

**TOGO ()****29****U.S. Department of State****Togo Country Report on Human Rights Practices for 1998**

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TOGO

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 Assembly of the Togolese People (RPT) party, 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 on June 21, 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 recently established ostensibly to accomplish this transition, did not do so in practice. For example, when the recently created independent National Electoral Commission disbanded rather than declare Eyadema the winner of the June 21 election, the new Constitutional Court did not challenge the Interior Ministry's announcement that Eyadema had been reelected, even though the Court ruled that the Ministry had usurped the Commission's exclusive legal authority to validate election results. Eyadema and his supporters maintain firm control over all facets and levels of the country's highly centralized government and have perpetuated the predominance of northern ethnic groups including Eyadema's Kabye ethnic minority throughout the public sector, especially in the military. The RPT continues to hold a majority in the National Assembly, and the executive branch continues to influence the judiciary.

The security forces comprise 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 come 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.

About 80 percent of the country's estimated population of 4.25 million is engaged in widespread 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. Recorded per capita Gross Domestic Product remains less than \$400 a year. Although economic growth has resumed since a large currency devaluation in 1994, it slowed sharply during the year. Growth continues to be impeded by a large state-owned sector, high levels of spending on the security forces, and widespread corruption. Most major bilateral donors have suspended their aid due to the Government's poor human rights record, and some international financial institutions have also halted financial assistance to the Government.

The Government's human rights record continued to be poor. The Government restricted citizens' right to change their government. Security forces were responsible for extrajudicial killings, beatings, and arbitrary arrests and detentions. The Government did not, in general, investigate or punish effectively those who committed such abuses, nor did it prosecute openly those persons responsible for extrajudicial killings and disappearances in recent years. Prison conditions reportedly remained very harsh, and prolonged pretrial detention was common. The Government

continued to influence the judiciary, which did not ensure defendants' rights to fair and expeditious trials. Some detainees wait years to be judged. Security forces infringed on citizens' privacy rights. The Government and the security forces restricted freedom of speech and of the press, often using investigative detention to harass journalists and political opponents. Intimidation by the Government and youth groups reported to be ruling RPT party supporters limited freedom of assembly. The Government restricted freedom of association. Security forces restricted freedom of 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. Societal discrimination and violence against women, female genital mutilation (FGM), and trafficking in children remained problems. Discrimination against the disabled persists. Ethnic and regional tensions and discrimination contributed to political violence. Forced labor by children remained a serious problem. Some persons were killed in mob violence related to political and regional-ethnic differences.

In October the National Assembly enacted a law that prohibited female genital mutilation; however, the Government had not brought any prosecutions under it to court by year's end. In February the National Assembly enacted a new press code, which, although still highly restrictive, reduced the prison terms and fines for journalists convicted of criminal libel. In September the Government created a new Ministry for the Promotion of Democracy and the Rule of Law.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing

As in previous years, members of the security forces repeatedly committed extrajudicial killings. However, the responsibility and motives for many extrajudicial killings remained uncertain.

Extrajudicial killings, primarily of criminal suspects, by the security forces continued. The bodies of 10 men in military uniform were brought to the Lome morgue after extensive gunfire in the vicinity of the port during the early hours of April 6. There were credible reports that the shooting was part of an operation to cover up a narcotics trafficking ring that included some government officials. Up to 30 persons allegedly were killed, with many bodies taken to a mass grave outside Lome.

On the evening of May 15, Dr. Tona Pierre Adigo, a founding member of the Togolese League for Human Rights (LTDH) and of the opposition Togolese Union for Democracy (UTD) party, was killed and burned in his car on a street in Lome, the capital. A witness reportedly claimed that security personnel stopped Adigo's car and that a military jeep left the scene as the car burst into flames. Adigo, a physician, previously had filed reports at variance with official explanations after conducting autopsies of bodies exhumed from mass graves. During the days preceding his death, according to credible reports, Adigo had received and ignored repeated official requests to go to Gendarmerie headquarters for an unspecified purpose. Government media reported that Adigo committed suicide by burning himself in his car.

On June 2, a law enforcement officer attempting to stop a taxi at a checkpoint in Lome shot and killed Ayele Akakpo, a child passenger. The case was still under investigation at year's end.

On August 16, security forces in armored vehicles deployed in the largely pro-opposition Kodjoviakope neighborhood of Lome fired on the residence of UFC Secretary General Jean-Pierre Fabre, killing at least two persons. Although the Government justified this deployment as a response to a raid by armed opposition forces based in Ghana on government facilities at Aflao, on the Ghanaian border, the Government's account of the raid could not be verified, and opposition leaders dismissed the alleged border attack as a ruse to justify deploying the army in the capital (see Sections 1.f. and 3).

On September 29, a group of armed men shot and killed Koffi Mathieu Kegbe, a local leader of the opposition Action for Renewal Committee (CAR) party at his home in the village of

Dokpohoe in southeastern Togo. Kegbe's assailants reportedly stripped and tortured him in front of his family before killing him, then stole several household appliances, a generator, and a motorcycle. National CAR leader Yawovi Agboyibo reportedly suggested that RPT politburo member Agbeyome Kodjo may have ordered the attack in anticipation of National Assembly elections scheduled for February 1999 (see Sections 1.f. and 3). The killing was under investigation at year's end.

There were no new developments in the 1997 deaths in detention of Dosseh Danklou and Agbodjinshie Yakanou, or the 1997 killings of Apetse Koffi-Edem and Komlan Hofia Pomeavo. The 1997 killing in Ghana of former diplomat Ferdinand Romuard also remained unsolved. There was also no progress in the cases of the 1996 deaths of Captain Philippe Azote, Anthony Dogbo, Woenagno, Amouzou Adjakly, and Komlavi Yebesse. Nor were there further developments in the 1995 killing in Ghana of former government official Felix Amegan and opposition leader Lieutenant Vincent Djema Tokofai, the 1994 killing of National Assembly member Gaston Edeh, or the 1992 killings of National Assembly members Marc Atidepe and Tavio Amorin. The Interparliamentary Union's Human Rights Committee recommended in January that the Government pay \$20,000 to the family of each of the three legislators. In June the Gendarmerie held a press conference at which Drah Komlan, a Togolese with no known political affiliation, stated that an acquaintance in Ghana had instructed him to recruit Edeh's killers in exchange for \$1,000 (500,000 CFA Francs), a passport, and an airplane ticket to Germany. Human rights advocates regard the confession as not credible.

