

2023 Country Report on Human Rights Practices: Togo

EXECUTIVE SUMMARY

There were no significant changes in the human rights situation in Togo during the year.

Significant human rights issues included credible reports of: arbitrary or unlawful killings, including extrajudicial killings; torture or cruel, inhuman, or degrading treatment by government or on behalf of government; harsh and life-threatening prison conditions; arbitrary arrest or detention; serious problems with the independence of the judiciary; political prisoners or detainees; arbitrary or unlawful interference with privacy; serious restrictions on freedom of expression and media freedom, including unjustified arrests or prosecutions of journalists and enforcement of criminal libel laws to limit expression; substantial interference with the freedom of peaceful assembly and freedom of association; inability of citizens to change their government peacefully through free and fair elections; serious government corruption; extensive gender-based violence, including domestic or intimate partner violence and child, early, and forced marriage; enforcement of laws criminalizing consensual same-sex sexual conduct between adults; and crimes involving violence or threats of violence targeting lesbian, gay, bisexual, transgender, queer, or intersex persons.

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

Violent extremist organizations committed numerous abuses during incursions into the country's territory. The government made some efforts to investigate these abuses.

Section 1.

Respect for the Integrity of the Person

A. ARBITRARY DEPRIVATION OF LIFE AND OTHER UNLAWFUL OR POLITICALLY MOTIVATED KILLINGS

There were unverified reports the government or its agents committed arbitrary or unlawful killings. For example, human rights organizations and opposition leaders claimed Kossi Bamoibe died at Lome Civil Prison on June 6 of physical abuse and inadequate healthcare. In 2020 authorities arrested Bamoibe in connection with the Tiger Revolution affair.

B. DISAPPEARANCE

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

C. TORTURE AND OTHER CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT, AND OTHER RELATED ABUSES

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

On June 7, the Economic Community of West African States (ECOWAS) Court of Justice asked the government to investigate acts of torture, cruel, inhuman, and degrading treatment suffered by the 10 detainees arrested in the Tiger Revolution affair and to prosecute the authors of those acts.

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

Prison and Detention Center Conditions

Prison conditions and detention center conditions remained harsh and potentially life threatening due to food shortages, gross overcrowding, physical abuse, and inadequate sanitary conditions.

Abusive Physical Conditions: Gross overcrowding was a serious problem. According to the Association for the Prevention of Torture's May 13 report, detention facilities had severe overcrowding, with most of the country's prisons operating at more than 180 percent of their capacity.

Medical facilities, food, sanitation, ventilation, and lighting were inadequate. According to the inmates' Legal Club at the Lome Civil Prison, prisoners did not have access to potable water, and disease was widespread.

Administration: Although authorities allowed prisoners and detainees to submit complaints to judicial authorities without censorship and to request investigation of credible allegations of inhuman conditions, they rarely investigated complaints and, when they did, did not release their findings. The government rarely monitored or investigated allegations of inhuman prison and detention center conditions received from other sources.

Independent Monitoring: The government permitted accredited organizations to visit prisons every day, including local and international nongovernmental organizations (NGOs). The government required access agreements, and such groups as the International Committee of the Red Cross and other international human rights organizations had such agreements. These NGOs were generally independent and acted without government interference. Nevertheless, some NGOs noted instances in which they had received authorization to conduct a visit but were denied access upon arrival, most often when visiting political prisoners alleging mistreatment by prison guards. Security forces monitored visits to the Central Intelligence and Criminal Investigation Service pre-detention facility, but they did not allow NGO representatives and prisoners to speak in confidence. Authorities generally denied requests by journalists to visit prisons.

D. ARBITRARY ARREST OR DETENTION

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

Arrest Procedures and Treatment of Detainees

The law authorized judges, senior police officials, prefects, and mayors to issue arrest warrants. Detainees had the right to be informed of the charges against them, and police generally respected this right. The law provided for a suspect to be brought before a judicial officer within 72 hours of arrest. Although the law stipulated a judge conduct a pretrial investigation to examine the adequacy

of evidence and to decide on bail, authorities often held detainees without bail for lengthy periods regardless of a judge's decision. Attorneys and family members had the right to see a detainee after 48 to 96 hours of detention, but authorities often delayed or denied access. All defendants had the right to an attorney, and the bar association sometimes provided attorneys for indigents charged with criminal offenses. The law gave indigent defendants the right to free legal representation, but the government provided only partial funding for counsel. Abuses of legal protections were supposedly subject to internal disciplinary investigations and criminal prosecution by the Ministry of Justice, but investigations and prosecutions seldom occurred.

