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2022 Country Report on Human Rights Practices: Togo

EXECUTIVE SUMMARY

Togo is a republic governed by President Faure Gnassingbe, whom voters peacefully re-elected in 2020 in a process international observers characterized as generally free and fair. Opposition supporters alleged fraud but did not provide any credible evidence. The international community accepted the election results. The 2018 parliamentary elections also took place under peaceful conditions. The Economic Community of West African States considered those elections reasonably free and transparent, despite an opposition boycott and allegations of fraud.

The national police and gendarmerie are responsible for law enforcement and maintenance of order within the country. The gendarmerie is also responsible for migration and border enforcement. The National Intelligence Agency provides intelligence to police and gendarmes but does not have internal security or detention facility responsibilities. Police are under the direction of the Ministry of Security and Civil Protection. The gendarmerie falls under the Ministry of Security and Civil Protection on many matters involving law enforcement and internal security, but also reports to the Ministry of the Armed Forces. The armed forces have some internal security duties and report to the Ministry of the Armed Forces. Civilian authorities did not maintain effective control of the armed forces, gendarmerie, or police, and government mechanisms to investigate and punish abuses were often ineffective. There were reports that members of the security forces committed some abuses.

Significant human rights issues included credible reports of: cruel, inhuman, or degrading treatment by government or on behalf of government; harsh and life-threatening prison conditions; arbitrary arrest or detention; political prisoners or detainees; arbitrary or unlawful interference with privacy; serious restrictions on freedom of expression and media, including enforcement of criminal libel laws to limit expression; substantial interference with the freedom of peaceful assembly and freedom of association; serious government corruption; lack of investigation of and accountability for gender-based violence, including domestic or intimate partner violence and child, early, and forced marriage; crimes involving violence or threats of violence targeting lesbian, gay, bisexual, transgender, queer, or intersex persons; enforcement of laws criminalizing consensual same-sex sexual conduct between adults; and existence of the worst forms of child labor.

Corruption and impunity for abuses were problems. The government took limited steps to investigate, prosecute, or punish officials who committed abuses or corrupt acts.

Violent extremist organizations committed numerous abuses during violent 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 was one report the armed forces committed arbitrary or unlawful killings, mistaking civilians for violent extremists in a drone strike (see section 1.g.).

The government offices formally empowered to investigate security force killings include the Central Directorate of the Judicial Police (CDJP) and the Inspectorate of the Judicial Police. The Ministry of Security also investigates high-profile cases but rarely publishes the results. The Ministry of Justice recommends appropriate cases for prosecution to the Public Prosecutor's Office. The National Human Rights Commission (CNDH) also investigates security force killings.

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 prohibit such practices; however, there were multiple reports government officials employed cruel, inhuman, or

degrading treatment. For example, human rights organizations reported systemic physical mistreatment of uncharged detainees.

On April 8, the Central Intelligence and Criminal Investigation office detained three striking members of the Togolese Education Syndicate (SET) and held them in a small unventilated cell, sleeping on the floor for four days with 48 other prisoners until their transfer to Lome Civil Prison (see section 1.d, Arbitrary Arrest, and section 7.a, Freedom of Association and the Right to Collective Bargaining).

Impunity remained a problem in the security forces, including police, gendarmes, and the armed forces. Factors that contributed to impunity included politicization, lack of political will, corruption, and insufficient training. Human rights organizations reported they filed several complaints, but the government rarely investigated or punished those involved.

Offices tasked with investigating abuses include the CDJP, the Inspectorate of the Judicial Police, the Ministry of Security, the Ministry of Justice, the Public Prosecutors' Office, and the CNDH. The CNDH serves as the National Mechanism to Prevent Torture (NMPT), and human rights organizations encouraged the NMPT to engage more actively to prevent torture and abuse.

Prison and Detention Center Conditions

Prison conditions and detention center conditions remained harsh and potentially life threatening due to serious overcrowding, poor sanitation, disease, and insufficient and unhealthy food.

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

Officials held pretrial detainees together with convicted prisoners. Nursing mothers with infants were generally held together with other detainees. In some cases, nursing mothers chose to have their babies placed in the care of a government-supported private nursery. Juveniles were held at the Center for Access to Law and Justice for Children, with 65 inmates in a facility with a designed capacity of 33.