Captain Baoubadi Bakali, the Deputy Director-General of Customs, was injured and his bodyguard killed on March 3 by unknown gunmen who ambushed Bakali outside his residence. Malou Borozi, a businessman and nephew of a prominent RPT personality, was shot and killed outside his home by several men on March 31. A progovernment newspaper blamed Borozi's killing on Ghana-based thugs, while the opposition speculated that both the Bakali and Borozi incidents were part of a settling of scores within the ruling party. The Government's failure to explain incidents such as these created suspicion that elements of the security forces were involved.

On June 26, shortly after the Government announced Eyadema's reelection, violence between opposition and government supporters in Afagnan, 40 miles east of Lome, resulted in the hospitalization of four persons, one of whom died, hospital sources reportedly indicated.

On August 29, trade unionist Liman Doumougue was shot and killed inside his home in Lome in a manner similar to that used in executions. Doumougue was the Deputy Secretary General of the National Association of Independent Unions of Togo, a pro-opposition labor federation which called for a general strike in 1992. As of year's end, the Government had not arrested or charged anyone in connection with this killing.

b. Disappearance

There were no specific reports of politically motivated disappearances. However, there were reports of mass burials in the vicinity of Lome both in 1997 and 1998.

There were no developments in the 1994 disappearance of David Bruce, a high-level Foreign Ministry employee sympathetic to the opposition, or in the disappearance of Afounilede Essiba, Adanou Igbe, Kobono Kowouvi, and another companion, all four of whom were arrested by soldiers at an armed security checkpoint in Adetikope in 1994. In 1994 the Government began an investigation of the Bruce disappearance but has not reported any results.

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

The law prohibits torture and physical abuse of prisoners and detainees, but security forces often beat detainees immediately after arresting them. Some suspects have claimed credibly to have been beaten and denied access to food and medical attention. Security forces also repeatedly beat demonstrators or opposition party members without arresting or detaining them. The Government did not publicly prosecute any officials for these abuses.

In January Gendarmes in Kpeme beat clothing merchant Dede Kpeti after she was accused of stealing \$100 from another merchant. Kpeti suffered a fractured wrist and bruises on her back. The National Human Rights Commission (CNDH) recommended that the Government reimburse Kpeti for her medical expenses. The gendarme responsible for Kpeti's injuries reportedly compensated her.

On January 19, gendarmes entered the campus of the University of Togo in Lome and beat students (see Section 2.b.). Among those beaten was Melessessou Edoh, president of the National Union of Togolese Students and Interns, which had refused to endorse a communiqué calling on students to end a strike and return to class. Edoh also suffered a fractured spine and arm after falling from a second-story dormitory window (see Section 2.a.). The Government flew the injured student leader to Cote d'Ivoire for medical treatment.

CAR party member Koffi Aglebe stated that while he was detained in Sokode and Lome from February 7 to February 23, gendarmes beat him repeatedly with sticks and cords (see Section 1.d.).

On March 31, Gendarmes beat Clement Nyamikou, a UFC party officer from Badou, whom they had detained on suspicion of holding clandestine meetings and harboring weapons.

On June 24, commandos wielding batons beat demonstrators in the town of Sokode who were protesting the Interior Ministry's announcement of Eyadema's reelection.

On June 25, Gendarmes entered the headquarters of the UFC party in Lome and beat persons inside with batons, causing five persons to require medical attention.

On June 26, security forces in Lome used batons as well as tear gas to disperse 4,000 demonstrators who were protesting the Interior Ministry's announcement of Eyadema's reelection. At least 20 persons reportedly were injured; 12 injured demonstrators were observed in a single Red Cross clinic.

In July Gendarmes reportedly beat and tortured three opposition party activists who were preparing to distribute leaflets asking the public to participate in a 1-day general strike to protest Eyadema's disputed reelection (see Section 3).

On May 30, September 8, and September 24, armed men forcibly entered the Lome residence of Noagbenakope Gbekobou, a member of the National Assembly and the CAR party. On each occasion, the intruders sprayed the house with bullets and terrorized the occupants. Gbekobou said that he was told by security force officers investigating one of these incidents that the kind of cartridges left behind was used by the armed forces. The case was under investigation at year's end.

On January 9, youths beat and severely injured opposition CAR party officer Alphonse Behim in Pagouda. On January 16, uniformed youths beat another CAR member who had notified the prefect of Kozah of Behim's beating (see Section 2.b.).

In February three RPT youths in Kozah prefecture abducted and beat CAR party activist Koffi Sewovon.

On April 6, two men ambushed Albert Atsakpa, an Action Committee for Renewal (CAR) party official, as he rode his motorcycle between Kpalime and Lome. According to the account in an opposition newspaper, one of the assailants warned Atsakpa, "Stop or I shoot you. You stop here your political activities." Atsakpa was shot once in the thigh with a homemade gun before his aggressors escaped.

In November RPT youth beat opposition activists in Gando. In August a gendarme and several men in civilian clothes in Lome beat a fisherman who attended UFC party rallies (see Section 3).

On August 17, explosions damaged the house of an official of the Party for Democracy and

Renewal (PDR) in Bafilo, a town in the northern region, and the PDR's prefectural office in Sokode, a town in the central region.

In September a group of armed men tortured and killed a local CAR party leader (see Section 1.a.).

Prison conditions reportedly remained very harsh, with serious overcrowding and inadequate sanitation and food. Medical facilities are practically nonexistent, and disease is widespread. Despite these problems, there were no reported deaths of prisoners due to disease or inadequate medical facilities for the second consecutive year. 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. The children of convicted adults often are incarcerated with them. Women are housed separately.