Arbitrary Arrest: Authorities continued to engage in arbitrary arrest. Djagoundi Rakeya, arrested in July 2022 for circulating audio messages on displaced populations, was released on June 7 after a presidential pardon.

Also in July 2022, Amnesty International raised concerns regarding abusive arrests by authorities as part of the fight against violent extremist organizations.

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

E. DENIAL OF FAIR PUBLIC TRIAL

The constitution and law provided for an independent judiciary, but the government did not consistently respect judicial independence and impartiality. The executive branch exerted control over the judiciary, and judicial corruption was a problem. A widespread public perception existed that lawyers and litigants bribed judges to influence the outcome of cases. The court system remained overburdened and understaffed.

Trial Procedures

The constitution provided for the right to a fair and public trial, but executive influence on the judiciary limited this right. Defendants faced long delays in trials and denial of access to attorneys.

Political Prisoners and Detainees

The Committee for the Liberation of All Political Prisoners in Togo stated there were more than 100 political detainees. These persons did not receive the same protections given to other prisoners and detainees. Human rights organizations reported it was difficult for political detainees to find legal counsel as the government intimidated attorneys. Human rights and humanitarian organizations had limited access to them, and prisoners and detainees could not see family members as required by law.

On April 26, human rights organizations publicized the arbitrary detention since January 2022 of Tchassanti Nouridine Sebabe-Gueffe, Ibrahim Alfa, and Abdou-Razakou Boukari. The organizations considered the detainees to be political prisoners, and emphasized the detentions continued despite an August 2022 Appeal Court's decision ordering their release.

F. TRANSNATIONAL REPRESSION

Not applicable.

G. PROPERTY SEIZURE AND RESTITUTION

Not applicable.

H. ARBITRARY OR UNLAWFUL INTERFERENCE WITH PRIVACY, FAMILY, HOME, OR CORRESPONDENCE

The constitution and law prohibited such actions, but there were exceptions. Under the state of emergency established in the northern Savanes Region in June 2022, security forces could conduct searches without warrants and could search houses at any time and for any reason. They could also arrest anyone they suspected of membership and complicity in extremist organizations and detain them beyond legal custody periods.

Freedom House noted the law gave authorities greater authority to conduct surveillance in cases of spreading “fake news” or breaches of public morality.

I. CONFLICT-RELATED ABUSES

The regional fight against terrorist group Jama’at Nasr al-Islam wal Muslimin continued and escalated in the Burkina Faso-Togo-Benin triborder area, with frequent incursions of external violent extremist organizations (VEOs) in the north of the country.

Killings: VEOs conducted attacks in the Savanes Region, especially in the Kpendjal, Kpendjal-West, Cinkasse, and Tone Prefectures. VEOs killed security forces and civilians seen as informants for the government or community leaders. This practice extended to government representatives, village chiefs, and religious leaders who were subjected to repeated threats. The press and NGOs reported this situation led to the abandonment of farmland and substantial internal displacements and created a humanitarian crisis. On February 10, militants killed 31 village canton leaders and other local authorities after kidnapping them.

Abductions: Militant groups and criminals kidnapped dozens of individuals.

Physical Abuse, Punishment, and Torture: In August, an NGO reported security forces detained and whipped NGO workers and a journalist traveling in their company in the Savanes Region, purportedly because they did not have permission to be in the emergency area.

The government continued to enforce its security presence throughout the Savanes Region, with several new checkpoints and procedures to verify the identity of travelers, including checking traveler cell phone logs. Residents reported growing public suspicion and hate speech against the Fulbe community living in the prefecture, fueled further by social media. Human rights groups reported concerns of increased arbitrary arrests of members of the Fulbe community.

Section 2.

Respect for Civil Liberties

A. FREEDOM OF EXPRESSION, INCLUDING FOR MEMBERS OF THE PRESS AND OTHER MEDIA

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

Freedom of Expression: The law criminalized “hate speech” and added restrictions on discussion of political or religious concerns or matters of public interest.

