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Togo

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Togo is a republic dominated by President Gnassingbe Eyadema, who came to power in 1967 following a military coup. Eyadema and his Rally of the Togolese People party (RPT), strongly backed by the armed forces, continued to dominate political power and maintained firm control over all levels of the country's highly centralized Government. In December 2002, the newly elected National Assembly modified the Constitution, which had limited the President to two 5-year terms, and permitted President Eyadema to seek re-election. Contrary to a public statement that he would not seek re-election, President Eyadema ran against four opposition party leaders and one independent candidate on June 1, and his RPT party declared victory, claiming 57.22 percent of the vote. The election was marred by voter inability to access their registration cards, and the Government failed to investigate allegations of irregularities, including intimidation of opposition party monitors and the stuffing of ballot boxes. The executive branch continued to influence the judiciary.

The security forces consist of the army (including the elite Presidential guard), navy, air force, the Surete Nationale (including the national police), and the Gendarmerie. The police and Gendarmerie perform domestic intelligence functions. Approximately 90 percent of the army's officers and 70 percent of its soldiers are from the President's Kabye ethnic minority. President Eyadema effectively controlled all security forces. Members of the security forces committed serious human rights abuses.

Approximately 80 percent of the country's estimated population of 5 million was engaged in subsistence agriculture, but there was also an active commercial sector. Economic growth continued to lag behind population growth. The Government privatized one large hotel during the year. Anti-corruption efforts continued, but the Government's budgetary and fiscal discipline continued to be weak. International and bilateral donors continued to suspend foreign aid because of the Government's weak democratization efforts, poor human rights record, and failure to repay its debts.

The Government's human rights record remained poor, and it continued to commit numerous abuses. Citizens' right to change their government was restricted. Security forces committed unlawful killings and beat civilians. Impunity was a serious problem. The Government jailed and at times tortured political opponents and critics of the Government. Prison conditions remained very harsh. Arbitrary arrest and detention were problems. Several political arrests occurred, and prolonged pretrial detention was common. The judiciary did not ensure fair and expeditious trials. Security forces often infringed on citizens' privacy rights. The Government and the security forces restricted freedom of speech and of the press and harassed journalists and political opponents. The Government restricted freedom of assembly, association, and movement. The National Commission for Human Rights (CNDH) continued to be dominated by supporters of the President, and the Government restricted and impeded the work of independent human rights groups. Violence and societal discrimination against women remained problems. Female genital mutilation (FGM) persisted among some ethnic groups. Discrimination against ethnic minorities remained a problem. The Government limited workers' rights to collective bargaining. Child labor was a problem. Trafficking in women and children remained problems.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:**a. Arbitrary or Unlawful Deprivation of Life**

Security forces committed unlawful killings during the year. For example, during the June election, Special Security Force for the Presidential Election (FORSEP) officers killed three civilians, Kokou Akama and Kossi Egbla, a Union of Forces for Change (UFC) representative, at a polling station in Tsevie, and Komi Eklutse Kpoedzou in Kpadape, in two separate clashes. According to press reports, FORSEP officers patrolling the voting stations fired on voters who tried to stop the voting process after asserting that ballot boxes were already filled before the voting started. Voters also alleged that they were not allowed to vote because their voter registration cards could not be found. Angry voters burned tires and blocked roads in an effort to stop the voting. No action was taken against the FORSEP members who killed the civilians by year's end.

One person died during the year when police and demonstrators clashed (see Section 2.b.).

In August, the Togo Civil Society Organization for National Dialogue's (CNCS) Human Rights and Public Freedoms Committee investigated the report that the bodies of seven soldiers reportedly were found in a ravine in the central part of the country. Although no bodies were found, the CNCS asked the Government to allow the government agency, the National Commission for Human Rights (CNDH), to investigate. There were no results reported at year's end.

There was no action taken, nor was any action likely to be taken, in the cases of unlawful killings from previous years.

b. Disappearance

There were no reports of politically motivated disappearances.

No action was taken, nor is any likely to be taken, on the 2001 U.N./Organization of African Unity Commission of Inquiry report of the disappearance in 1998 of six persons. The Government has denied it had anything to do with their disappearances.

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

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

Security forces reportedly detained and tortured opposition members (see Section 1.d.).

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

Security forces forcibly dispersed demonstrations and injured persons (see Section 2.b.).

There was no action taken, nor was any likely to be taken, against those responsible for the following cases: The June 2002 alleged beating of two opposition Action Committee for Renewal (CAR) party members by security forces; the 2001 alleged torture and incommunicado detention of former Army Chief of Staff Lieutenant Colonel (LTC) Kouma Bitenewe; and the 2001 beating by security forces of two UFC members in the northern city of Kara.