President Eyadema ordered the release of 526 common criminals during the year.

Although international and local private organizations have access to prisons for monitoring purposes, the ICRC did not visit the prisons during the year.

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, detained without bail for lengthy periods with or without the approval of a judge. Family members and attorneys officially have access to a detainee after the initial 48- or 96-hour detention period, but 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 indifference, have resulted in lengthy pretrial detention--in some cases several years--and confinement of prisoners beyond their sentences. An estimated 50 percent of the prison population were pretrial detainees. The Government continued to use brief investigative detentions of less than 48 hours to harass and intimidate opponents and journalists for alleged defamation of government officials (see Section 2.a.). The Government has at times resorted to false charges of common crimes to arrest, detain and intimidate opponents.

On January 19, while dispersing student demonstrators on the campus of the University of Benin in Lome (see Sections 1.c. and 2.b.), security forces arrested 11 students and detained them for 9 days before releasing them on orders from President Eyadema.

On February 7, the Gendarmerie in Sokode arrested Koffi Aglebe and two Liberian friends after Aglebe produced a CAR party membership card during a routine check of his identity papers. The three men were detained, interrogated and allegedly beaten in Sokode and Lome until February 23, when they were released (see Section 1.c.).

On June 25, police reportedly arrested an unknown number of persons during house-to-house searches in the pro-opposition Be and Kodjoviakope neighborhoods of Lome and detained them for unknown periods.

In July security forces arrested three UFC members who were passing out leaflets urging the public to stay at home to protest the fraudulent presidential election. At first, the Government charged Yaou Sassou Attiogbe, Gbadogbe Kodjo Adjiwonou, and Atsou Abaya, with violating the press code, but later it withdrew the charge. The UFC made the these detainees' release a precondition for UFC participation in government-opposition talks on national reconciliation. The Government released the three men on December 12 (see Sections 1.c. and 3).

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

There were credible reports that Togolese government agents in Ghana, sometimes pretending to be refugees, repeatedly have induced Ghanaian police to arrest Togolese refugees and to deliver them to Togolese security forces at the border without due process of law and reportedly without the knowledge of senior Ghanaian security officials. Fifteen refugees reportedly were forcibly repatriated from Ghana in this manner on December 31, 1997.

Pharmacist Bozoura Gandhi, a founding member of the Togolese Association for the Struggle against the Manipulation of Conscience (ATLMC), and 14 other persons have been detained since November 1997. They were arrested in Sokode following riots in the wake of the death of Djobo Boukari, Gandhi's relative and a cofounder of the ATLMC. Gandhi was transferred to Kara prison on April 4. Gandhi is charged with having killed two persons suspected of having poisoned Boukari.

The Constitution prohibits exile, and the Government respects this prohibition.

e. Denial of Fair Public Trial

Although the Constitution provides for an independent judiciary, in practice the executive branch continued to exert control over the judiciary. The Government established a Supreme Council for the Magistrature in 1997. A majority of its members are strong supporters of President Eyadema.

The Constitutional Court, established in 1997, 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.

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 African traditional law and 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.

There were no reports of political prisoners.

There have been no developments in the case of members of the radical opposition group MO5, who were convicted and sentenced to prison for the 1994 attack on a state-owned electrical station. Although the crime appeared to have been politically motivated, the state prosecutor did not apply the December 1994 general amnesty law to this case, and they are still in prison.

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

Security forces repeatedly 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 dissidents' 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 arbitrarily interfere with privacy by searching vehicles, baggage, and individuals in the name of security.

Once in May and twice in September, armed men entered the residence of a CAR party National Assembly member and terrorized the occupants with gunfire. The bullets used reportedly were the type used by the armed forces (see Section 1.c.).

On August 1, Gendarmes raided the Akodessewa shanty town neighborhood in Lome, ostensibly searching for arms caches and rebel hideouts. Using crowbars, clubs and axes, the Gendarmes destroyed hundreds of the makeshift dwellings of Lome's poorest residents.

On August 16, the home of a U.N. Children's Fund official in Lome was damaged heavily by rampaging soldiers.

In August security forces ransacked the homes of UFC party leaders throughout the country. On August 16, members of the security forces in armored vehicles deployed in the largely pro-opposition Kadjoviakope neighborhood of Lome fired on the residence of UFC Secretary General Jean-Pierre Fabre, damaging several houses as well as killing at least two persons (see Section 1.a.).

On August 17, a residence owned by PDR president Zarifou Ayevea was ransacked, and security forces searched the home of UFC officer Andre Kuevi in Lome and of the UFC's regional officer in Kpalime.

The Government is widely believed to monitor telephones and correspondence, although no proof of this has been produced. The police and gendarmerie perform domestic intelligence functions. The Government maintains a system of informers on the university campus.

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 frequently harassed newspaper vendors. Advertisers often were intimidated as well.

However, despite government interference, there is a lively private press, most of which is heavily politicized and some of which is often highly critical of President Eyadema. As many as 16 private newspapers published with some regularity, compared with 8 in 1997. The country's only daily newspaper, Togo-Press, is owned and controlled by the Government, although a private Lome-based biweekly newspaper, Crocodile, published daily during much of the year.

In January the National Assembly adopted a new Press and Communication Code. Article 1 declares that the media are free; most of the remaining 108 articles, some of them the subjects of strenuous objections by opposition legislators, restrict media freedom. Article 62 makes the intentional publication of false information a criminal offense, punishable by fines of \$900 to \$1,800 (500,000 to 1 million CFA Francs). Articles 90 to 98 make defamation of state institution 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 (2 million CFA Francs). 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 new law retained the previous code's provisions that editors and publishers, including legislators with parliamentary immunity, are liable for crimes committed through the press. The Togolese Union for Democracy and CAR party legislators charged that the new code violated the constitutional right to free expression. However, the new Press Code is less repressive than the 1990 press code that it replaced, in that it reduced the sentences to be imposed on journalists convicted of criminal libel.

There is no prepublication censorship of private print media in law or practice. However, security forces repeatedly detained private print media journalists (see Section 1.d.) and interfered with the distribution of private newspapers.