Violence and Harassment: On March 15, a court sentenced journalists Ferdinand Ayite and Isidore Kouwonu to three year’s imprisonment for criminal insult and publishing false news. After they fled the country, authorities issued an international arrest warrant. They both worked for the newspaper *L’Alternative*.

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

Libel/Slander Laws: Libel and slander were criminal offenses. Human rights organizations reported the government used these laws to restrict public discussion and retaliate against journalists.

National Security: Authorities cited a national security law to deter criticism of government policies and officials, especially allegations of corruption and mismanagement of COVID-19 funds, and the government’s response to the security crisis in the north of the country.

Internet Freedom

The law criminalized the dissemination of false information online and the production and sharing of data which undermined “order, public security, or breach of human dignity.” Human rights organizations reported the law continued to contribute to an atmosphere of “restricted civic space,” an environment in which citizens self-censored due to the risk of being punished for sharing thoughts and opinions.

The government occasionally restricted or disrupted access to the internet or censored online content. Amnesty international Togo and other human rights organizations reported frequent government blocking of access to their online platforms, government cyberattacks to undermine their work, and the government’s use of trolls to manipulate their social media engagement on human rights matters.

B. FREEDOMS OF PEACEFUL ASSEMBLY AND ASSOCIATION

The constitution provided for the freedoms of peaceful assembly and association, although the government sometimes restricted these rights.

Freedom of Peaceful Assembly

The law imposed restrictions on the time, place, frequency, and application process for holding public demonstrations. The law prohibited demonstrations on all major roads; in urban centers; zones of economic activity deemed key; and areas close to government institutions, military sites, and diplomatic buildings. Protests could only take place between 8 a.m. and 5 p.m., and protesters had to follow a single route designated by authorities.

The government continued to ban civil society or opposition meetings and rallies against government corruption, citing security risks and failure to comply with administrative requirements. Regulations required organizations to seek permission from local prefects and mayors to hold a meeting or any activity in a specific area. In some cases, local authorities required

the leaders of organizations to provide detailed personal information, including their income, in addition to a letter requesting authorization.

On April 6, the government renewed the Savanes Region state of emergency for an additional year. This state of emergency “prohibits movement and assembly of people on the public highway,” and allowed police and military to question any person “whose behavior may lead to the belief that there is a risk that this person could commit an attack,” according to comments made on national television in 2022 by the minister of territorial administration.

Freedom of Association

The law potentially restricted freedom of association since it granted broad powers to the government to target suspected terrorists.

Regulation closely controlled civil society organization and NGO governance, including requiring them to reregister by midyear. An executive order imposed programming restrictions on international NGOs and terminated certain tax privileges. Ministerial orders granted broad power to local administrations regarding the suspension and authorization of NGO activities north of Lome, the coastal capital city.

C. FREEDOM OF RELIGION

See the Department of State’s *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/.

D. FREEDOM OF MOVEMENT AND THE RIGHT TO LEAVE THE COUNTRY

The law provided for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

In-country Movement: Authorities continued a state of emergency in the northern Savanes Region. The increase in checkpoints negatively impacted market activity and the freedom of movement of civilians.

Foreign Travel: The government monitored the foreign travel of opposition leaders, civil society activists, and union leaders. Authorities required them to seek permission to travel outside the country and delayed their requests to renew their national identity cards and passports.

E. PROTECTION OF REFUGEES

The government sometimes cooperated with the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, or asylum seekers, as well as other persons of concern. In March, the government rejected a UNHCR authorization request to establish an office in the Savanes Region. Starting in April, the government did not permit international organizations and some local NGOs to travel to the Savanes Region to conduct refugee verification exercises and needs assessments prior to starting humanitarian and economic empowerment programs. Consequently, the scale of protection concerns and material needs remained unknown. The government did not allow UNHCR to share registered refugee information with the World Food Program (WFP). Consequently, WFP was not able to target food assistance for Burkinabe refugees.

Access to Asylum: The law provided for the granting of asylum or refugee status, and the government established a system for providing protection to refugees. According to local observers, the government conducted time-consuming individual refugee status determinations for the Burkinabe, resulting in inaccurate figures on exact refugee counts and delays in these vulnerable populations receiving necessary support. UNHCR encouraged the government to grant prima facie refugee status to the Burkinabe or expedite the process by granting automatic asylum to certain categories of Burkinabe, such as women and children, as permitted under the law. Since March, UNHCR was not able to update Burkinabe refugee numbers due to access problems in the north.