Prison conditions remained very harsh, with serious overcrowding, poor sanitation, and unhealthy food. At year's end, Lome's central prison, meant to hold 350 prisoners, held 1,285 inmates, including 39 women prisoners. Medical facilities were inadequate, and disease and drug abuse were widespread. Lawyers and journalists reported that prison guards charged prisoners a small fee to shower, use the toilet, or have a place to sleep. Sick prisoners reportedly had to pay approximately \$2.75 (1,500 CFA francs) to guards before being allowed to visit the infirmary.

The children of convicted women were often incarcerated with their mothers, who were housed separately from the male prisoners. Juvenile prisoners were held separately from adults. Pretrial detainees were not held separately from convicted prisoners.

The International Committee of the Red Cross (ICRC) visited prisons during the year; however, other international and local private organizations were denied access to prisons for monitoring purposes. Diplomatic representatives were given access to their detained citizens.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest and detention; however, the Government generally disregarded these prohibitions.

Police are generally ineffective and highly corrupt. FORSEP, established to avoid possible clashes during elections, was composed of members of various police units. Impunity was a problem. The Government in general did not investigate or punish effectively those who committed abuses, nor did it prosecute persons responsible in previous years for unlawful killings and disappearances.

Judges or senior police officials are authorized to issue warrants. Although detainees have the right to be informed of the charges against them, police sometimes ignored this right. The law allows authorities to hold arrested persons incommunicado without charge for 48 hours, with an additional 48-hour extension in cases deemed serious or complex. Family members and attorneys officially had access to a detainee after 48 or 96 hours of detention; however, authorities often delayed, and sometimes denied, access. The law stipulates that a special judge conduct a pretrial investigation to examine the adequacy of evidence and decide on bail; however, in practice detainees often were held without bail for lengthy periods with or without the approval of a judge.

The Government continued to use brief investigative detentions of less than 48 hours to harass and intimidate opposition activists and journalists (see Section 2.a.). The Government at times has resorted to false charges of common crimes to arrest, detain, and intimidate opponents. For example, in January, military police reportedly photographed and followed five members of a newly formed political party named Republican Opposition Front (FOR) after they met with diplomats. Security forces reportedly arrested and searched the homes of three FOR members while the other two fled to Benin.

On February 9, security forces arrested and detained Marc Palanga, a UFC leader in the North, and three other persons at the Gendarmerie of Kara. The arrestees claimed that on at least two occasions they were taken to Camp Landja and tortured by military personnel. No reason was ever given for their arrest, and they were released without charge on February 17. Shortly after his release Palanga received treatment for injuries sustained while in detention. On February 22, gendarmes from Kara re-arrested Palanga on suspicion of having a gun, and accused him of making false allegations that he was tortured during his earlier detention against LTC Ernest Gnassingbe, the President's son and commander of the Kara Paracommandos military base. At year's end, Palanga was still detained without any formal charges brought against him. One of the men arrested with him, Mazama Katassa, escaped in September and reported that Palanga's wife was arrested and detained for several hours on September in retribution for the escape.

On May 11, Jean-Pierre Fabre, Secretary General of UFC, and four others were arrested and detained in connection with the police investigation of the burning of the TOTAL gas station and the bombing at the restaurant l'Okavango on May 7 following the National Assembly's rejection of opposition leader Gilchrist Olympio's presidential candidacy. The Minister of Interior said that police wanted to verify if there was a link between these crimes and what he alleged was Fabre's call for violence the previous day (see Section 3).

On June 9, Mr. Kodjo Kondo, campaign director for presidential candidate Dahuku Pere in the Plateaux region, was arrested and detained at police headquarters for 3 days without any official charge.

In February, Kokou Avigan and Alabi Sofoiu, members of the CAR political party, arrested in

September 2002, were released from jail without being formally charged or tried.

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

A shortage of judges and other qualified personnel, as well as official inaction, resulted in lengthy pretrial detention—in some cases several years—and confinement of prisoners for periods exceeding the time they would have served if tried and convicted. Lawyers estimated that in January 70 percent of the prison population was pretrial detainees (see Section 1.c.).

The Constitution prohibits exile, and the Government did not employ it; however, several opposition and human rights workers remained in self-imposed exile because they feared arrest.

In May, a former Army Chief of Staff, LTC Kouma Bitenewe, fled to Benin after he claimed that members of the Kara Paracommandos Regiment headed by LTC. Gnassingbe attacked him in Kara. An opposition party leader reported that, prior to the attack, Lt. Col Bitenewe had visited several army camps and encouraged military personnel to vote for presidential candidates other than President Eyadema. Bitenewe remained outside the country at year's end.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, in practice the executive branch continued to exert control over the judiciary.

There were three associations of magistrates in the country: The Union of Magistrates of Togo (SMT), the National Association of Magistrates (ANM), and the Professional Association of Magistrates of Togo (APMT). A majority of the APMT members are supporters of President Eyadema. Judges who belonged to the pro-Eyadema APMT reportedly received the most prestigious assignments, while judges who advocated an independent judiciary and belonged to the ANM and SMT were marginalized.