On August 6 and 7, the Government arrested and detained journalists of three private newspapers based in Lome: Pamphile Gnimassou, editor of Abito, Augustin Assiobo, editor of Tingo Tingo, and Houankanly Elias, reporter for Nouveau Combat. The three were accused of slandering the President and his wife by publishing reports alleging that the widow of the late President Mobutu of then-Zaire had asked the Togolese first lady, Badagnaki Eyadema, to return trunks of jewelry that disappeared in Lome while Mobutu was on his way into exile after being overthrown in 1997. Nouveau Combat also alleged that President Eyadema had written to French President Jacques

Chirac to "beg for a letter of congratulations" on his controversial June election victory. Assiobo was detained for 2 days and Gnimassou for 6 days. Hounkanly was detained for 18 days by the Gendarmerie before being transferred to the main prison on August 25 to await trial. Hounkanly remained in custody at year's end.

On August 14, Messan Lucien Djossou, publisher of *Le Combat du Peuple*, was arrested and detained for several hours. Djossou was arrested again on September 1 and kept for 48 hours at police headquarters. The authorities did not have an arrest warrant and did not file charges.

On October 21, Apollinaire Mewenemesse, editor-publisher of a usually progovernment Lome-based newspaper, *La Depeche*, was arrested and charged with defamation of the armed forces in connection with his authorship and publication on October 15 of an article attributing various armed robberies to off-duty soldiers, gendarmes, and police. All charges against Mewenemesse were dropped on December 3, midway through his trial, which had started on December 1. On December 4, Mewenemesse apologized to President Eyadema on government television for his "unprofessional" article.

On August 20, it was reported that members of the Presidential Guard seized and destroyed copies of the newspaper, *Crocodile*, and other private publications on sale at a major intersection in Lome. On August 21, members of the Presidential Guard returned to the same location, beat newspaper vendors, and chased them away. Security forces also confiscated all the copies they could find of the October 15 issue of *La Depeche*, containing an article that attributed various robberies to off-duty members of the security forces.

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 11 private radio stations in the country. Two of these, Radio Avenir and Galaxy FM, are associated with the ruling RPT party.

Prior to the adoption of the new Press Code, the Government did not permit private radio stations to broadcast news programming. Some private radio stations recently began to broadcast some domestic news, but private radio offered little of the political commentary and criticism of the Government that is widespread in the print media. Africa No.1, which domestically retransmits programming broadcast from Gabon, canceled an August 1 interview with opposition leader Gilchrest Olympio, allegedly at the request of the Government.

The only domestic television station, Television Togo, is owned and controlled by the Government. There is also one private company that domestically retransmits foreign television programs broadcast by satellites.

The Government was not known to restrict access to the Internet. There were 12 Internet service providers in the country at year's end. Most Internet users were businesses rather than households.

The official media, consisting of two radio stations, one television station, and one daily newspaper, generally slanted their programs in favor of the President and the Government. The High Authority for Audio-Visual and Communications (HAAC) is charged with providing the equal access to state media mandated by the 1992 Constitution. Although the HAAC is nominally independent, in practice it operates as an arm of the Government; it is filled with Eyadema supporters and has not increased opposition access to government media.

During the presidential election campaign, media coverage remained skewed in President Eyadema's favor, according to Reporters sans Frontieres (RSF) surveys. In June, during the election campaign, the security forces wrote an open letter to the HAAC complaining that the opposition was attacking and insulting them. The letter warned the opposition not to provoke the military further. The official media's coverage of the presidential campaign improved slightly during its final week, due mainly to the efforts of the RSF to document the huge inequities in the time afforded opposition candidates.

At the University of Benin, 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. Opposition student groups are intimidated by an informer system that has led in the past to government persecution. The only recognized student groups, Hacame and Ugesto, are pro-Eyadema. Security forces violently restricted freedom of assembly on the university campus (see Sections 1.c. and 2.b.).

b. Freedom of Peaceful Assembly and Association

Under the Constitution, citizens are free to assemble; however, the Government restricts this right in practice. Although opposition political parties usually were able to hold public meetings in Lome, the capital, the Government systematically restricted the freedom of its political opponents to assemble in the central and northern regions. Government officials prohibited--and security forces forcibly dispersed--some public demonstrations critical of the Government.

In January gendarmes forcefully broke up a meeting of university students who had gathered to discuss the Government's plan to reinstate their study grants. Students had been striking since December 9, 1997 over nonpayment of study grants. Gendarmes chased the students across campus and into dormitories. Melessoussou Edoh, President of the National Union of Togolese Students and Interns, suffered a fractured spine and arm after falling from a second-story dormitory window (see Section 1.c.). Edoh's organization had refused to sign a communiqué calling on students to return to class. Security forces detained 11 students for 9 days (see Section 1.d.).

In February the Minister of Interior banned political rallies during the period when voter lists were being updated; however, this ban was not applied to pro-Eyadema demonstrations (see Section 3). Government officials in the central and northern regions systematically banned and harassed both public and private meetings of opposition party members, effectively forcing opposition party members to meet and conduct party business clandestinely. For example, the prefect of Tone, in the northern region, prohibited the UFC party from holding a rally in Dapaong on February 28, and threatened to seize and wreck a UFC official's private vehicle. The prefect in Sokode barred an opposition party, the African People's Democratic Convention, from using the municipal stadium for a rally on March 22. The prefect of Blitta reportedly ordered a local restaurant closed after it hosted a meeting of UFC supporters. On March 31, gendarmes detained and beat Clement Nyamikou, a UFC officer in Badou, whom they suspected of holding clandestine meetings. On March 7, Eyadema supporters armed with rocks and clubs attacked and disrupted a meeting of CAR party officers in Zio prefecture, beating and injuring CAR member Kossi Sahara.

On June 24, commandos wielding batons beat demonstrators in the town of Sokode who were protesting the Interior Ministry's announcement of Eyadema's reelection (see Section 1.c.).