F. STATUS AND TREATMENT OF INTERNALLY DISPLACED PERSONS (IDPS)

The government in 2022 ordered the evacuation of 15 villages in the northeast to serve as a military zone against violent extremists. In an interview on April 27, President Faure Gnassingbe reaffirmed this policy. In the Kpendjal Prefecture, a limited number of farmers were allowed to access their fields during the day, but not to remain overnight. The International Organization for Migration reported as many as 13,274 internally displaced persons in the prefecture, and estimated there were 18,500 conflict-related IDPs nationwide. Their status and treatment were unclear because authorities did not conduct a thorough assessment of needs and they limited access by humanitarian agencies for “security reasons.” Approximately 4,000 citizens self-evacuated in 2022, many registering their displacement after the terrorist attacks of that summer. Also in 2022, Episcopal clergy in Dapaong reported caring for 3,128 persons in the Tone Prefecture alone. The Dapaong-based United Nations Development Program and NGO Plan International representatives confirmed displaced persons were difficult to track because they arrived one or two families at a time and might not register with authorities due to mistrust and suspicion.

Section 3.

Freedom to Participate in the Political Process

The constitution provided citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage, and citizens exercised that ability.

ELECTIONS AND POLITICAL PARTICIPATION

Abuses or Irregularities in Recent Elections: International observation delegations from ECOWAS and the African Union declared the 2020 presidential elections to be generally free and fair, despite some irregularities. The government excluded some groups from observing the election, including the Episcopal Council for Justice and Peace.

In 2018 parliamentary elections, ECOWAS commended “the effective conduct of free and transparent legislative elections,” although expressing regret that 14 opposition parties boycotted those elections.

Political Parties and Political Participation: The ruling Union of the Republic (UNIR) dominated politics and maintained firm control over all levels of government. UNIR membership conferred advantages such as better access to government jobs and contracts.

The law centralized authority for organizing elections in an independent national election commission but defined its voting board in a way which left it dominated by the UNIR and the government.

A reform of the political parties' law in May 2022 banned dual and naturalized citizens from founding political parties.

Participation of Women and Members of Marginalized or Vulnerable Groups: Some observers believed gender-based violence, social discrimination, and limited financial resources constrained women, persons with disabilities, and lesbian, gay, bisexual, transgender, queer, or intersex (LGBTQI+) persons from voting, running for office, serving as electoral monitors, or otherwise participating in political life. LGBTQI+ organizations could register as health groups but could not register to advocate for the human rights of LGBTQI+ persons. Members of southern ethnic groups remained underrepresented in the civil service and the military.

Section 4.

Corruption in Government

Although the law provided criminal penalties for corruption by officials, the government did not implement the law effectively. There were numerous allegations of government corruption.

Corruption: On February 1, the Court of Auditors released a report citing significant irregularities in the management of COVID-19 funds. The report pinpointed the prime minister's office, the ministers of digital economy, health, communication, grassroots development, education, and commerce, and the National Coordination Committee for the Management of the Response to COVID-19 for the mismanagement of the response to COVID-19. This report particularly identified the minister of digital economy as responsible for the mismanagement of 13,169,951,746 CFA francs (\$21.8 million) and criticized the minister's refusal to cooperate with the auditors.

The report was widely discussed on local radio stations and social media with individuals calling for the resignation of the prime minister and other government officials. The government denied allegations of misappropriation, and the human rights minister, the former communications minister, and the minister secretary general declared the debate should be ended, threatening the public and journalists with charges of "slander" for future discussion of the matter.

On February 9, President of the Supreme Court and Chair of the Council of Judges Professor Abdoulaye Yaya declared "corruption is the second most practiced sport in the country after soccer."

On July 18, Coalition Lidaw, a group of civil society organizations, released a budget analysis of the Ministry of Grassroots Development from 2009 to 2023. This study revealed significant irregularities in funds allocation, expenditures, procedures, award of contracts, and poor monitoring and evaluation of programs.

The results of an Afrobarometer survey revealed citizens perceived a rise in government corruption and had a deficit of trust in authorities. They particularly lacked confidence in the government to publish reliable statistics on COVID-19.

