM repeater in Lome. In 1999 a private station, Kanal FM, became a foreign affiliate and carries several hours of news, music, and commentary daily.

The government-owned and controlled Television Togo is the only television station in Lome and in most of the country. In 1999 a small private television station began local broadcasts in Aneho with limited programming.

The Constitution mandates equal access to state media; however, the official media heavily slanted their content in favor of the President and the Government. The High Authority for Audio-Visual and Communications (HAAC) is charged with providing equal access to state media as mandated by the Constitution. Although it is nominally independent, in practice it operates as an arm of the Government. It is dominated by Eyadema supporters and has not increased opposition access to the Government-controlled media. An NGO, the Togolese Media Observatory (OTM), was established in November 1999 with the purpose to protect press freedom and to improve the professionalism of journalists. OTM's board and membership include 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 Internet. There are about 15 Internet service providers in the country. Most Internet users are businesses rather than households. Access to the Internet and fax machines also is possible through many small stores and cafes in Lome and other cities.

At the country's sole university, academic freedom is constrained by concern among professors about potential harassment by the Government or antiopposition militants and the lack of a faculty-elected rector. Teachers' salaries and students' stipends rarely are paid on time. University faculty remained on strike over this issue until January, forcing classes to begin late and almost causing the cancellation of the school year. Opposition student groups reportedly are intimidated by an informer system that has led in the past to Government persecution. The only officially tolerated student groups, Haut Conseil des Movements Etudiants and Union General des Etudiants et Stagiaires du Togo, are pro-Eyadema. An independent student organization (CEUB) has had longstanding unofficial recognition, and its elected representatives have participated on university committees. However, in February students complained that board members bribed by the Government selected the newly elected CEUB president. On February 17, in response students demonstrated in protest of the selection of the president; government security forces dispersed the demonstrators with truncheons and tear gas; some students suffered cuts and bruises. There were credible reports that the Government used paid agitators to disrupt student demonstrations and provide a pretext for security forces to disperse demonstrators and arrest students. One Government agitator was killed on the university campus in March during a demonstration (see Section 1.a.), and CEUB leader Lorempo Lamboni went into hiding after being charged by the Government with responsibility for the events leading to this death; Lamboni remained in hiding at year's end. On March 8, several student opposition leaders were sentenced to 18-month jail terms for inciting riots on the campus of the University of Benin. During the year, some students fled into self-imposed exile in Ghana before they could be arrested.

b. Freedom of Peaceful Assembly and Association

The Constitution provides that citizens are free to assemble; however, the Government restricts this right in practice. Although opposition political parties sometimes were able to hold public meetings in Lome, 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.

On January 12, security forces using tear gas and truncheons forcibly dispersed a UFC march held in Lome to protest the January 13 Liberation Day holiday. There were credible reports that the Government used paid agitators to disrupt student demonstrations and provide a pretext for security forces to disperse demonstrators and arrest students. For example, on March 27, a student demonstration on the university campus was dispersed and a demonstrator was killed (see Sections 1.a. and 2.a.). On June 20, the Government banned all demonstrations prior to the OAU summit in early July. On July 6, immediately prior to the opening of the OAU ministerial meeting in Lome, security forces forcibly dispersed a UFC rally of approximately 200 persons that violated the government ban on demonstrations during this period; security forces beat several demonstrators. The demonstrators were seeking release of seven UFC members arrested in February (see Section 1.d.).

In December 1999, police arrested student union leaders and detained them for several days following a riot allegedly caused when security forces dispersed a student gathering at a Lome high school. Officials told the arrested students that they would be held responsible and rearrested for any demonstrations that occurred subsequently in Lome. They were released within a few days of their arrests and given 18-month suspended sentences.

In late August 1999, in Kara authorization was denied to organizers of an information meeting on the July 29 Framework Agreement on Democratic Transition in Togo; the organizers were arrested (see Section 1.c.); however, they were not charged and were released within a few days.