Medical facilities, food, sanitation, ventilation, and lighting were inadequate. Prisoners did not have access to potable water, and disease was widespread.

The government reported no prisoners had died from COVID-19. Prison deaths continued from illnesses linked to overcrowding and malaria.

Administration: Prisons lacked ombudspersons to assist in resolving the complaints of prisoners and detainees. 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.

The COVID-19 state of emergency barred prison visits by families and human rights organizations and limited attorney visits until April, when prison authorities began to allow some types of visits three times a week but did not consistently allow all visits. For example, many prisoners needed medical treatment but were unable to receive medical professionals.

Independent Monitoring: Prior to the COVID-19 pandemic, the Ministry of Justice accredited nongovernmental organization (NGO) representatives for prison visits. The government required international NGOs to negotiate an agreement to obtain access, and the International Committee of the Red Cross and other international human rights organizations had such agreements. Such 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 (SCRIC) predetention facility and did not allow NGO representatives and prisoners to speak in confidence. Authorities generally denied requests by journalists to visit prisons.

In 2020, due to the COVID-19 pandemic, the government suspended prison-monitoring visits by NGOs to limit the spread of the virus. This measure complicated independent monitoring of prison conditions significantly.

Improvements: In April, the CNDH and the APT, in collaboration with the Bar Association and with the support of the Ministry of Justice organized special correctional hearings, known as “camp courts,” for prisoners held in pretrial detention in Lome Civil Prison. Authorities heard 42 cases involving persons allegedly guilty of minor offenses; 18 received a final judgement of incarceration, two were released, and the remainder received a reduced conditional sentence.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention and provide for the right of any person to challenge the lawfulness of his or

her arrest or detention in court. The government did not always observe these requirements.

Arrest Procedures and Treatment of Detainees

The law authorizes judges, senior police officials, prefects, and mayors to issue arrest warrants. Detainees have the right to be informed of the charges against them, and police generally respected this right. The law provides for a suspect to be brought before a judicial officer within 72 hours of arrest. Although the law stipulates that 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 have the right to see a detainee after 48 to 96 hours of detention, but authorities often delayed or denied access. All defendants have the right to an attorney, and the bar association sometimes provided attorneys for indigents charged with criminal offenses. The law gives indigent defendants the right to free legal representation, but the government provided only partial funding for counsel. Abuses of legal protections are 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. For example, in April authorities arrested three striking teacher union members and five students (see section 7.a.). Authorities released the teachers October 11 and the students on October 31.

On July 20, authorities arrested Djagoundi Rakeya, a nurse posted at a rural dispensary in the village of Tchimoury, and transferred her to Dapaong Civil Prison where she remained without charge at year's end. Rakeya had circulated a WhatsApp audio message to her medical contacts and family detailing the local reaction to July extremist attacks and the government and armed forces' inability to manage the displaced population. Human rights organizations reported she was prevented from receiving visits from family, legal advocates, or their organizations.

On July 27, Amnesty International raised concerns regarding abusive arrests by authorities as part of the fight against violent extremist organizations (see section 1.g.).

Pretrial Detention: Pretrial detainees and persons in preventive detention constituted more than 60 percent of the total prison population. 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 six months.

e. Denial of Fair Public Trial

The constitution and law provide 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 provides 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 prisoners or detainees. These persons did not receive the same protections given to other prisoners and detainees. Human rights and humanitarian organizations had limited access to them, and the prisoners and detainees could not see family members.

In May 2021, security forces detained Paul Missiagbeto, a Patriotic Movement for Democracy and Development party member, for spreading “fake news.” In September 2021, a court sentenced him to four years in prison for “threats, insults, and disturbance of public order.” His legal counsel said the charges came from surveillance of his cell phone and violated constitutional protections. On February 10, the Court of Appeal annulled this four-year sentence and released Missiagbeto on February 11.