For additional information concerning corruption in the country, please see the Department of State's *Investment Climate Statement* for the country, and the Department of State's *International Narcotics Control Strategy Report*, which includes information on financial crimes.

Section 5.

Governmental Posture Towards International and Nongovernmental Monitoring and Investigation of Alleged Abuses of Human Rights

A variety of domestic and international human rights groups generally operated without government restriction, investigating, and publishing their findings on human rights cases. Government officials were rarely cooperative and responsive to their views.

Retribution Against Human Rights Defenders: Human rights organizations encouraged the National Commission on Human Rights (CNDH) to take a more active role in protecting human rights defenders.

Government Human Rights Bodies: A permanent human rights committee within the National Assembly did not play a significant policy-making role or exercise independent judgment. The CNDH was the government body charged with investigating allegations of human rights abuses, proposing new policies and laws, and protecting human rights activists. The CNDH was nominally independent and somewhat effective in its investigations and deliberations. It continued to arrange meetings of human rights organizations and to visit prisons.

Section 6.

Discrimination and Societal Abuses

WOMEN

Rape and Domestic Violence: The law criminalized rape of women and men and addressed spousal rape and other forms of domestic, intimate partner, and sexual violence, but authorities did not generally enforce it effectively. The law provided for five to 10 years' imprisonment and a substantial fine for rape. Spousal rape was punishable by up to 720 hours of community service and a smaller fine. A prison term of 20 to 30 years applied if the survivor was younger than 14; was gang raped; or the rape resulted in pregnancy, disease, or incapacitation lasting more than six weeks.

Domestic violence against women was widespread. According to the NGO GF2D, most women were not aware of the formal judicial mechanisms designed to protect them. The government and women's human rights organizations made some efforts to combat rape and domestic violence. For example, they had several locations where women survivors could shelter, and the government provided full legal aid to the survivors of sexual violence.

Female Genital Mutilation/Cutting (FGM/C): The law prohibited FGM/C for girls and women. The most common form of FGM/C was excision, usually performed a few months after birth. According to UNICEF data from 2020, FGM/C was performed on 70 girls in the Savanes Region and one girl in the Maritime Region. Also in 2020, GF2D reported less than 1 percent of girls underwent FGM/C. The government sponsored educational seminars on FGM/C and initiated FGM/C prevention programs. Several domestic NGOs, with international assistance, organized campaigns to educate women on their rights and how to care for survivors of FGM/C. NGOs also worked to create alternative labor opportunities for former FGM/C perpetrators.

Other Forms of Gender-based Violence or Harassment: Widespread sexual harassment in the workplace, gender-based violence, violence against widows, and bride kidnapping persisted.

Discrimination: The law provided for the same legal status and rights for women as for men, including under family, religious, and personal status, laws related to labor or employment, property, inheritance, access to credit, and owning or managing businesses or property. Discrimination persisted in nationality laws and the maintenance of polygamy, with the consent of the first wife as one of the options for marriage.

In urban areas, women and girls dominated informal market activities and commerce. Harsh economic conditions in rural areas, where most of the population lived, left women with little time for activities other than domestic tasks and agricultural fieldwork. While the formal legal system superseded the traditional system, the government did not enforce the law effectively, and the courts were slow, distant, and expensive to access; rural women were effectively subjected to traditional or customary practices. There were no restrictions on women signing contracts, opening bank accounts, or owning property.

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

Legal, social, and cultural barriers to sexual and reproductive health included poverty, the lack of education regarding sexual and reproductive health, and the classification of contraceptive services as nonemergency services, leading to delays in providing those services. Emergency contraception was not available as part of the family planning method mix.

The government provided access to limited sexual and reproductive health services for sexual violence survivors. Emergency contraception was available as part of the clinical management of rape.

According to UNICEF, the maternal mortality rate was 399 per 100,000 live births. In July, Amnesty International Togo reported factors contributing to the high mortality rate included understaffing, dilapidated equipment, and poor quality of care in both urban and rural areas.