The Constitutional Court stands at the apex of the court system. The civil judiciary system includes the Supreme Court, Court of Sessions, and Appeals Courts. A military tribunal exists for crimes committed by security forces; its proceedings are closed. The court system remained overburdened and understaffed. Magistrates, like most government employees, were not always paid on time.

The judicial system employs both traditional law as well as the Napoleonic Code in trying criminal and civil cases. Trials were open to the public, and judicial procedures generally were respected. Defendants have the right to counsel and to appeal. The Bar Association provides attorneys for the indigent. Defendants may confront witnesses and present evidence on their own behalf.

In rural areas, the village chief or council of elders is authorized to try minor criminal and civil cases. Those who rejected the traditional ruling could take their cases to the regular court system, which was the starting point for cases in urban areas.

There was a report of one political prisoner, Marc Palanga, at year's end. Claude Ameganvi, leader of an opposition labor party and union activist who was convicted in 2002 for defamation of the President, was released in February.

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

The Constitution prohibits such practices; however, security forces often infringed on these rights. In criminal cases, a judge or senior police official may authorize searches of private residences, and in political and national security cases, the security forces need no prior authorization. Police conducted searches without warrants, looking for arms caches as well as for criminals, often under the guise of searching for identity cards. Armed security checkpoints existed throughout the country, and security forces regularly searched vehicles, baggage, and individuals in the name of security (see Section 2.d.).

Security forces entered private residences for the purpose of disrupting meetings among opposition political figures (see Section 2.b.).

Citizens believed that the Government monitored telephones and correspondence, although such surveillance was not confirmed.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press; however, the Government restricted these rights in practice. The Government repeatedly harassed and intimidated print media journalists through threats, detentions, and criminal libel prosecutions. Civilian and military police occasionally harassed newspaper vendors and confiscated issues of some opposition newspapers. Advertisers reported being intimidated. Unlike in the previous year, independent newspapers were permitted to circulate outside of the capital. Journalists practiced self-censorship. Pro-opposition newspapers were not permitted to operate in most towns in the central and northern regions.

The Press and Communication Code restricts freedom of expression in the country. The law imposes a 5-year term of imprisonment and a \$7,600 fine for any journalist found guilty of defaming military or government officials. The severest penalties were reserved for offenses to the "honor, dignity...and the public functions" of "the President, Prime Minister, National Assembly president, parliamentarians, members of government and public institutions." The law set standards of professionalism for journalists and required that the licenses of journalists could be revoked if they were convicted more than once of offenses such as defamation or if they violated standards of professional conduct. In addition, the law requires independent newspapers to ensure their reporting staffs are at least one-third "professional journalists," a status accorded only by the Government. Unlike in the previous year, no one was charged with defamation.

The Constitution established the High Authority of Audiovisual and Communications (HAAC) to provide for the freedom of the press, ensure ethical standards, and allocate frequencies to private television and radio stations. Although nominally independent, in practice HAAC operated as an arm of the Government. In July, the Togolese Council of Editors of Private Press (CTEPP) was formed with a \$1,800 (1 million CFA francs) grant from President Eyadema ostensibly intended to strengthen the professionalism of independent journalists. Media organizations that predate the CTEPP, including the Association of Press Editors (ATEPP) and Union of Editors and Press (UGEPP), insisted that the establishment of the CTEPP was an attempt by the Government to guide resources to select publications.

Despite government interference, there was a lively independent press, most of which was heavily politicized, and some of which was highly critical of President Eyadema. More than 15 privately owned newspapers published with some regularity. The only daily newspaper, Togo-Presse, was government-owned and controlled. There were several independent newspapers that published on weekly and biweekly schedules. The official media heavily slanted their content in favor of the President and the Government.

Radio remained the most important medium of mass communication. Some private radio stations broadcast domestic news; however, they offered little of the political commentary and criticism of the Government that was widespread in the print media.

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

On March 26, the Government barred the foreign press corps from working in the country. The Committee to Protect Journalists (CPJ) severely criticized the Government's decision and believed it stemmed from foreign reporters' declining to cover a government-sponsored seminar on elections in Africa. After a few weeks, the Government lifted the March informal ban on foreign reporters.

In December 2002, publication manager of *Le Courrier du Citoyen*, Nikoue Djahlin Sylvestre, was arrested on the premises of HAAC for publishing an article that criticized President Eyadema's decision to seek re-election. While Djahlin was in jail a second article was published and attributed to him: "Rights violation in Togo: kill us all and reign on our bodies." Djahlin was charged with "incitement to rebellion" for the first article and released in May, after a 5-month detention.