The Interior Minister banned a June 26 street march in Lome called by opposition UFC presidential candidate Gilchrist Olympio to protest President Eyadema's fraudulent reelection. Security forces used clubs, tear gas, and gunshots in the air to disperse roughly 4,000 persons who defied the ban, reportedly causing about 20 persons to be hospitalized with minor injuries. Security forces arrested and detained an unknown number of demonstrators (see Sections 1.c. and 1.d.).

However, many opposition rallies, protest marches, and sit-ins were well-attended and incident-free. During the presidential election campaign, a temporary 1,000-member "mobile security force" of gendarmes and police effectively and impartially secured polling places, protected all presidential candidates, and thwarted attempts to disrupt or provoke violence at political rallies.

Under the Constitution, citizens have the right to organize in associations and political parties; however, the Government restricted this right in practice. Prior to the June 21 presidential election, the Government generally respected this right in Lome. However, government officials restricted the operations and activities of opposition parties in the central and northern regions even before the election.

On June 25 and 26, gendarmes entered the headquarters of the UFC party in Lome and beat

persons inside with batons, causing five persons to require medical attention (see Section 1.c.). On August 17, armored vehicles deployed in the largely pro-opposition Kadjiviakope neighborhood of Lome fired on the residence of UFC Secretary General Jean-Pierre Fabre (see Section 1.a.).

Few opposition party offices and no pro-opposition newspapers operate in most towns in the central and northern regions. The CAR and UFC closed their offices in Sokode after government officials repeatedly harassed and threatened the owners of the buildings in which they were located.

Government authorities in the northern region's Kozah prefecture on several occasions denied the right of association to members of the opposition CAR party and violently harassed CAR officials and activists. On January 9, in the town of Pagouda, a group of about 20 youths armed with clubs and whips attacked and severely injured CAR activist Alphonse Behim (see Section 1.c.). On January 16, also near Pagouda, a group of uniformed youths assaulted another CAR member, Abai Tamouka, who had reported Behim's beating to the prefect of Kozah. The uniformed youths stripped Tamouka, then beat him unconscious with sticks and clubs. The police report on the two incidents concluded that Behim was beaten by fellow CAR party members who learned that he was planning to use party funds to build a private telephone business, and that Tamouka was attacked by village youths whose sisters he was attempting to seduce. In February the prefect of Kozah refused to recognize the existence of the CAR party in his district. In the same month, three RPT youths abducted and beat CAR member Koffi Sewovon (see Section 1.c.) after party president Yawovi Agboyibo dispatched him to Kara with a letter for the prefect of Kozah.

Most opposition rallies, protest marches, and sit-ins were well attended and incident-free. In anticipation of trouble during the election campaign, the Government created a 1,000-member "mobile security force" of Gendarmes, police, and prefectorial police. Identified by their white armbands, these special units effectively thwarted provocation, secured polling places, and protected candidates, including Gilchrist Olympio during his two brief visits to Lome from his self-imposed exile in Ghana.

Political parties are able to elect officers and register. There are many active nongovernmental organizations; 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.

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

The Constitution provides for these rights; however, armed security checkpoints and arbitrary searches of vehicles and individuals are common. The lack of discipline of some soldiers manning roadblocks and their actions, such as firing at vehicles and frequently demanding bribes before allowing citizens to pass, impede free movement within the country.

The Government instituted strict documentation requirements for citizens who apply for a new passport or a renewal. Beyond the normal identity papers, 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 husband's permission for married women (see Section 5). The head of the Gendarmerie was the final adjudicator. In 1997 the Government transferred the passport office from the police to the Gendarmerie, which falls under the Defense Ministry. The Government stated that the purpose of the transfer was to take passport issuance away from corrupt police officials. The Gendarmerie's strict passport requirements, published in September, prevented some citizens from traveling abroad and were widely criticized. However, a national identity card can be used for travel to other member countries of the Economic Community of West African States (ECOWAS).

There is no domestic law relating to provisions for granting refugee/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 generally cooperates with the office of the United Nations High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. While there is no legislated body to determine asylum or refugee status, the Government routinely accepts the decision of the UNHCR office resident in Lome. The Government provides first asylum (and provided it to approximately 750 persons during the year). Ogoni refugees from Nigeria complained that security forces subjected them to arbitrary arrest and intimidation, but the UNHCR discounted these allegations. There were no reports of the forced return of persons to a country where they feared persecution.

The UNHCR estimates that approximately 6,000 Togolese refugees still remained outside the country at year's end. The Government hosts roughly 11,500 refugees from other countries, mainly from Ghana.

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

The Constitution provides for the right of citizens peacefully to change their government; however, the Government restricts this right in practice. In the June presidential election, as in all previous elections since Eyadema seized power, the Government prevented citizens from exercising this right effectively. 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 presidential election of Eyadema's 31-year-long rule was held on June 21. This was a first-round election in which six candidates including the incumbent competed; absent a majority for any candidate in such an election, the Constitution requires a second election between the two candidates receive the most votes. The Government limited campaigning to a period of 2 weeks, beginning on June 6.

On June 24, the Interior Ministry declared President Eyadema reelected for another 5-year term. According to the official tabulation, 1.56 million votes were cast, of which 52 percent were cast for Eyadema, 34 percent for UFC party candidate Gilchrist Olympio, and 10 percent for CAR party candidate Yawovi Agboyibo. Olympio, the son of elected President Sylvanus Olympio who was killed in a 1963 coup in which Eyadema participated, returned to the country briefly on April 27, May 11, and June 14 in order to accept the UFC's nomination, submit to the medical examination required of all candidates, and campaign. Gilchrist has lived in exile for reasons of personal security since an attempt on his life in northern Togo in 1992. The Government never openly arrested or prosecuted anyone in connection with this attack.

The Constitution provides for universal suffrage and secret ballot. However, serious irregularities in the Government's conduct of the election strongly favored the incumbent and appear to have affected the outcome materially.