While there were no legal barriers related to menstruation or access to menstruation hygiene, social and cultural barriers had a negative impact on menstruation hygiene management and on women and girls' ability to participate equally in society. A 2017 government-funded study surveyed 788 young women and girls from ages 10 to 24 on menstrual hygiene management. The study indicated women and girls were prohibited by their parents (62.5 percent of respondents) and by the culture (20.2 percent of respondents) from performing activities during menstruation such as cooking, seeking water and wood, praying, eating with family, and engaging in sexual intercourse. Lack of private washroom facilities in schools led some women and girls to return home during menstruation out of a desire for privacy. The study reported some girls left school entirely due to menstrual hygiene management problems.

SYSTEMIC RACIAL OR ETHNIC VIOLENCE AND DISCRIMINATION

The law stated citizens were equal before the law without privilege or deprivation based on race or ethnicity. Northern ethnic groups, especially the Kabyle tribe, dominated the civil and military services. The government did not enforce the law effectively.

CHILDREN

Child Abuse: The law criminalized child abuse including sexual abuse, defined as any sexual relationship or touching by an adult of a child younger than 16. Child abuse was a widespread problem. The government worked with local NGOs on public-awareness campaigns to prevent exploitation of children.

The government maintained a telephone hotline for persons to report cases of child abuse and connect with resources. The hotline provided information on the rights of the child, legal procedures, and access to social workers who could intervene in emergencies. Additionally, the government worked with UNICEF to train teachers on children's rights and included human rights education in elementary school curricula.

Child, Early, and Forced Marriage: The legal ages for marriage were 18 for girls and 20 for boys, although both could marry at younger ages with parental consent. The government did not

effectively enforce these minimum age requirements.

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

Sexual Exploitation of Children: The law prohibited the commercial sexual exploitation of children, including the sale, offer, or use of children for commercial sex, pedophilia, practices related to child pornography, grooming behavior, and sex trafficking. The law was not effectively enforced. The law defined 16 as the minimum age of consensual sexual conduct. Reported abuses included instances of rape of a child, illicit relationships with children, and the circulation of child pornography via social media networks.

ANTISEMITISM

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

TRAFFICKING IN PERSONS

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

ACTS OF VIOLENCE, CRIMINALIZATION, AND OTHER ABUSES BASED ON SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, OR SEX CHARACTERISTICS

Criminalization: The law prohibited “acts against nature committed with an individual of one’s sex,” widely understood as a reference to same-sex sexual conduct. The law also prohibited “the promotion of same-sex conduct,” understood to restrict and criminalize sexual orientation and gender identity and expression, as well as advocacy for the human rights of LGBTQI+ persons.

The law was enforced, although LGBTQI+ persons were rarely punished or jailed under these specific statutes. On those occasions when police arrested someone for engaging in consensual same-sex sexual conduct, the justification was usually an infraction such as a “shameless or unnatural act.” The government often did not bring charges under any statute, or following arrest chose not to prosecute. Apparently neutral laws were disproportionately applied to LGBTQI+ persons, such as immorality or loitering laws. There were no credible efforts to rescind laws applied in a discriminatory fashion to LGBTQI+ persons, such as the “acts against nature” law.

Violence and Harassment: Police and other government officials tolerated violence against LGBTQI+ individuals. LGBTQI+ persons were subjected to death threats, physical assault, and intimidation. NGO leaders working with the LGBTQI+ community received threatening messages.

Discrimination: Antidiscrimination law did not apply to LGBTQI+ persons. LGBTQI+ persons faced societal discrimination in employment, housing, and access to education and health care.

The majority of LGBTQI+ persons did not report discrimination and abuses in view of the stigma and potential criminal consequences.

Availability of Legal Gender Recognition: No law allowed persons to change gender markers on government-issued identity documents.

Involuntary or Coercive Medical or Psychological Practices: There were religious programs for so-called conversion therapy. There were no known surgeries performed on children or nonconsenting adult intersex persons. Authorities and medical associations did not endorse such therapies or surgeries.

Restrictions of Freedom of Expression, Association, or Peaceful Assembly: Criminal statutes and community self-censorship inhibited most human rights organizations, individuals, and media from addressing LGBTQI+ concerns or engaging in advocacy. LGBTQI+ groups could register with the Ministry of Territorial Affairs as health-related groups, particularly those focused on HIV and AIDS prevention, but not as groups promoting the human rights of LGBTQI+ persons. The CNDH stated it advocated for LGBTQI+ community members' release from police custody when LGBTQI+ individuals believed they were safe enough to request CNDH advocacy.