In February, Kodjo Saliadin, editor of the private journal *Tribune du Peuple*, was charged with "Outrage to the National Police" for an article that alleged a UFC activist, Anoumou Ekoe, had been arrested for participating in a UFC demonstration in September 2002. He was released the same day on his own recognizance. At year's end, he was awaiting trial.

Members of the security forces frequently threatened, arrested, and detained journalists, sometimes without charging them with any offense. For example, on June 14, police arrested two journalists, Dimas Dzikodo and Jean de Dieu Kpakpabia, in a cyber café. Dzikodo had in his possession photographs of alleged victims of security force brutality that he had received anonymously. The two journalists claimed they were subsequently beaten severely around the wrists, legs, and ankles during the detention. The following day a third journalist, Philip Evegnon, was arrested. After 38 days of detention, Evegnon and Kpakpabia were found not guilty and released. Dimas Dzikodo was found guilty of "attempting to publish false information" and fined \$877 (500,000 CFA francs).

The Government interfered with several radio stations during the year. On January 30, police raided Nana FM, a private radio station that often broadcast programs critical of the Government and confiscated the transmitter and amplifier. The equipment was returned 12 hours later, and Nana FM resumed broadcasting. Although Director Peter Dogbe was told by Pitang Tchalla, Minister of Communication, that it was a mistake that his materials were confiscated, security forces subsequently notified the station that it had to vacate its premises. The station had been located in the middle of a Lome market that provided a large, accessible audience. On February 28, the station moved to a new location.

In February, the HAAC ordered Tropik FM, a popular station that frequently featured opposition members, to stop broadcasting until further notice. Tropik resumed broadcasting 1 month later.

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

HAAC was charged with ensuring equal access to state media, as mandated by the Constitution; however, during the month prior to the presidential elections, the President was given an inordinate share of airtime. Opposition candidates were allowed 10 minutes to present their platforms, and, in many cases, their broadcasts were edited extensively. President Eyadema, on the other hand, was given 45 minutes to 1 hour to present his case.

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

The Government did not restrict access to the approximately 15 Internet service providers in the country. Most Internet users were businesses rather than households. Access to the Internet and fax machines also was available in many small stores and cafes in Lome and other cities.

Unlike in the previous year, the Government did not restrict academic freedom. The University of Lome remained calm during the year. There were no political demonstrations on the campus, but security forces maintained a presence there. A government informer system continued to exist. Reportedly, gendarmes went undercover on campus and registered for classes. Teachers' salaries and students' stipends were rarely paid on time. During the year, tuition was increased to \$90 (50,000 CFA francs). Two pro-Eyadema student groups, the High Council of the Student's Movement (Haut Conseil des Mouvements Etudiants) and the General Union of Students and Interns of Togo (Union General des Etudiants et Stagiaires du Togo), continued to operate. The independent student organization Student Committee of the University of Lome (CEUL) became inactive after two elected representatives, Kondi Gnandi and Kodjo Gbodzisi, were expelled from the University in 2001 for organizing student rallies that demanded improvement of campus facilities.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly; however, the Government restricted this right in practice. Opposition political parties were rarely permitted to hold public meetings in Lome, and authorities systematically interfered with the freedom of political opponents to assemble in the central and northern regions. Government officials prohibited, and security forces forcibly dispersed, public demonstrations critical of the Government.

If a political party wishes to hold a demonstration or rally on public property, it is required to obtain permission from the Minister of the Interior; however, if a political party intended to hold a rally on private property, permission was not required. During the 2 weeks prior to the June presidential election, political parties were allowed to hold public rallies, if traffic and business operations were not disrupted.

In March, 27 UFC party supporters were arrested at the home of a UFC member at the start of a weekly meeting and detained for 2 days. Although they reported that they were not physically abused, their UFC membership cards were confiscated and their homes were searched during their detention.

On September 25, a public demonstration against the Government in the northern city of Mango resulted in the death of one civilian. Government officials went to Mango to discuss relocation of settlers illegally occupying land designated as a nature reserve; however, demonstrators confronted them. Military police from the nearby army camps of Kara and Dapaong fired into the crowd, killing one person and injuring several others. Military personnel were not arrested or charged; however, a member of the opposition UFC party was arrested for inciting the riot and remained detained at year's end.

No known action was taken, nor is any likely to be taken, against security forces that used excessive force when dispersing demonstrations in 2002 and 2001.

Under the Constitution, citizens have the right to organize associations and political parties; however, the Government restricted this right in practice. While political parties were able to elect officers and register, opposition party offices were not permitted to operate in most towns in the central and northern regions.