The Government's Interior Minister, General Seyi Memene, banned political rallies during the period, in February, when voter lists were being updated. This ban, which was not applied to pro-Eyadema demonstrations, limited the opposition's ability to register potential supporters. Prior to the election, the National Election Commission (NEC), which was created in 1997 and most of whose members were chosen by the Government or the ruling party, did not act on several recommendations of international observer groups, including a recommendation to distribute registration cards to all registered voters well before the election.

Despite a law requiring the state-owned media to provide equal coverage of the campaigns of all candidates, both the state-owned broadcast media monopoly and the country's only daily newspaper, also state-owned, gave preferential treatment to the campaign of the incumbent president. During the first week of the campaign, the state-owned media gave between 40 and 80 percent of their total news coverage to Eyadema but gave between no coverage and 3 percent of their coverage to Olympio. State-owned media coverage became more balanced during the final

week of the campaign, after strong public criticism by RSF monitors (see Section 2.a.). Nevertheless, the High Authority for Audio-visual and Communications (see Section 2.a.), which was created in 1997 to oversee media and to ensure their compliance with the law, failed conspicuously to make the state-owned media discharge their legal obligation to provide equal coverage for opposition candidates.

On election day voting proceeded without incident in largely pro-Eyadema areas. However, in largely pro-opposition areas, many polling stations opened late or never opened, and many experienced shortages of election materials, including both voter registration cards and ballots for opposition candidates. In some largely pro-opposition precincts, a shortage of ballots for opposition candidates forced a suspension of voting. Both in largely pro-opposition quarters of Lome and in Sokode, a largely pro-opposition town in the central region, many voters could not vote because they did not receive registration cards. Three peaceful demonstrations protesting voting irregularities occurred in Lome on the afternoon of June 21.

During the evening of June 21 and the early morning of June 22, members of the armed forces confiscated ballot boxes in some largely pro-opposition precincts of Lome prior to the legally required on-site vote count. Thirty ballot boxes were burned near the airport, and at least 24 were taken by members of the armed forces to the mayor's office and to government property not controlled by NEC officials. Similar events were reported in some largely pro-opposition areas outside the capital. A private newspaper reported that in East Mono prefecture a government official and three members of the armed forces in civilian attire seized ballot boxes and results sheets in order to give more than 90 percent of the vote to the incumbent president.

At midday on June 22, officials suspended the vote count for Lome, sealing and locking ballot boxes and tally sheets, after European Union (EU) observers refused to leave the premises to permit unmonitored counting of the votes. On June 22 and 23, telephone lines serving facsimile machines by which local vote counts were to be transmitted to NEC headquarters in Lome failed at electoral locations throughout the largely pro-opposition southern region but not in largely progovernment areas; six out of the seven telephone lines serving facsimile machines at NEC headquarters were cut; and the state-owned firm that supplied computer systems operators to the NEC withdrew them and did not inform NEC personnel of their passwords without which NEC computer systems could not be used. Only 2,000 polling stations, mostly from the central and northern regions, out of 4,600 precincts nationwide, were able to count their votes and report their tallies to NEC headquarters. On June 23, Madame Awa Nana, chairperson of the NEC, and four other NEC commissioners, complained of harassment and intimidation and resigned rather than declare that Eyadema was reelected; their resignations left the NEC inoperative for lack of a quorum.

The tabulation of the election results announced by the Government appeared to undercount substantially both votes cast for Olympio nationwide and total votes cast in the largely pro-opposition southern regions, including the Maritime region, in which more than 40 percent of eligible voters resided, and Lome. Informed observers estimated that the proportion of eligible voters who were recorded as having voted in the official results ranged from 38 to 56 percent in the largely pro-opposition southern regions, but from 84 to 114 percent in the largely pro-Eyadema northern regions. According to an international observer present at NEC headquarters on June 22 and 23, the results from the 2,000 precincts that arrived at NEC headquarters (largely from the northern and central regions) indicated a tight race between Eyadema and Olympio. Both international and national observers estimated that Olympio's share of votes cast in precincts in the Maritime region and Lome substantially exceeded the 50 to 66 percent shown in the official results. Election results announced on state-owned radio on June 24 and in the state-owned newspaper on June 25 showed exactly the same percentages of votes cast for each candidate, even though the newspaper reported 40,000 (or about 3 percent) fewer votes cast than the radio had reported.

The Government rejected an offer by the EU to provide a technical advisor to the NEC. The Government refused to accredit 500 national observers trained by a consortium of nongovernmental organizations (NGO's) funded by the EU until 2 days before the election, too late to enable many of them to reach their posts. Government officials ordered a British member of the EU Election Observation Mission to leave the town of Kara to which she had been posted and

where official results subsequently showed 95 percent of votes cast going to Eyadema. The Government repeatedly attempted to evict from the mayor of Lome's office three EU observers who protested and sought to monitor the illegal off-site vote count at that location. On June 25, the Government publicly criticized the EU observers, who had issued a highly unfavorable report on the election, and the RSF observers who had monitored state media coverage of the election campaign (see Section 2.a.). Several other groups of international observers issued favorable assessments of the election-day vote-casting process. However, these favorable reports did not address the registration, local voting-counting and national vote-tabulation processes, and were issued before the results were announced; some were based on cursory observations of a small and unrepresentative number of polling places.

The President's continued influence over the judiciary was apparent in the Constitutional Court's refusal in July to challenge the Interior Ministry's announcement that Eyadema had been reelected. The Constitutional Court has specific jurisdiction over disputed elections. Even though the Court ruled that the Ministry's usurpation of the NEC's exclusive authority to validate and announce election results was "manifestly" illegal, it found that the Ministry's action was nevertheless justified on the grounds that reconstituting an election commission to restart the vote count would have resulted in a further delay in the release of results, which might have "created a climate of uncertainty with unpredictable consequences."

Both before and after the election, security forces waged an often brutal intimidation campaign against certain opposition groups.