In November 2021, authorities arrested Geneva-based government critic Jean-Paul Oumolou during a family visit. Authorities held Oumolou without charge for eight days, then charged him with incitement to revolt, contempt of authority, dissemination of false news, and “crime apology.” Oumolou had fled the country during the 2018 antigovernment protests, when he called on citizens and the military to prevent President Faure Gnassingbe from seeking another term. On January 27, authorities rejected his request for provisional release. He remained in detention at year’s end.

Civil Judicial Procedures and Remedies

The constitution and law provide for civil and administrative remedies for human rights abuses, but the judiciary did not respect such provisions, and most citizens were unaware of them.

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

The constitution and law prohibit such actions, but there were reports such interference occurred. Freedom House noted a 2018 law gives authorities greater authority to conduct surveillance in cases of spreading “fake news” or breaches of public morality.

g. Conflict-related Abuses

Acts of violent extremism increased in recent years, particularly after an attack in the Savanes Region in November 2021, with several incursions by external extremist organizations during the year. An uptick in arrests and searches increased tensions between citizens and the government and its armed forces.

Killings: On July 9, in a drone strike in the village of Margba, the armed forces killed seven civilians, including children, mistaking them for terrorist personnel.

Suspected violent extremists killed up to 30 civilians on July 14, in coordinated, complex attacks across the northeastern prefectures of Kpendjal and Kpendjal West. Press reported Jama’at Nasr al-Islam wal Muslimin claimed responsibility for the attack.

Physical Abuse, Punishment, and Torture: According to the *Conduct in UN Field Missions* online portal, there was one allegation submitted in 2020 of sexual exploitation and abuse by one of the country’s peacekeepers deployed to a UN peacekeeping mission. As of September, the United Nations had substantiated the allegation and repatriated the perpetrator, but the government had not disclosed the disciplinary or remedial measures taken.

Other Conflict-related Abuse: Following the July drone attack, the government reinforced its security presence throughout the Savanes Prefecture 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.

On July 18, the government ordered the evacuation of 15 border villages most prone to extremist attacks in the prefectures of Kpendjal, Kpendjal-West, and Tone. Some residents of these villages returned to work their agricultural land during the day. One woman and two children drove over a land mine in the vicinity of Tiwoli, raising concerns for the safety of villagers who refused to relocate or who relocated nearby and continued to work their land.

In a July 27 report, Amnesty International called on the government not to use the fight against violent extremist organizations as a pretext to restrict

civil and political rights or to commit human rights abuses. The organization stated several dozen persons were arrested on May 16 in the town of Timbou in the Savanes Region because of their membership of the Fulbe ethnic group. The military detained them without access to a lawyer before their release without charge on May 20 and 21. Amnesty International also noted an increase in members of the Fulbe community being held at roadside checkpoints and in gendarmerie offices without being properly registered or transferred officially into the prison system.

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

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

Freedom of Expression: Amendments to the law in September criminalized “hate speech,” and added restrictions on discussion of political or religious concerns or matters of public interest.

Violence and Harassment: On July 11, the High Authority for Audiovisual and Communication (HAAC) summoned the director-in-chief of the daily newspaper *Liberté* following the newspaper’s front-page article referring to a possible “blunder” in the death of seven children in the village of Margba on July 9. On July 14, the armed forces released an unprecedented public communique admitting it had mistaken a group of civilians for members of a violent extremist jihadist group.

In December 2021, the Research and Investigation Brigade of the police detained Ferdinand Ayite and Joel Egah, directors of private newspapers *L’Alternative* and *Fraternité*, respectively, for criticizing government ministers. Authorities transferred them to Lome Civil Prison and then released them on January 15. The presiding magistrate imposed several conditions of release: confiscation of passports, no foreign travel or public remarks on their case, and weekly appearances before the magistrate. Egah died of a heart attack March 19. No investigative process explored the link between Egah’s incarceration and his death.

Censorship or Content Restrictions for Members of the Press and Other Media, Including Online Media: The Press Code does not protect online media. The law imposes 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.

On April 11, the HAAC suspended biweekly newspaper *Le Détective* for four months for failure to respect professional rules and violations of the Press Code and code of ethics. *Le Détective* had published an investigation

into the management of the Golfe 7 commune. The HAAC added that during an interrogation at its headquarters on April 6, the newspaper's director and author of the article, Messan Edoh-Semegnon, presented neither proof nor argument to support his assertions, recognized the shortcomings of the investigation, and apologized to all those hurt by his article.