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

c. Freedom of Religion

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

The Government has established requirements for recognition of religious organizations outside the country's three main faiths, Roman Catholicism, Protestantism, and Islam, which were officially recognized. Other religions were required to register as associations. The Interior Ministry issues official recognition. From January until October, all 11 associations that had applied were registered. Upon filing with the Ministry, associations were given a receipt allowing them to begin operations. The Civil Security Division also has enforcement responsibilities when there are problems or complaints associated with a religious organization. If an application provided insufficient information for recognition to be granted, the application often remained open indefinitely. Members of groups that were not officially recognized could practice their religion but did not have legal standing.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

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

The Constitution provides for these rights; however, the Government restricted them in practice. Armed security checkpoints and arbitrary searches of vehicles and individuals were common. Undisciplined acts of some soldiers manning roadblocks, such as frequent demands for bribes before allowing citizens to pass, impeded free movement within the country. During the presidential campaign, opposition party members alleged that the Government prevented them

from traveling and campaigning in the North and from entering certain towns.

In August, police detained Jean Pierre Fabre of the UFC for 4 hours while he was trying to cross the Benin border with his family on vacation. He was then taken to the Magistrate's office, where he was ordered to appear before the Magistrate the following Monday. He was escorted home and prevented from leaving for several days. No charges were ever filed and no reasons were provided for the detention.

The Government permitted citizens to use a national identity card instead of a passport for travel to other member countries of the Economic Community of West African States (ECOWAS). Unlike in previous years, the Government did not require that a married woman have her husband's permission to apply for a passport.

Although the law does not include provisions for the granting of refugee status and asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, in practice, the Government provided protection against refoulement and granted refugee status or asylum. The Government did not always cooperate with the Office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees during the year. UNHCR reported on January 30 that the Government rejected the U.N.'s request to take approximately 7,000 Liberian refugees endangered in Cote d'Ivoire.

In December 2002, UNHCR estimated there were 11,000 refugees from Ghana living in the North, near the cities of Bassar, Sotouboua, and Dankpen. A total of 508 Ghanaian refugees were in the process of being repatriated at year's end. According to the Government, there were approximately 800 refugees (mostly from Rwanda and the Democratic Republic of the Congo) registered in Lome and an approximate 1,200 additional refugees living in rural villages. According to 2002 UNHCR estimates, approximately 1,600 Togolese refugees lived in Benin and another 800 in Ghana.

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

The Constitution provides for the right of citizens to change their Government peacefully; however, the Government restricted this right in practice. Presidential elections were held June 1. The election was marred by violence and numerous irregularities (see Sections 1.a. and 1.d.). The President used the military to intimidate and harass citizens and opposition groups (see Sections 1.d. and 2.b.). The presence of often heavily armed security forces produced an intimidating atmosphere prior to election day. President Eyadema's RPT party claimed to have garnered 57.22 percent of the vote in the June 1 presidential election. This official result did not match unofficial counts carried out by opposition monitors in polling stations. Emanuel Bob Akitani of the UFC claimed that he won the election with 70.77 percent of the vote but presented no reliable supporting evidence. The National Council of Election Monitoring (Conseil National de Surveillance des Elections), an electoral committee set up by a network of nongovernmental organizations (NGOs), and the National Consortium of Civil Society (Concertation National de la Societe Civil), an active human rights group, determined the results of the election to be: Emanuel Bob Akitani, 36.31 percent; Maurice Dahuku Pere, 22.96 percent; President Gnassingbe Eyadema, 22.27 percent. However, even these figures were considered by some observers to be unreliable. The international observers for the election were invited and supported by the Government and did not include groups with internationally recognized reputations as objective and neutral observers. The Constitution provides for disputing an election; however, the three complaints filed by opposition parties were all dismissed by the Constitutional Court without a legitimate investigation. Following the June 1 presidential elections, three opposition parties filed complaints with the Independent Electoral Commission (CENI), which referred them to the Constitutional Court. They alleged numerous irregularities in the voting process. Neither the CENI nor the Constitutional Court seriously investigated these irregularities. The entire process, including the decision not to investigate the complaints, lacked transparency.

On May 7, 2 days after the National Assembly rejected the candidacy of opposition leader Gilchrist Olympio, tire burnings occurred and a TOTAL gas station mini-mart (rumored to belong to a leading RPT official) was set on fire in Lome. Four persons were detained for questioning. Two leaders of the popular opposition party UFC, Jean Pierre Fabre and Patrick Lawson, were summoned for questioning. Lawson was detained but Fabre did not respond to the summons.

On May 7, a bomb exploded at a popular restaurant in a residential area of Lome. No injuries were sustained and no one was arrested. In response to these two incidents and in anticipation of future possible clashes, on May 15 the Government established the FORSEP.

On June 1, the day of the election, a skirmish in the prefecture of Tsevie turned violent when voters alleged that ballot boxes were already filled when voting started and then they were prevented from casting ballots due to the lack of voter registration cards. Three people were killed by FORSEP officers, two in Tsevie and one in the Kpalime area (see Section 1.a.). One polling station in Tsevie was burned. The voting in that polling station was stopped, but voting continued throughout the rest of the country.