PERSONS WITH DISABILITIES

Persons with disabilities could not access education, employment, health services, public buildings, and transportation on an equal basis with others. The law did not mandate such accessibility.

The law prohibited discrimination against persons with physical, mental, intellectual, and sensory disabilities, but the government did not effectively enforce these prohibitions. Societal discrimination against persons with disabilities was a problem.

The Ministry of Social Action conducted awareness campaigns to fight discrimination and promote equality; it also distributed food and clothing and provided skills training to persons with disabilities.

While children with disabilities attended schools at all levels, with some attending schools specifically for persons with disabilities, negative perceptions of children with disabilities often excluded them from school. School attendance rates of children with disabilities were unavailable, as was information on possible abuses.

The law did not restrict the right of persons with disabilities to vote and participate in civic affairs, although lack of accessible buildings and transportation precluded some from doing so.

OTHER SOCIETAL VIOLENCE OR DISCRIMINATION

Persons with HIV and AIDS faced some societal discrimination. There were cases of family abandonment when HIV-positive status was discovered, and the perception persisted that HIV and AIDS were religious punishment for wrongdoing.

The law prohibited discrimination against persons with HIV and AIDS, and the government sponsored broadcasts aimed at deterring discrimination. The government's National Council for the Fight against AIDS (CNLS) had a mandate to prevent discrimination against individuals living with HIV and AIDS. The CNLS conducted awareness-raising programs, training, and other activities.

Discrimination against migratory workers occurred, as job advertisements generally specified citizenship as a requirement for employment.

Section 7.

Worker Rights

A. FREEDOM OF ASSOCIATION AND THE RIGHT TO COLLECTIVE BARGAINING

The constitution provided for the right of workers, except security force members (including firefighters and police), to form and join unions, bargain collectively, and conduct legal strikes. Supporting regulations allowed workers to form and join unions of their choosing under restrictive conditions. Those who wished to form a union had to obtain written authorization from a mayor. Children younger than age 18 who were authorized to work could not join unions, except with the authorization of a parent or guardian. The law prohibited antiunion discrimination.

While workers had the right to strike, they could be ordered back to work if the government determined it necessary for the security and well-being of the population. Unions were obliged to seek dialogue with the employer before filing a strike notice. The government could legally requisition public workers in the event of a strike, and workers who refused to participate could be subjected to up to six days of forced labor. While no legal provisions protected strikers against employer retaliation, the law required employers to obtain an authorizing judgment from the labor inspectorate before they could fire workers on strike. If employees were fired illegally, including for union activity, they had to be reinstated and compensated for lost salary. The law creating an export-processing zone (EPZ) allowed EPZ workers to form unions but exempted companies within the EPZ from providing workers with many legal protections, including protection against antiunion discrimination regarding hiring and firing.

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

B. PROHIBITION OF FORCED OR COMPULSORY LABOR

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

C. PROHIBITION OF CHILD LABOR AND MINIMUM AGE FOR EMPLOYMENT

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

D. DISCRIMINATION (SEE SECTION 6)

E. ACCEPTABLE CONDITIONS OF WORK

Wage and Hour Laws: The National Collective Bargaining Agreement set minimum wages for different labor categories, ranging from unskilled through professional positions. The minimum wage was above the poverty line. Employers often paid less than the official minimum wage, mostly to unskilled workers.

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

overtime compensation and restricted excessive overtime work. The private sector seldom respected requirements on overtime pay.

Alleged violations of wage, hour, or overtime laws were most common in the mining sector and the EPZ.

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

By law, workers could remove themselves from situations endangering health or safety without jeopardy to their employment. The law also provided protection for legal foreign workers.

A 2019 government-commissioned study asserted the highest risk sectors included mining, manufacturing, construction, and public works.

Wage, Hour, and OSH Enforcement: The government did not effectively enforce the law, and formal-sector employers often ignored applicable law. The number of labor inspectors was insufficient for enforcement actions. Labor inspectors had the right to conduct unannounced inspections and impose fines. Penalties were not commensurate with penalties for similar violations, were generally weak, and were sometimes applied. The technical consulting committee in the Ministry of Civil Service, Labor, and Social Dialogue could levy penalties on employers who did not meet wage, hour, and OSH laws.

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