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

There are many nongovernmental organizations (NGO's); they are required to register with the Government.

c. Freedom of Religion

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

New religious organizations are required to register with the Ministry of Interior, and scores of applications await adjudication; however, these groups appear to practice their faiths without hindrance. In the early 1990's, a number of new religious groups began to seek recognition. Cases of individuals who used religion as a cover for other activities also increased. At the same time, advocates for religious freedom demanded more tolerance and protection for persons of all faiths. At the urging of the Togolese Association for the Defense of Religious Liberty (ATDLR), which was founded in 1991, the Government adopted a more liberal approach to religious freedom; however, the Government concluded that the rise of cults and dubious religious associations was a problem. In 1995, the last year for which statistics are available, the Government recognized only 71 of the 198 groups that applied for official recognition during that year. It is believed that the others continued to operate in a clandestine fashion. These unregistered groups are mostly little known groups within the major religions.

The Constitution prohibits the establishment of political parties based on religion and states explicitly that "no political party should identify itself with a region, an ethnic group, or a religion," and this occurs in practice.

In January, for the second year in a row, the Catholic Church declined an invitation to participate in a "Day of National Liberation" service organized by the Government. The Catholic Church stated that it is inappropriate to hold a worship service in a government building. In 1999 the Government criticized the church for "not contributing to national reconciliation" but took no further action. In addition, under the leadership of the Archbishop of Lome, the Catholic Church continued to refrain from delivering political sermons praising President Eyadema.

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

The Constitution provides for these rights; however, the Government restricts these rights in practice. Armed security checkpoints and arbitrary searches of vehicles and individuals are common, and government security forces searched cars throughout the country. The lack of discipline of some soldiers manning roadblocks and their actions, such as frequent demands for bribes before allowing citizens to pass, impeded free movement within the country. In June the Government also declared that no old-model cars would be allowed on the roads during the July OAU summit. Downtown areas of Lome were blocked to all but official vehicles during the week of the Summit.

The Government eased its strict documentation requirements for citizens who apply for a new passport or a renewal. In the previous year, applicants were asked to provide an airline ticket, business documents, an invitation letter, a parental authorization letter (even for adults), proof of study grant for students, and a husband's permission for a married woman (see Section 5) in addition to normal identity papers. In 1997 the Government transferred the Passport Office from the police to the Gendarmerie, which falls under the Defense Ministry. The Government maintains that its intent was to take passport issuance away from corrupt police officials. Strict passport application requirements and a shortage of blank passports prevented or significantly hindered some citizens' travel abroad. However, in January a new machine-readable passport was introduced; delays for passports are a result of 2 years' deferred demand and the centralization of the passport-issuing authority. A national identity card can also be used for travel to other member countries of the Economic Community of West African States.

There is no law that provides for granting refugee or asylee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol.

The Government provides first asylum. The Government cooperates with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and routinely accepts the decision of the UNHCR office located in Lome in determining refugee status. The UNHCR estimated at year's end that the country hosts 11,208 refugees from Ghana. Another 11,000 Ghanaian refugees live in villages in the northern part of the country and are not assisted by UNHCR. The UNHCR also estimated that 1,058 Togolese refugees still remained outside the country at year's end.

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 restricts this right in practice. In the June 1998 presidential election, as in virtually all previous elections since Eyadema seized power in 1967, the Government prevented citizens from exercising this right effectively. The Interior Ministry declared Eyadema the winner with 52 percent of the vote in the 1998 election; however, serious irregularities in the Government's conduct of the election strongly favored the incumbent and appear to have affected the outcome materially.

Although the Government did not obstruct the functioning of political opponents openly, the President used the strength of the military and his government allies to intimidate and harass citizens and opposition groups. 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 second multiparty legislative elections of Eyadema's 33-year rule were held on March 21, 1999. However, the opposition boycotted the election, in which the ruling party won 79 of the 81 seats in the National Assembly. The two remaining seats went to candidates from little-known independent parties. The legislative elections were marred by procedural problems and significant fraud, particularly misrepresentation of voter

turnout.

The opposition set several conditions before it would take part in the 1999 legislative elections. Chief among them was a settlement of the dispute over the seriously flawed June 1998 presidential election in which the vote count was stopped and President Eyadema declared the winner by the Interior Minister. Under international pressure, the Government began preliminary discussions with the opposition which, according to an agreement reached in December 1998, were to be followed by formal negotiations, in the presence of international facilitators. When the parties disagreed over UFC insistence that formal negotiations occur outside of the country, the Government scheduled a first round of legislative elections on March 7, 1999 and a runoff on March 21, 1999. The Government argued that the mandate of the outgoing legislature expired in March 1999 and that elections had to be held to avoid a constitutional vacuum. When the opposition did not register candidates, the Government proposed a 2-week postponement; however, the opposition parties maintained their position in favor of a boycott. The elections proceeded and virtually the only candidates to run were those from the RPT.