In August 2002, four leading opposition parties joined forces to create The United Opposition Front, known as Le Front, to demonstrate solidarity against the Government. Opposition parties that did not join Le Front included the UFC party of Gilchrist Olympio, the son of the former president who was assassinated in 1963, and the Opposition Pan-African Patriotic Convergence party of former Prime Minister Edem Kodjo. In spite of this show of unity, four opposition parties subsequently ran their own candidates in the June presidential election, once again splitting the opposition vote.

The Government and the State remained highly centralized. President Eyadema's national government appointed the officials and controlled the budgets of all subnational government entities including prefectures and municipalities, and influenced the selection of traditional chiefs. The National Assembly has little authority or influence over President Eyadema and has limited influence on the executive branch of Government. The National Assembly largely approved the proposals of the President and the executive branch.

Long-delayed legislative elections were held in October 2002, but the opposition parties who were members of the Lome Framework Agreement boycotted the races. President Eyadema's RPT party won 72 out of 81 seats in the National Assembly. Three newly formed opposition parties and one independent candidate shared the remaining nine seats. The Government said voter turnout was 67 percent, a figure contested by the main opposition parties as well as some of the government-sponsored international election observers. There were reports of intimidation and fraud.

In December 2002, the newly elected National Assembly passed 34 modifications to the Constitution. President Eyadema promulgated the law on December 31. Among the changes was a revision of Article 59 eliminating the two-term limit for the Presidency. In addition, the new amendments lowered the age of presidential candidates from 45 to 35; stipulated only one round of voting for all future elections; and created a new legislative body, the Senate, to join the National Assembly in forming a bicameral Parliament. A residency requirement for presidential candidates was added, rendering the principal opposition leader Gilchrist Olympio ineligible to run. Many of the changes restored powers to the Presidency taken away by the Constitution, including new language strengthening the President's authority over national policy, the power to dismiss the Prime Minister, and the power to appoint a greater number of judges, especially to the country's highest bench, the Constitutional Court. The Constitutional Court was also tasked as final arbiter in resolving future election disputes.

In addition to removing the limit on presidential terms, legislation was passed during the year providing for the creation of prefecture, municipal, and regional councils. The legislation empowers members of the regional councils to vote for members of a Senate, which, along with the National Assembly, will comprise a bicameral Parliament. The legislation only provides Senate members the power to review proposed legislation.

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

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

The Government generally allowed groups to investigate alleged violations of human rights;

however, the Government occasionally threatened or hindered the activities of human rights activists and was inconsistent in following up on investigations of abuses. There were several domestic private human rights groups, including the Togolese Human Rights League (LTDH), the Center of Observation and Promotion of the Rule of Law (COPED), and the Togolese Association for the Defense and Protection of Human Rights (ATDPDH). Years of government threats and intimidation of human rights leaders, combined with a lack of results from human rights initiatives, have led some human rights groups to become inactive.

In June, following receipt of the annual Amnesty International (AI) report, senior officials reportedly called AI's local representative, Kwasi Gaglo, to the Presidential Palace to question him aggressively about the validity of the document and the process by which information had been gathered. Former officials of the domestic chapter of AI remained in exile.

On April 4, a foreign NGO, the National Democratic Institute (NDI), halted its program to train political parties in the objectives and practice of democracy and withdrew from the country after the Government made it impossible for NDI to perform its work.

The National Commission for Human Rights (CNDH) continued to be dominated by supporters of the President.

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

The Constitution prohibits discrimination on the basis of ethnic group, regional or family origin, sex, religion, social or economic status, or personal, political, or other convictions; however, the Government did not provide effective redress for discrimination complaints. Discrimination against women and ethnic minorities remained problems. Members of President Eyadema's Kabye ethnic group and other northern ethnic groups dominated much of the public sector, especially the military. Individuals with HIV/AIDS faced social discrimination, including rejection by their immediate families. Anti-retroviral medications to treat HIV/AIDS were not widely available in the country.

Women

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

FGM continued to be practiced. The most commonly practiced form of FGM was excision, which usually was performed on girls a few months after birth. Most of the larger ethnic groups did not practice FGM; however, among the practicing groups rates ranged from 40 to 98 percent. FGM is illegal and penalties for practitioners ranged from 2 months to 5 years in prison as well as substantial fines. The law was rarely applied because most FGM cases occurred in rural areas where neither the victims nor the police understood the law. Traditional customs often superseded the legal system among certain ethnic groups. The Government continued to sponsor seminars to educate and campaign against FGM. Several NGOs, with international assistance, organized educational campaigns to inform women of their rights and how to care for victims of FGM.