On June 25, following the Government's announcement of the election results, small groups of demonstrators peacefully protesting fraud in Eyadema's reelection, as well as barricades and burning tires, appeared on the streets of Lome. The Interior Minister announced a ban on all street demonstrations, and security forces used tear gas to disperse the demonstrators. On June 26 security forces in Lome used clubs, tear gas, and gunshots in the air to disperse roughly 4,000 persons who participated in a banned street march called by UFC candidate Olympio to protest Eyadema's fraudulent reelection, arrested and detained an unknown number of demonstrators, and reportedly inflicted minor injuries requiring hospital care on about 20 demonstrators (see Sections 1.c., 1.d. and 2.b.).

On June 25 and 26, gendarmes attacked UFC headquarters in Lome, injuring hundreds of persons (see Sections 1.c. and 2.b.). UFC members reported harassment and intimidation in Afagnan, Kpalime, Sotouboua, Agotime, and Atakpame. In Afagnan political violence ended with several persons injured and 1 person shot and killed (see Section 1.a.).

Prohibited from protesting with active demonstrations, the opposition resorted to passive demonstrations to protest Eyadema's reelection. The UFC, for instance called general strikes for 1 day in July and for 2 days in August, which were widely observed in the southern region, including the capital. On July 23, gendarmes arrested UFC activists Kodjo Gbadegbe, Sassou Attiogbe, and Atsou Abaya in Keve for distributing literature calling on the public to observe a general strike (see Section 1.d.). They were beaten and tortured while in detention in Keve for 1 day, according to a nongovernmental organization that followed their case (see Section 1.c.). They were transferred to the Gendarmerie barracks in Lome where they stayed for 1 week before being transferred to the main jail. At first the Government accused them of inciting civil disobedience, but later dropped the case after defense lawyers successfully argued that the case had no legal basis.

On June 14, in the northern community of Djebouri, a group of youths reportedly beat local CAR party members Bidjengui Michel N'Sarma, Karamon Gazaro, and Omorou Sanwogou N'Sarma because of their party affiliation. Bidjengui N'Sarma was told to switch his allegiance to the RPT, and Omorou N'Sarma was accused of attacking an RPT member. N'Sarma was detained at the prison in nearby Mango until July 3. On June 24, youths in the northern community of Gando beat CAR party official Soulemame Ousmane because of his party affiliation. On November 19, gendarmes reportedly arrested up to eight of the Gando area youths after receiving complaints from citizens that the youths were harassing them with impunity. The youths were liberated after spending 1 week in the Mango city jail. According to a credible report, the authorities released the youths under pressure from Oti prefect, Ahoro Atchinde Amokoe, and National Assembly and

RPT member, Ouattara Fambare Natchaba, who was reportedly the mastermind behind the intimidation campaign in Oti prefecture (see Section 1.c.).

On August 16, during a reported rebel incursion across the Ghanaian border near Lome, security forces attacked UFC party headquarters in Lome as well as the homes of party vice presidents Amah Gnassingbe and Patrick Lawson and Secretary-General Jean-Pierre Fabre. At least two persons were killed by security forces (see Section 1.a.). The Government accused UFC leader Gilchrist Olympio and businessman Marc Kponton, both of whom were out of the country, of masterminding the reported raid. Opposition leaders dismissed the raid as a government fabrication to provide a pretext to deploy armed forces in Lome. On August 17, there were attacks on Party for Democracy and Renewal (PDR) headquarters in Sokode, on a PDR officer's residence in Bafilo, and on a residence owned by PDR president Zarifou Ayeve, which was ransacked. Security forces also searched the homes of UFC officer Andre Kuevi in Lome and of the UFC's regional officer in Kpalime (see Sections 1.c. and 1.f.).

On September 29, a group of armed men shot and killed a local leader of the opposition CAR party at his home in the village of Dokpohoe in southeastern Togo (see Sections 1.a. and 1.f.). The case was under investigation at year's end.

The last legislative elections were held on February 6 and 20, 1994. The CAR won 36 seats, the RPT 35, the UTD 7, the UJD 2, and the CFN 1. Two members from the CAR and one from the UTD left their parties and joined RPT. Also, UJD affiliated itself with the RPT, and CFN declared its pro-RPT stance. This gave the RPT a majority. The National Assembly has no power or influence on President Eyadema and has limited influence on the Government. The National Assembly can control its programs and activities and request amendments. The RPT majority acts as a rubber-stamp for the President and the Government. Criticism directed at a cabinet member is considered an attack on the President.

The National Assembly voted on a decentralization plan in 1998, but the plan's implementation has been slow. Togo is divided into 5 economic and administrative regions, 30 prefectures, and 4 subprefectures. These subdivisions may change in the future, with some subprefectures becoming prefectures and some districts becoming subprefectures. Administratively, the prefect, nominated by the Interior Minister, is the local government representative. Some government agencies have nominated regional representatives. Within the prefecture, a council elected from the districts advises the prefect and manages programs. Each city has a mayor elected by a municipal council. The last mayoral elections were held before 1990. Those mayors' terms have expired and are thus serving illegally.

There are no legal restrictions on the participation of women or members of ethnic minorities in politics or government; however, both women and members of southern ethnic groups were underrepresented in government. Although many women are members of political parties, there were only two female ministers in the Government and 1 female member of the 81-member National Assembly. No ethnic group including the President's was conspicuously overrepresented in the President's Cabinet.

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

There are several local private human rights groups, including the Togolese Human Rights League and the Center of Observation and Promotion of the Rule of Law. In general, the Government allows groups access to investigate alleged violations of human rights. However, the Government keeps human rights advocates under close observation, threatens them, hinders their activities, and usually does not follow 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.

During the presidential election in June, government officials repeatedly restricted and impeded the work of election observers from the European Union, and refused to accredit national observers trained at EU expense until 2 days before the election, too late for many of them to reach

their posts (see Section 3).

On December 1, a court security officer assaulted Amnesty International representative Gaetan Mootoo, who was attending the trial of Appollinaire Mewenemesse (see Section 2.a.), for carrying a camera; court rules prohibited photographing the proceedings. The officer in charge subsequently apologized to Mootoo.

During the year, the International Committee of the Red Cross, which withdrew its permanent representative in 1997, offered 3 seminars on human rights to 20 members of the armed forces.