In September, government-owned social media outlets began warning citizen journalists against criticism of government officials or the spreading of information that challenged government reports, at the risk of imprisonment and fine.

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

Internet Freedom

The law criminalizes the dissemination of false information online and the production and sharing of data that undermine "order, public security, or breach of human dignity." Although no cases were prosecuted, 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. On September 29, the ministers of communications and human rights met with the administrators of WhatsApp groups to inform them of restrictions imposed by a new cybersecurity law and revised criminal provisions, such as criminalizing the dissemination of false news and limiting free expression in blogs and other discussion platforms.

Restrictions on Academic Freedom and Cultural Events

The government prohibited certain cultural events since the government put in place a state of emergency due to COVID-19 in 2020. The government renewed the prohibitions in July 2021. In a February 22 statement, the government announced the resumption of cultural and social activities subject to compliance with COVID-19 public health measures, although the law was inconsistently enforced. The COVID-19 state of emergency expired on September 15.

b. Freedoms of Peaceful Assembly and Association

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

Freedom of Peaceful Assembly

The law imposes restrictions on the time, place, frequency, and application process for holding public demonstrations. The law prohibits 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 may only take place between 8

a.m. and 5 p.m., and protesters must follow a single route designated by authorities. Authorities banned protests and public demonstrations under the COVID-19 state of emergency.

In March the minister of territorial administration banned a rally of the political group Dynamic Bishop Kpodzro (DMK), arguing it was not legally registered as a unique entity. On June 22, the Ministry of Security and Civil Protection banned a scheduled DMK assembly, citing national security concerns. On June 29, the prefect of Agoe-Nyive banned a scheduled assembly of the opposition party National Alliance for Change (ANC), citing the “current subregional and national security context and the need to preserve security and public order.”

Regulations issued in April and May required organizations to seek permission from local prefects and mayors to hold a meeting or activity in a specific area.

On June 13, authorities established a state of emergency in the northern Savanes Region for 90 days and renewed it on September 6 for an additional six months. 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 by the minister of territorial administration.

Freedom of Association

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

In July 2021, the government suspended the allocation of NGO registration and renewal agreements. Government officials claimed the suspension was needed to update the NGO regulatory framework and align NGO activities with government priorities. Subsequent regulations more closely controlled civil society organization and NGO governance, including requiring them to reregister by mid-2023. On January 5, an executive order imposed programming restrictions on international NGOs and terminated certain tax privileges. Subsequent ministerial orders granted broad power to local administration representatives 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 provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected

these rights.

In-country Movement: On June 13, authorities established a state of emergency in the northern Savanes Region, authorizing the prohibition of movement on public highways. The increase in checkpoints negatively impacted market activity and the freedom of movement of civilians.

Foreign Travel: The government continued to monitor the movements of DMK members Brigitte Kafui Adjamagbo-Johnson and Gerald Djossou, and required them to seek permission to travel outside the country. In August, Adjamagbo-Johnson stated publicly all her requests to travel had been rejected since her 2020 arrest with Djossou.

e. Protection of Refugees

The government sometimes cooperated with the Office of 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, but there were exceptions. UNHCR and international organizations did not receive government permission to conduct refugee verification exercises and needs assessments in the north after July security incidents. Consequently, the scale of protection concerns and materials needs was unknown.

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection for refugees.