In February 1999, the Council of Ministers passed a decree requiring security forces to vote 3 days before the general population, and some 15,000 military, gendarmes, police, customs officials, and firemen voted on March 18, 1999. Opposition party members of the National Electoral Commission stated that the special voting procedures for security forces violated the Electoral Code because they occurred before the end of campaigning, and that the vote count occurred 72 hours after the vote instead of immediately afterwards. According to the Government, about 65 percent of the population participated in the legislative elections while the opposition stated that the figure could not be more than 10 percent. The progovernment National Electoral Commission, absent the commission's opposition party members (who also boycotted the process), reported that turnout reached about 37 percent in the opposition stronghold of Ave, and as much as 95 percent in Kozah prefecture in the north, where the ruling party has greater support. The opposition took no part in the revision of voter rolls, the distribution of voter cards, the monitoring of the vote, and the counting of the ballots. National election observer organizations did not participate, and international observation was sporadic.

The Government invited a few international observers to comment on the organization and management of the election; however, there were no independent observers present when the military voted on March 18, 1999. Even though RPT candidates ran unopposed in most districts, there were reports of intimidation and evidence of fraud to boost statistics on voter participation in what were essentially one-party elections. For example, in Tchoudjo, where voting started at 6 a.m., polling place officials did not allow delegates of an independent party to participate in the supervision work until 9 a.m.; these delegates watched ballot boxes being stuffed. In Agou independent party delegates claimed that they saw individuals voting more than 10 times. Foreign diplomats observed voting at close to 200 polling stations, mainly in and around Lome, but also in Yoto prefecture. Turnout was below the levels reflected in official results for most of these locations.

On April 9, 1999, the Constitutional Court confirmed that of the 2,412,027 registered voters, 1,592,661 voted, for a turnout of 66 percent. The court rejected a dozen complaints and annulled the results in two districts; however, new elections were never held in these districts and the districts remained unrepresented at year's end.

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 its ability to request amendments, the National Assembly largely endorses the proposals of the President and the Government.

After the 1999 legislative election, the Government announced that it would continue to pursue dialog with the opposition. In May 1999, 2 months after the election, President Eyadema nominated a new Prime Minister, Eugene Koffi Adoboli, a former U.N. official who was not a member of the ruling party. In August the National Assembly unanimously passed a no-confidence vote against Adoboli and his 14-month-old Government; he resigned 2 days later. On August 29, the President appointed the former president of the National Assembly, Agbeyome Kodjo, a former Interior Minister and RPT supporter as the new prime minister. In September the National Assembly, in a secret ballot with just one candidate running, voted to elect former National Assembly first Vice President Fambare Natchaba to replace Kodjo as president of the National Assembly. The vote was close, 51-23, but most observers agreed that this was due more to a dislike of Natchaba than to a rebuke of the President's apparent choice for the job since the President's party controls all but two seats in the National Assembly.

In June 1999, the RPT and opposition parties met in Paris, in the presence of facilitators representing France, Germany, the European Union, and La Francophonie, to agree on security measures for formal negotiations in Lome. In July 1999, the Government and the opposition began a dialog, and on July 29, 1999, all sides signed an accord called 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 current one expires in 2003. The accord also called for the negotiation of a legal status for opposition leaders, as well as for former heads of state (such as their immunity from prosecution for acts in office), although at year's end only the former had been considered. In addition the accord addressed the rights and duties of political parties and the media, the safe return of refugees, and the security of all citizens. The accord also contained a provision for compensating victims of political violence. The President also agreed to dissolve the National Assembly in March and hold new legislative elections, which would be supervised by an independent national election commission and which would use the single-ballot method to protect against some of the abuses of past elections. However, the March date passed without presidential action, and new legislative elections had yet to be held at year's end.