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

The Constitution declares women equal under the law; however, women continued to experience discrimination, especially in education, pension benefits, and inheritance as a consequence of traditional law. A husband legally could restrict his wife's freedom to work or control her earnings. In urban areas, women and girls dominated market activities and commerce; however, harsh economic conditions in rural areas, where most of the population lived, left women with little time for activities other than domestic tasks and agricultural fieldwork. The Labor Code, which regulated labor practices, required equal pay for equal work, regardless of gender; however, this provision generally was observed only in the formal sector. Under traditional law, which applied to the vast majority of women, a wife has no maintenance or child support rights in the event of divorce or separation and no inheritance rights upon the

death of her husband. Polygyny was practiced.

The Ministry of Social Affairs, Promotion of Women, and Protection of Children, along with independent women's groups and related NGOs, continued to campaign actively during the year to inform women of their rights.

Children

Although the Constitution and family code laws provided for the protection of children's rights, in practice government programs often suffered from a lack of money, materials, and enforcement. Although the law protected children, there were many practices that discriminated against children, especially girls.

The Government provided education in state schools, and school attendance was compulsory for both boys and girls until the age of 15. Approximately 79 percent of children aged 6 to 15 years, mostly boys, attended school. In that age group, approximately 92 percent of boys and 92 percent of girls started primary school; however, only an estimated 43 percent of boys and 23 percent of girls reached secondary school. Approximately 3 percent of boys and 0.6 percent of girls reached the university level. Literacy rates were 57 percent for adult men and 45 percent for adult women. During the year, the General Directorate of Education Planning in the Ministry of Education estimated one-third of the national budget was spent on education.

Orphans and other needy children received some aid from extended families or private organizations but little from the Government. There were social programs to provide free health care for poor children. In rural areas, traditionally the best food was reserved for adults, principally the father.

FGM was performed on approximately 12 percent of girls (see Section 5, Women).

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

Child labor was a problem (see Section 6.d.).

Persons with Disabilities

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

National/Racial/Ethnic Minorities

The population included members of approximately 40 ethnic groups that generally spoke distinct primary languages and were concentrated regionally in rural areas. Major ethnic groups included the Ewe (between 20 and 25 percent of the population), the Kabye (between 10 and 15 percent), the Kotokoli (between 10 and 15 percent), the Moba (between 10 to 15 percent), and the Mina (approximately 5 percent). The Ewe and Mina were the largest ethnic groups in the southern region and the Kabye was the largest group in the less prosperous northern region.

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

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

In addition, due to the congruence of political divisions and ethnic and regional divisions, human rights abuses motivated by politics at times had ethnic and regional overtones.

Unlike in the previous year, there were no reports of violence involving ethnic Ibos from Nigeria.

Section 6 Worker Rights

a. The Right of Association

The Constitution provides most workers with the right to join unions; however, security forces, including firefighters and police, did not have this right.

The Constitution also prohibits discrimination against workers for reasons of sex, origin, beliefs, or opinions. The World Bank estimated that the country's total workforce was approximately 2 million persons, and the formal sector accounted for approximately 20 percent of the economy. Approximately 60 to 70 percent of the formal sector workforce were union members or supporters.

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

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

The Labor Code prohibits anti-union discrimination, and there were no reports that such discrimination occurred. The Ministry of Labor is charged with resolving labor-related complaints, but it did not always do so effectively.

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

b. The Right to Organize and Bargain Collectively

The Labor Code nominally provides workers with the right to organize and bargain collectively; however, the Government limited collective bargaining to producing a single nationwide agreement that had to be negotiated and endorsed by representatives of the Government, labor unions, and employers. All formal sector employees were covered by the collective bargaining agreement that set nationwide wage standards for all formal sector workers. The Government participated in this process both as a labor-management mediator and as the largest employer in the formal sector, managing numerous state-owned firms that monopolized many sectors of the formal economy. Individual groups in the formal sector could attempt to negotiate agreements more favorable to labor through sector-specific or firm-specific collective bargaining, but this option was rarely used.

The Constitution provides most workers the right to strike; however, security forces and government health workers did not have this right. Government health care workers could join unions. There is no specific law prohibiting retribution against strikers by employers. There were no strikes during the year.

The law allowed the establishment of export processing zones (EPZs). Many companies had EPZ status, and more than 30 were in operation. The EPZ law provides exemptions from some

provisions of the Labor Code, notably the regulations on hiring and firing. Employees of EPZ firms did not enjoy the same protection against anti-union discrimination as did other workers. Workers in the EPZs were prevented from exercising their freedom of association because unions did not have free access to EPZs or the freedom to organize workers.

c. Prohibition of Forced or Bonded Labor

The law does not specifically prohibit forced or bonded labor, including by children, and children sometimes were subjected to forced labor, primarily as domestic servants (see Sections 6.d. and 6.f.).