Durable Solutions: During the year, 427 Ivoirian refugees opted for voluntary repatriation in advance of the cessation of their refugee status on June 30. While the government offered long-term resident visas, high fees were a barrier to documentation necessary for their local integration. Of the 1,307 remaining Ivoirians opting for local integration, only 184 had received their passports at year's end.

f. Status and Treatment of Internally Displaced Persons

The government ordered the evacuation of 15 villages in the northeast to serve as a military zone against violent extremists. In Kpendjal Prefecture, a limited number of farmers were allowed to access their fields during the day, but not to remain overnight. Local NGOs and religious figures such as Catholic and Episcopal clergy reported as many as 3,000 internally displaced persons. 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, many registering their displacement after the terrorist attacks of the summer. Episcopal clergy in Dapaong reported caring for 3,128 persons in the Tone prefecture alone. 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 provides 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

Recent Elections: In 2020 President Faure Gnassingbe won re-election to a fourth five-year term with 71 percent of the vote, according to government estimates. The main opposition candidate, Agbeyome Kodjo of the Patriotic Movement for Democracy and Development, won 19 percent and prevailed in the Maritime Region and Lome. International observation delegations from the Economic Community of West African States (ECOWAS) and the African Union monitoring the election declared it 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 took place; 14 opposition parties chose to boycott the elections. International observers noted the parliamentary elections took place under generally peaceful conditions. Although expressing regret regarding the opposition boycott, ECOWAS commended “the effective conduct of free and transparent legislative elections.” The Constitutional Court announced the ruling Union for the Republic (UNIR) party won a majority with 59 of 91 seats. The government-aligned Union of Forces for Change party won seven seats. Smaller parties and independent candidates aligned with the government won the remaining 25 seats.

Political Parties and Political Participation: UNIR dominated politics and maintained firm control over all levels of government. UNIR membership conferred advantages such as better access to government jobs.

A reform of the political parties law on May 24 banned dual and naturalized citizens from founding political parties.

The minister of security banned June 25 and July 16 Lome meetings of the DMK. The prefect of Agoe-Nyive banned ANC meetings on July 3 and July 31 due to “security risks.”

The government banned all opposition political meetings from early 2020 until August due to COVID-19 restrictions, while UNIR conducted various public meetings and activities.

Participation of Women and Members of Minority Groups: No laws limit the participation of women and members of historically marginalized groups, including persons with disabilities and lesbian, gay, bisexual, transgender, queer, or intersex (LGBTQI+) persons in the political process, and they did participate. Some observers believed cultural and traditional practices constrained women, persons with disabilities, and 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 as advocacy groups for LGBTQI+ human rights. Members of southern ethnic groups remained underrepresented in both government and the military.

Section 4. Corruption and Lack of Transparency in Government

Although the law provides criminal penalties for corruption by officials, the government did not implement the law effectively. There were numerous allegations of government corruption, and some officials engaged in corrupt practices with impunity.

The body responsible for combating corruption, the High Authority for Preventing and Combating Corruption and Related Offenses, is an independent body that works with the judiciary on strengthening anticorruption practices and oversees adherence of public officials to anticorruption statutes. It also has a public outreach function that includes raising public awareness and referring complaints for legal action.

Other state entities, such as the Government Accounting Office and the Finances Inspectorate, investigated and audited public institutions but reported few results. The Togo Revenue Authority maintained toll-free and text-messaging lines for citizens to report cases of corruption.

Corruption: There were credible reports judges accepted bribes to expedite and render favorable decisions in land-dispute cases. President of the Supreme Court and Chair of the Council of Judges Professor Abdoulaye Yaya confirmed media reports of the bribes, condemned the practice on national television on August 27, and suspended all decisions on land matters pending investigation.

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

Section 5. Governmental Posture Towards International and Nongovernmental 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.

Government Human Rights Bodies: A permanent human rights committee exists within the National Assembly, but it did not play a significant policy-making role or exercise independent judgment. The CNDH is 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. Human rights organizations encouraged the CNDH to take a more active role in mitigating human rights abuses.

Section 6. Discrimination and Societal Abuses

Women

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

Domestic violence against women was widespread. According to the NGO GF2D, a study conducted at the national level on the impact of COVID-19 on women and girls revealed the primary perpetrators of violence against women were husbands, guardians, and health personnel. Police generally did not intervene in abusive situations, and many 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 abused women could shelter.

Female Genital Mutilation/Cutting (FGM/C): The law prohibits 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 2017, FGM/C had been performed on 3.1 percent of girls and women between the ages of 15 and 49. GF2D reported approximately 1 percent of girls underwent FGM/C during the year. The government sponsored educational seminars on FGM/C and initiated transnational 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: Widow violence and bride kidnapping persisted. Widows were subjected to violence ranging from expulsion from the home to degrading customary rites such as levirate (the practice of forcing the widow to marry the brother of her late husband). In some regions, including Maritime, bride kidnapping continued, whereby a group of men abduct a woman to force her into a marriage with the organizer of the abduction.