As called for in the Lome Framework Agreement, a Joint Implementation Committee (JIC) began meeting on August 10, 1999 to implement the agreement's provisions. In December 1999, the JIC sent new Electoral Code legislation to the Government establishing the new CENI. On April 5, the President signed into law a new

Electoral Code that established the Independent Electoral Commission (CENI), which is composed of 10 members of the President's RPT party and 10 members of the opposition. Most opposition parties accepted the new Electoral Code. On July 22, the CENI selected Artheme Ahoomey-Zunu, a member of the opposition Pan-African Patriotic Convergence Party CPP (CCC PPP) to be its president. At year's end, the CENI was working with the Government to develop a budget and then to seek funding from the donor community for new legislative elections, tentatively projected for 2001.

In 1998 the National Assembly voted on a decentralization plan, but the plan's implementation has been slow. Administratively, the prefect, nominated by the Interior Minister, is the primary representative of the central government in each of the 30 prefecture. Some Government agencies have representatives in the five regions.

There are no legal restrictions on the participation of women in politics or government; however, women were underrepresented in government and politics. Although many women are members of political parties, there were only 2 female ministers in the Government and 5 female members in the 81-member National Assembly. There are no legal restrictions on the participation of members of ethnic minorities in the government; however, members of southern ethnic groups were underrepresented in government and politics. However, no ethnic group, including the President's, was overrepresented conspicuously in the Cabinet.

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

There are several domestic private human rights groups, including the Togolese Human Rights League (LTDH), the Center of Observation and Promotion of the Rule of Law (COPEL), the African Center for Democracy, Human Rights, and Protection of Detainees (CADEPROD), and the Togolese Association for the Defense and Protection of Human Rights (ATDPDH). In general the Government allows 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. A Minister for the Promotion of Democracy and Rule of Law was appointed in 1998. In 1999 he promoted initiatives to establish a human rights resource center and develop a civic education curriculum for schools; however, in August the separate ministry was abolished, and human rights issues were transferred to the Ministry of Justice. At year's end, there was no further action on these problems.

In November a joint U.N./OAU commission visited the country and Benin to investigate allegations that there were hundreds of extrajudicial killings during the period of the 1998 presidential elections. Many of the allegations were made in a May 1999 AI report. The Government vigorously disputed the report's findings and threatened to sue AI. In criticizing AI, the Government also noted that no journalist or foreign observer who monitored the June 1998 election reported bodies washing ashore; however, the newspaper L'Aurore in its August 13, 1998 edition, mentioned some bodies washing up on the Togolese and Beninese shores. The Government stated that the UFC and CDPA opposition parties directed the AI report, a charge denied by those groups and by AI. At the time, the Government also alleged that the ATDPDH collaborated with AI. The three-person U.N./OAU commission of inquiry met with the President and members of his cabinet, as well as with fishermen and farmers in the country and in Benin. Under the terms of the inquiry, the Government pledged not to retaliate against the witnesses. The commission is scheduled to release the results of its investigation in early 2001 (see Section 1.a.).

AI/Togo regained its official status with the Government during the year and operates within the country.

In April 1999, the Ministry for the Promotion of Democracy and the Rule of Law, headed by Harry Octavianus Olympio, opened an information and documentation center on human rights. However, in June the President fired Olympio and accused him of staging his own attempted killing. He was not replaced and, at year's end, the position of Minister for the Promotion of Democracy and the Rule of Law was absorbed into the Ministry of Justice.

On July 31 and August 1, Kofi Messa Devotsu of the LTDH was questioned and threatened with arrest by the Minister of the Interior after the LTDH published a report on July 20 critical of human rights in the country (see Section 2.a.).

Section 5 Discrimination Based on Race, Sex, Religion, 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 does not provide effective redress for discrimination complaints. Discrimination against women and ethnic minorities remained a problem. Members of President Eyadema's Kabyle ethnic group and other northern ethnic groups dominate much of the public sector, especially the military.

Women

Violence against women continues to be a problem. Although mechanisms for redress exist within both the traditional extended family and formal judicial structures, the police rarely intervene in domestic violence cases. Wife beating has been estimated to affect approximately 10 percent of married women.