In September the Government formed a new Ministry for the Promotion of Democracy and the Rule of Law, headed by Octavianus Olympio, a cousin of Gilchrest Olympio. The National Assembly voted in 1996 to enact a ministerial decree to reorganize the government-sponsored and government-funded National Human Rights Commission (CNDH). The majority of commissioners are supporters of President Eyadema. The CNDH conducted a public awareness campaign during the year. In practice neither the Ministry for the Promotion of Democracy nor the CNDH operates independently of the President.

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, societal discrimination based on both ethnic group and sex is common. Members of President Eyadema's Kabye ethnic group and other northern ethnic groups dominate much of the public sector, including 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 traditional or domestic violence cases. Wife beating has been estimated to affect an estimated 10 percent of married women and continues with impunity. There is some trafficking in young women for the purposes of prostitution or for exploiting them as domestic servants.

Despite a constitutional declaration of equality under the law, women continue to experience discrimination, especially in education, pension benefits, inheritance, and as a consequence of traditional law. A husband legally may restrict his wife's freedom to work or control her earnings. The Government requires a married woman to get 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 field work. 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 on the death of her husband.

There is a Ministry of Feminine Promotion and Social Protection, which, along with independent women's groups and related nongovernmental organizations, has active campaigns 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 suffer from a lack of money, materials, and enforcement. The Government provides free education in state schools, and school attendance is mandatory for both boys and girls until the age of 15. There are social programs to provide free health care for poor children.

Although the law protects children, there are many practices that point to a pattern of discrimination against children, especially girls. In education, about 61 percent of Togolese

children 6 to 15 years of age attend school. Of that group, about 89 percent of the boys and 66 percent of the girls start primary school; about 39 percent of the boys and 13 percent of the girls reach secondary school; about 3 percent of the boys and .6 percent of the girls reach 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 few juvenile courts, and children are jailed with adults. In rural areas, the best food is reserved for adults, principally the father.

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

Female genital mutilation, which is widely condemned by international health experts as damaging to both physical and psychological health, remains a current practice. Approximately 12 percent of all girls and women in Togo have undergone FGM. Many of the largest ethnic groups do not practice FGM; however, the practicing groups have rates ranging from 40 to 98 percent. In theory women and girls are protected by the Constitution from FGM. In October the Government enacted a law prohibiting the practice. However, the Government had not brought any cases to court by year's end. Traditional customs often supersede the legal systems in various ethnic groups. Nevertheless, the Government continued to sponsor seminars to educate and campaign against FGM.

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. While there is no overt state discrimination against disabled persons and while some hold responsible government positions, the disabled have no meaningful recourse against private sector discrimination, which compels many to beg.

National/Racial/Ethnic Minorities

The country's population of less than 5 million includes members of nearly 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 Kabyle (between 10 and 15 percent), and the Gen-Gbe or Mina (about 5 percent). The Ewe and Gen-Gbe 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 Kabyle 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 virtually 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 domination of private sector commerce and professions by members of southern ethnic groups, and the domination of the public sector and especially the security forces by members of President Eyadema's Kabyle group and other northern groups, are major sources of political tension. Political parties tend to have readily identifiable ethnic and regional bases: The ruling RPT party is much stronger among northern ethnic groups than among southern groups, while the reverse is true of the UFC and CAR opposition parties..

In recent years north-south tensions repeatedly have erupted into violence of a clearly interethnic

character: 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 recent years, during times of crisis, many Lome residents sent family members to their village for security reasons. Some Togolese also sent family members to neighboring Ghana and Benin. In addition, due to the congruence of political divisions and ethnic and regional divisions, many human rights abuses clearly related to political conflict during the year (see Section 3) also were related closely to ethnic and regional conflict.

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. Security forces, including firemen and policemen, do not have these rights; government health care workers may join unions but may not strike. The work force in the formal (wage) sector is small, involving about 20 percent of the total work force, of whom from 60 to 70 percent are union members or supporters.

The Constitution also prohibits discrimination against workers for reasons of sex, origin, beliefs, or opinions. There is no specific law prohibiting retribution against strikers.

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 (UNSIT); and the Union of Free Trade Unions. In February a dozen educators' groups formed the National Teachers Union of Togo.

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

On August 29, Liman Doumougue, Deputy Secretary General of the National Association of Independent Unions of Togo, a pro-opposition labor federation, was shot and killed inside his home in Lome in a manner similar to that used in executions (see Section 1.a.).

b. The Right to Organize and Bargain Collectively

The Labor Code nominally provides workers with the right to organize and bargain collectively. All formal sector employees are covered by a collective bargaining agreement. 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. 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 does not always do so effectively.

A 1989 law allows the establishment of export processing zones (EPZ's). Many companies have EPZ status, and about 36 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.

c. Prohibition of Forced or Compulsory Labor

The law does not specifically address the question of forced or bonded labor, including that

performed by children, and children sometimes are subjected to forced labor, primarily as domestic servants. The Government acknowledged the international trafficking of children, particularly girls, who are sold into various forms of indentured and exploitative servitude, which amounts at times to slavery. This traffic often results in the children being taken to other West and Central African countries, especially Gabon and Nigeria, to the Middle East, or to Asia. In rural areas, parents sometimes force young children into domestic work in other households in exchange for cash. The Government conducted a public awareness campaign, and security forces arrested child traffickers on a number of occasions. In January gendarmes arrested three traffickers who were transporting 22 children from Tchoudjo prefecture into Benin, where they were to be taken to Nigeria. In March police arrested four traffickers of Beninese minors in Tohou. The traffickers were taking 22 Beninese children to Cote d'Ivoire via Togo.

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). However, the law does not prohibit forced and bonded labor by children, and it is a significant problem (see Section 6.c.).

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 \$25 to \$39 (14,700 to 23,100 CFA Francs) per month. A 5 percent wage increase in 1996 was the first since 1987, despite a 50 percent currency devaluation in 1994. There has been no wage increase since 1996. 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 agricultural enterprises, normally must not exceed 40 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. In practice, however, some reportedly cannot do so.

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