Sexual Harassment: Sexual harassment was a problem. While the law states harassment is illegal and may be prosecuted in court, authorities did not enforce it. The law provides penalties of one to three years' imprisonment and a potentially substantial fine. Penalties are increased for sexual harassment of a vulnerable person, defined as a minor, person of advanced age, pregnant woman, or person with an illness or disability. In February, the National Union of Medical Workers (SYNPHOT) reported recurring sexual harassment of and violence against several student nurses, midwives, medical doctors, and other health professionals. SYNPHOT Secretary General Gilbert Tsolenyanu added in separate comments that some members also reported rape, and he called upon the prime minister to help fight the trend.

In April, the government passed a law strengthening protection of students and apprentices against harassment and sexual violence. The law forbids romantic or sexual relationships, moral or sexual harassment, or physical or sexual touching between any teacher, administrator or supervisor and learners.

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 contraceptive services during the COVID-19 health emergency. 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 396 deaths per 100,000 live births, and a woman's lifetime risk of maternal death was one in 56 as of 2017. The most common causes of maternal mortality were hemorrhaging, complications associated with adolescent pregnancy, and lack of access to skilled obstetric care during childbirth.

While there were no legal barriers related to menstruation and access to menstruation hygiene, social and cultural barriers impacted 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 facilities in schools led some women and girls to return home during menstruation out of a desire for privacy. The study reported girls leaving school entirely due to reasons related to menstrual hygiene management.

According to Human Rights Watch, in March the government repealed a 1978 regulation banning pregnant students and adolescent mothers from schools.

Discrimination: Although by law women and men are equal, discriminatory rules persisted. These included a 300-day waiting period for women before remarrying; the maintenance of polygamy as one of the options for marriage; and the need to present a signed authorization from a woman's father before enjoying social security benefits. Discrimination also persisted in succession rights and rural land rights.

Women experienced discrimination in education, pay, pension benefits, inheritance, and transmission of citizenship (see section 6, Children). In urban areas, women and girls dominated market activities and commerce but did not receive adequate legal protection in those activities. 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 supersedes 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 subject to traditional or customary practices. By tradition, a wife has no maintenance or child support rights in the event of divorce or separation. The formal legal system provides inheritance rights for a wife upon the death of her husband, but traditional practices do not. There are no restrictions on women signing contracts, opening bank accounts, or owning property. Women did not experience formal-sector economic discrimination in access to employment, credit, or business management.

Systemic Racial or Ethnic Violence and Discrimination

The law states citizens are 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. This dominance

by northern groups was a recurring source of political tension and discrimination. The government took little action to address these problems.

Children

Birth Registration: According to the constitution, citizenship is derived either from birth within the country's borders or, if abroad, from a citizen parent. Conflicting nationality laws, however, discriminated against women. The nationality code states a woman may pass her nationality to a child only if the father is stateless or unknown. The child code has gender-neutral nationality provisions that also conflict with the nationality code. There were no reports of birth registration denial.

Education: School attendance is compulsory for boys and girls until age 15, and the government provides tuition-free public education from nursery school through primary school. Parents must pay for books, supplies, uniforms, and other expenses. There was near gender parity in primary school attendance. Girls were more likely than boys to complete primary school, but less likely to attend secondary school (see Women, Reproductive Rights, for information on repeal of a law banning pregnant students and adolescent mothers from schools).

Child Abuse: The law criminalizes 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 are 18 for girls and 20 for boys, although both may marry at younger ages with parental consent.

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 prohibits the commercial sexual exploitation of children, including the sale, offering, or use of children for commercial sex, pedophilia, practices related to child pornography, and grooming behavior. The law was not effectively enforced. The law defines

16 as the minimum age of consensual sexual conduct for boys and girls. Courts in Lome and Kara responsible for trafficking cases were not operational due to pandemic-related impacts on government operations. 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 acts.