Despite a constitutional declaration of equality under the law, women continue to experience discrimination,

especially in education, pension benefits, and inheritance as a consequence of traditional law. A husband legally may restrict his wife's freedom to work or control her earnings. The Government requires that a married woman have her husband's permission to apply for a passport (see Section 2.d.). In urban areas, women and girls dominate market activities and commerce. However, harsh economic conditions in rural areas, where most of the population lives, leave women with little time for activities other than domestic and agricultural fieldwork. Under traditional law, which applies to the vast majority of women, a wife has no maintenance rights in the event of divorce or separation and no inheritance rights upon the death of her husband. Polygyny is practiced.

There is a Ministry of Feminine Promotion and Social Protection, which, along with independent women's groups and related NGO's, campaigns actively to inform women of their rights.

There is some trafficking in young women for the purpose of forced prostitution or for forced labor as domestic servants (see Sections 6.c. and 6.f.), but the Government reportedly exercised more vigilance at border crossings to counter such trafficking.

Children

Although the Constitution and family code laws provide for the protection of children's rights, in practice government programs often suffer from a lack of money, materials, and enforcement. Although the law protects children, there are many practices that demonstrate a pattern of discrimination against children, especially girls. The Government provides free education in state schools. School attendance is compulsory for both boys and girls until the age of 15. Approximately 61 percent of children aged 6 to 15 years attend school, mostly boys. In the age group of 6 to 15 years, approximately 89 percent of boys and 66 percent of girls start primary school; however, only approximately 39 percent of boys and 13 percent of girls reach secondary school. Approximately 3 percent of boys and 0.6 percent of girls reach the university level. Literacy rates are 57 percent for adult men and 31 percent for adult women. About one-third of the national budget is spent on education.

Orphans and other needy children receive some aid from extended families or private organizations but less from the State. There are social programs to provide free health care for poor children. There are few juvenile courts, and children are jailed with adults (see Section 1.c.). In rural areas, traditionally the best food is reserved for adults, principally the father.

Female genital mutilation which is widely condemned by international health experts as damaging to both physical and psychological health, continues to be practiced. The most commonly practiced form of FGM is excision, which usually is performed on girls a few months after birth. A 1995 survey concluded that approximately 12 percent of all girls and women have undergone FGM; it is practiced by Christians and practitioners of traditional indigenous religions, and it is prevalent in Muslim communities. Most of the larger ethnic groups do not practice FGM. However, among the practicing groups rates range from 40 to 98 percent.

In theory women and girls are protected from FGM by the Constitution, and in 1998 the Government enacted a law prohibiting the practice with penalties for practitioners ranging from 2 months to 5 years imprisonment and substantial fines. There was one arrest, the first under the law, in 1998. Both the father of the victim and the practitioner were found guilty on June 28, sentenced to a year in prison, and fined \$175 (CFA 100,000). Both were released after serving 2 months in jail. However, the law rarely is prosecuted because most FGM cases occur in rural areas where neither the victims nor police know the law. Traditional customs often supersede the legal systems among certain ethnic groups.

The Government continued to sponsor seminars to educate and campaign against FGM. Several NGO's, with international assistance, organized educational campaigns to inform women of their rights and to care for the victims of FGM.

There are confirmed reports of trafficking in children, particularly girls, for the purpose of forced labor, which amounts at times to slavery (see Sections 6.c. and 6.f.).

People with Disabilities

The Government does not mandate accessibility to public or private facilities for the disabled. Although the Constitution nominally obliges the Government to aid disabled persons and shelter them from social injustice, the Government provides only limited assistance in practice. There is no overt state discrimination against disabled persons and some hold Government positions. However, the disabled have no meaningful recourse against private sector or societal discrimination, and there is discrimination against the disabled in practice.

National/Racial/Ethnic Minorities

The country's population of more than 4 million includes members of some 40 ethnic groups that generally speak distinct primary languages and are concentrated regionally in rural areas. Major ethnic groups include the Ewe (between 20 and 25 percent of the population), the Kabaye (between 10 and 15 percent), the Kotokoli (between 10 and 15 percent), the Moba (between 10 to 15 percent), and the Mina (about 5 percent). The Ewe and Mina are the largest ethnic groups in the southern region, where abundant rainfall and access to the sea have been conducive to farming and trade; the Kabaye are the largest group in the drier, landlocked, less populous, and less prosperous northern region.