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

The law was enforced, but 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 for the arrest was usually for some other legal 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.

Violence against LGBTQI+ Persons: Police and other government officials tolerated violence against LGBTQI+ individuals. The LGBTQI+ community was subjected to death threats, physical assault, and intimidation. For example, on April 3, a mob of angry youth attacked and chased several customers from a Lome beachside restaurant for displaying “effeminate” behavior. Media, including online social media, amplified the incident, prompting anti-LGBTQI+ statements and threats from government officials and the public. NGO leaders working with the LGBTQI+ community received threatening messages and one sought refuge in a neighboring country, fearing he would be detained.

Discrimination: The existing antidiscrimination law does 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 allows transgender persons to change gender markers on government-issued identity documents.

Involuntary or Coercive Medical or Psychological Practices Specifically Targeting LGBTQI+ Individuals: There were no known programs for so-called conversion therapy. Authorities and medical associations did not endorse such therapies.

Restrictions on Freedom of Expression, Association, or Peaceful Assembly: LGBTQI+ groups may 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. Most human rights organizations hesitated to address LGBTQI+ concerns and were inhibited in their advocacy by criminal statutes regarding LGBTQI+ status and community self-censorship. 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 cannot access education, health services, public buildings, and transportation on an equal basis with others. The law does not mandate accessibility to public or private facilities for persons with disabilities, although some public buildings had ramps.

The law prohibits discrimination against persons with physical, mental, intellectual, and sensory disabilities, but the government did not effectively enforce these prohibitions.

The Ministry of Health, the Ministry of Education, and the Ministry of Social Action, Promotion of Women, and Literacy were responsible for protecting the rights of persons with disabilities. 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 does 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 prohibits 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) is mandated with preventing discrimination against individuals living with HIV and AIDS. The CNLS conducted awareness-raising programs, training, and other activities.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The constitution provides for the right of workers, except security force members (including firefighters and police), to form and join unions and bargain collectively. Supporting regulations allow workers to form and join unions of their choosing under restrictive conditions. Those who wish to form a union must obtain written authorization from a mayor. Children younger than age 18 who are authorized to work may not join unions, except with the authorization of a parent or guardian.

Workers have the right to strike, although workers may be ordered back to work if the government determines it necessary for the security and well-being of the population. The government may legally requisition public workers in the event of a strike, and workers who refuse to participate may be subjected to up to six days of forced labor. While no legal provisions protect strikers against employer retaliation, the law requires employers to obtain an authorizing judgment from the labor inspectorate before they may fire workers on strike. If employees are fired illegally, including for union activity, they must be reinstated and compensated for lost salary. The law creating an export-processing zone (EPZ) allows EPZ workers to form unions but exempts companies within the EPZ from providing workers with many legal protections, including protection against antiunion discrimination regarding hiring and firing.

There were several collective bargaining agreements in force in the country. By law if parties engaged in collective bargaining do not reach agreement, the government may compel them to seek arbitration.

The government generally enforced legal provisions regarding freedom of association and the right to organize for unions, particularly outside the

EPZ, but penalties were not commensurate with those under other laws involving denial of civil rights and were never applied against violators.

In 2020 and again in June 2021, the National Assembly revised the labor code to modify conditions for exercising the right to strike, the formalities for setting up and declaring professional unions, and the criteria for determining the representatives of trade unions, among other matters.

In February, the government adopted a new law related to the creation of professional unions and the right to strike. According to the new law, unions are obliged to seek dialogue with the employer before filing a strike notice.