Although prohibited by law, societal discrimination on the basis of ethnicity is practiced routinely by members of all ethnic groups. In particular discrimination against southerners by northerners and against northerners by southerners is evident in private sector hiring and buying patterns, in patterns of de facto ethnic segregation in urban neighborhoods, and in the relative paucity of marriages across the north-south ethnic divide. There are no effective impediments to the extension of such discrimination into the public sector, where the centralization of the State allows little scope for regional or ethnic autonomy, except through the circumscribed authority of traditional rulers and dispute resolution systems.

The relative predominance in private sector commerce and professions by members of southern ethnic groups, and the relative predominance of the public sector and especially the security forces by members of President Eyadema's Kabye group and other northern groups, are sources of political tension. Political parties tend to have readily identifiable ethnic and regional bases: The RPT party is more represented among northern ethnic groups than among southern groups, while the reverse is true of the UFC and CAR opposition parties.

In previous years, north-south tensions repeatedly have erupted into violence of a clearly interethnic character, although there were no reports of such violence during the year. Majority ethnic group members in each region have 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 carried ethnic and regional overtones (see Section 3).

Section 6 Worker Rights

a. The Right of Association

The Constitution provides most workers with the right to join unions and the right to strike; however, security forces, including firemen and policemen, do not have these rights; government health care workers may join unions but may not strike. The Constitution also prohibits discrimination against workers for reasons of sex, origin, beliefs, or opinions. The work force in the formal sector is small, involving approximately 20 percent of the total work force of whom from 60 to 70 percent are union members or supporters.

There are several major trade union federations. These include the National Confederation of Togolese Workers (CNTT)—which is closely associated with the Government, the Labor Federation of Togolese Workers (CSTT), the National Union of Independent Syndicates (UNSI), and the Union of Free Trade Unions.

There is no specific law prohibiting retribution against strikers.

On January 28, the Government arrested two trade union officials, Gbikpi Benissan, Secretary-General of the National Union of Independent Trade Unions of Togo (UNSI) and Allagah-Kodegui, Secretary-General of the Democratic Organization of African Workers' Trade Union (ODSTA). On January 29, an arrest warrant was issued for Beliki Akouete, Secretary-General of the Workers' Trade Union Confederation of Togo (CSTT) and Deputy Secretary-General of the Democratic Organization of African Workers' Trade Union (ODSTA). The Government arrested the two high-ranking trade union officials for "spreading false information and libel," both of which are penalized specifically under the Code of Press and Communications, and not for any trade union activities. On February 4, the Government released the two trade union officials and withdrew the arrest warrant against Akouete; the judicial proceedings against the three persons were dropped.

Teachers' salaries and students' stipends rarely are paid on time. University faculty remained on strike over this issue until January (see Section 2.a.).

Federations and unions are free to associate with international labor groups. The CNTT and the UNSI are affiliates of the International Confederation of Free Trade Unions. The CSTT is 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 limits collective bargaining to producing a single nationwide agreement that must be negotiated and endorsed by representatives of the Government as well as of labor unions and employers. All formal sector employees are covered by a collective bargaining agreement. This agreement sets nationwide wage standards for all formal sector employees. The Government participates 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 can attempt through sector-specific or firm-specific collective bargaining to negotiate agreements more favorable to labor, but this option rarely is used.

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

A 1989 law allows the establishment of export processing zones (EPZ's). Many companies have EPZ status, and more than 30 are 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 do not enjoy the same protection against antiunion discrimination as do other workers. In practice unions do not have free access to EPZ's or freedom to organize workers. During the year, the Government did not change the 1974 Labor Code to end the prohibition

against foreign nationals performing administrative or management functions in trade unions.

c. Prohibition of Forced or Compulsory Labor

The law does not specifically prohibit forced or bonded labor, including that performed by children, and children sometimes are subjected to forced labor, primarily as domestic servants. The Government acknowledged that there is international trafficking in children, particularly girls, who are sold into various forms of indentured and exploitative servitude, which amounts at times to slavery (see Section 6.d. and 6.f.). There also is some trafficking in young women for the purpose of forced prostitution or for forced labor as domestic servants (see Sections 6.d. and 6.f.).

In rural areas, parents sometimes put young children into domestic work in other households in exchange for sums as low as the equivalent of \$25 to \$35 (CFA 15,000 to 20,000).

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 require a minimum age of 18. Inspectors from the Ministry of Labor enforce these age requirements but only in the formal sector in urban areas. In both urban and rural areas, particularly in farming and petty trading, very young children traditionally assist in their families' work. Under the Constitution, school is mandatory for both sexes until the age of 15, but this requirement is not enforced strictly (see Section 5). The law does not prohibit forced and bonded labor by children, and children are trafficked for forced labor (see Section 6.c. and 6.f.). On September 19, the Government ratified ILO Convention 182 on the worst forms of child labor. Although the Government ratified the convention, few resources were allotted for implementation and, at year's end, enforcement was weak. The Ministry of Social Affairs, Promotion of Women, and Protection of Children was assigned responsibility for implementation.

e. Acceptable Conditions of Work

The Government sets minimum wages for different categories, ranging from unskilled labor through professional positions. Less than the official minimum wage often is paid in practice, mostly to less-skilled workers. Official monthly minimum wages range from approximately \$20 to \$33 (CFA 14,700 to 23,100) per month. Many workers cannot maintain a decent standard of living for themselves and their families at the official minimum wages, and many must supplement their incomes through second jobs or subsistence farming. The Ministry of Labor is ostensibly responsible for enforcement of the minimum wage system but does not enforce the law in practice. The Labor Code, which regulates labor practices, requires equal pay for equal work, regardless of sex; however, this provision generally is 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 is compulsory, and workers must 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 is weak, and employers often ignore these provisions.

A technical consulting committee in the Ministry of Labor sets workplace health and safety standards. It may levy penalties on employers who do not meet the standards, and employees ostensibly 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 is limited. Large enterprises are obliged by law to provide medical services for their employees and usually attempt to respect occupational health and safety rules, but smaller firms often do not.

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

f. Trafficking in Persons

The law does not prohibit trafficking in persons, and trafficking is a problem. The country remained a source and transit point for trafficking in persons. There were 425 victims returned to the country during the year; NGO's provide some support for victims. One woman, who returned from Gabon after 5 years as a victim of trafficking, filed a suit during the year against a Gabonese schoolteacher living in Togo, who she accused of trafficking in children to work in Gabon; however, by year's end, there was no progress in the case.

Trafficking in women for the purpose of forced prostitution or nonconsensual labor as domestic servants exists.

Children are trafficked to indentured and exploitative servitude, which amounts at times to slavery. Children often are trafficked to other West and Central African countries, especially Gabon and Nigeria, to the Middle East, or to Asia. In countries such as Cote d'Ivoire or Gabon, these children are extensively exploited. They are fed poorly, crudely clothed, and inadequately cared for, and are neither educated nor permitted to learn a trade. Children sometimes are trafficked abroad by parents misled into allowing them to depart under false pretenses. In 1999 authorities intercepted 750 children and arrested 21 traffickers at the borders. During the year, the Government intercepted 425 children. A local NGO focusing on trafficking issues estimated that 85 percent of traffickers in the country are women. For example, in 1999 two Ghanaian women took six children, ages 6 to 14, from the town of Tsevie to Cote d'Ivoire where they were to be resold for \$350 to \$530 (CFA

225,000 to 350,000) to work on plantations or as house servants. In 1999 police caught Beninese traffickers who were taking 39 children, including some as young as 2 years of age, from Benin to Cote d'Ivoire overland through the country.

During the year, the Government conducted public awareness campaigns, with the help of the U.N. Children's Fund and NGO's such as WAO-Afrique. WAO-Afrique obtained additional funding from a foreign private company to support its awareness campaigns against child trafficking and forced labor.

The country is a source and transit point for child traffickers. There are credible reports of Nigerian women and children trafficked through the country to Europe (particularly Italy and the Netherlands) to work in forced prostitution. Since the law regarding trafficking is vague and imprecise, persons arrested or detained by government security forces for alleged trafficking ultimately are released for lack of evidence. The Government does not provide assistance for victims; however, an NGO (Terre des Hommes) assisted recovered children until their parents or next-of-kin could be notified. There is also a government funded Social Center for Abandoned Children.

[End.]

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