The SET, the newest teacher's union, launched in the fall of 2020 but was not recognized by the government as of year's end. In March, the SET made public demands for housing stipends, travel reimbursements, and the recruitment of additional volunteer teachers with relocation stipends. It organized two strikes on March 24 to 25 and April 4 to 7. During the second strike, students took to the streets in cities around Dapaong and Tandjouare in the Savanes Region in support of the teachers. Authorities arrested five students on April 5. On April 9, security forces arrested three members of the SET, Deputy Secretary General Kossikan Kossi, Savanes Regional Representative Joseph Toyou, and a delegate from the Golfe Prefecture of Lome, Ditorga Bayamina. Police took them to SCRIC before transferring them to Lome Civil Prison on April 11. The minister of civil service expelled 146 striking teachers at the end of April. Of those 146, 116 were fired while the others received a three-month salary suspension. In October, authorities released the arrested students and teachers.

b. Prohibition of Forced or Compulsory Labor

While the law prohibits all forms of forced or compulsory labor, except in the case of compulsory prison labor, the government did not enforce the law effectively, particularly when adults were subjected to forced labor and trafficking. Investigations were infrequent because labor inspectors had to pay for their own travel and lodging expenses without reimbursement. Prisoners were required to work; it was unclear if they were hired out to private employers.

Forced labor occurred in sectors including mining, domestic work, roadside vending, and agriculture. Children were subjected to forced labor.

Also 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->

d. Discrimination with Respect to Employment and Occupation

The law prohibits discrimination in employment and occupation based on race, gender, disability, citizenship, national origin, political opinion, language, and HIV-positive status but does not specifically prohibit such discrimination based on sexual orientation or gender identity. Penalties were commensurate with penalties for similar violations. Due to social and cultural norms and stigma, however, individuals sometimes chose not to report violations.

The government in general did not effectively enforce the law. Penalties against violators were rarely applied. Evidence of hiring discrimination ranged from job advertisements that specified gender and age to requiring an applicant's photograph. Gender-based discrimination in employment and occupation occurred (see section 6, Women). Although the law requires equal pay for equal work regardless of gender, this provision generally was observed only in the formal sector. To receive family allowances, women workers were required to prove their husbands or fathers of their children did not already receive the stipend.

By traditional practice, which applies to most women, a husband may restrict his wife's freedom to work and may control her earnings. While figures related to gender-based violence or harassment in the workplace were unavailable, the practice was prevalent.

Societal discrimination against persons with disabilities was a problem. Discrimination against migrant workers also occurred, as job advertisements generally specified citizenship as a job requirement.

e. Acceptable Conditions of Work

Wage and Hour Laws: Representatives of the government, labor unions, and employers negotiated and endorsed a nationwide agreement to set nationwide wage standards for all workers in the formal sector. 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 regulates the labor market. Working hours, except in the agricultural sector, are not to exceed 40 hours per week. There are several categories of work that allow a range of base weekly hours from 42 to 56 hours per week. At least one 24-hour rest period per week is compulsory, and workers are to receive 30 days of paid leave each year. Working hours for employees in the agricultural sector are not to exceed 2,400 hours per year (46 hours per week). The law requires overtime compensation and restricts excessive overtime work. The

Interprofessional Collective Convention sets minimum rates for overtime work at 120 percent of base salary for the first eight hours, rising to 140 percent for every hour after eight, 165 percent for work at nights and on Sundays and holidays, and double pay for Sunday and holiday nights. The private sector seldom respected this requirement.

Occupational Safety and Health: A technical consulting committee in the Ministry of Civil Service, Labor, and Social Dialogue sets workplace health and safety standards. Occupational health and safety (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, but the number of inspectors was insufficient to respond effectively to poor working conditions and complaints.

By law workers may remove themselves from situations that endanger health or safety without jeopardy to their employment. The law also provides protection for legal foreign workers.

Alleged violations of wage, hour, or overtime laws were most common in the mining sector and the EPZ. A 2019 government-commissioned study asserted the highest risk sectors included mining, manufacturing, construction, and public works.

The law obliges large enterprises to provide medical services for their employees, and large companies usually attempted to respect OSH rules, while smaller ones often did not.

Wage, Hour, and OSH Enforcement: The Ministry of Civil Service, Labor, and Social Dialogue is responsible for enforcement of labor law, especially in the formal private sector. 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, but 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 may levy penalties on employers who do not meet labor standards, and workers have the right to complain to labor inspectors concerning unhealthy or unsafe conditions.

Informal Sector: 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 does not provide wage, hour, and OSH protections and inspections for workers in the informal sector or part-time or EPZ workers. The law does afford workers in the

informal economy social protections under the national social security law and the mandatory health insurance law.

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