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

Child labor was a problem, with many children being employed in the agricultural sector, working on family farms. Some children started working as young as 5 years of age. These children routinely missed at least two-thirds of the school year. In some cases, children worked in factories.

The Labor Code prohibits the employment of children under the age of 14 in any enterprise. For some types of industrial and technical employment, the minimum age is 18. Inspectors from the Ministry of Labor enforced these age requirements but only in the formal sector in urban areas. In both urban and rural areas, particularly in farming and small scale trading, very young children traditionally assisted in their families' work. In rural areas, parents sometimes placed young children into domestic work in other households in exchange for one-time fees as low as \$25 to \$35 (15,000 to 20,000 CFA francs).

The Ministry of Health, Social Affairs, Promotion of Women, and Protection of Children was responsible for enforcing the prohibition of the worst forms of child labor; however, few resources were allotted for its implementation, and enforcement was weak. In July, the Ministry of Health, Social Affairs, Promotion of Women, and Protection of Children was divided into two ministries, and the new Ministry of Social Affairs, Promotion of Women and Protection of Children was responsible for child labor concerns.

e. Acceptable Conditions of Work

The Government sets minimum wages for different labor categories, ranging from unskilled through professional positions. In practice less than the official minimum wage often was paid, mostly to unskilled workers. Official monthly minimum wages ranged from approximately \$20 to \$33 (14,700 to 23,100 CFA francs) and did not provide a decent standard of living for a worker and family. Many workers supplemented their incomes through second jobs or subsistence farming. The Ministry of Labor was responsible for enforcement of the minimum wage system but did not enforce the law in practice.

Working hours of all employees in any enterprise, except for the agricultural sector, normally were not to exceed 72 hours per week; at least one 24-hour rest period per week was compulsory, and workers were expected to receive 30 days of paid leave each year. The law requires overtime compensation, and there were restrictions on excessive overtime work; however, the Ministry of Labor's enforcement was weak, and employers often ignored these provisions.

A technical consulting committee in the Ministry of Labor sets workplace health and safety standards. It may levy penalties on employers who do not meet the standards, and employees have the right to complain to labor inspectors of unhealthy or unsafe conditions without penalty. In practice, the Ministry's enforcement of the various provisions of the Labor Code was limited. Large enterprises were obliged by law to provide medical services for their employees and usually attempted to respect occupational health and safety rules, but smaller firms often did not.

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

Labor laws do not provide protection for legal or illegal foreign workers.

f. Trafficking in Persons

The law does not prohibit specifically trafficking in persons, although other statutes against kidnapping, procuring, and other crimes linked to trafficking were used to prosecute traffickers, and trafficking was a problem. The country remained a country of origin, transit, and destination for trafficking in persons, primarily children. More young girls than boys were the victims of trafficking. Trafficking in women for the purpose of prostitution or nonconsensual labor as domestic servants occurred.

Local committees were voluntarily set up in every region, and without financial or legal support, these committees investigated reports of trafficking. The Government had little or no funding to investigate traffickers or trafficking rings. The police had limited success in intercepting victims of trafficking, and prosecution of traffickers was rare. In 2001, the Government reported that 297 children had been trafficked from the country. Most persons that security forces arrested or detained for trafficking ultimately were released for lack of evidence. No records were available of the number of individual traffickers who were prosecuted during the year.

Government agencies involved in anti-trafficking efforts included the Ministry of Social Affairs and Protection and Promotion for Family and Children, the Ministry of Health; Ministry of the Interior and Security; the Ministry of Justice; and security forces (especially police, army, and customs units). The Government cooperated with the Governments of Ghana, Benin, and Nigeria under a Quadripartite Law allowing for expedited extradition among those countries.

The majority of the country's trafficking victims were children from the poorest rural areas, particularly those of Kotocoli, Tchamba, Ewe, Kabye, and Akposso ethnicities and mainly from the Maritime, Plateau, and Central regions. Adult victims usually were lured with phony job offers. Children usually were approached by friends or family acquaintances. Children sometimes were trafficked abroad by parents misled by false information. Sometimes parents sold their children to traffickers for bicycles, radios, or clothing.

Children were trafficked into indentured and exploitative servitude, which amounted at times to slavery. Victims were trafficked elsewhere in West Africa and to Central Africa, particularly Cote d'Ivoire, Gabon, Nigeria; Europe, primarily France and Germany; and the Middle East, including Saudi Arabia. Children were trafficked to Benin for indentured servitude and to Cote d'Ivoire and Ghana for domestic servitude. Boys were trafficked for agricultural work in Cote d'Ivoire and domestic servitude and street labor in Gabon. They were fed poorly, clothed crudely, cared for inadequately, and not educated or permitted to learn a trade. There were reports that young girls were trafficked to Nigeria for prostitution.

The country was a transit point for children trafficked from Burkina Faso, Ghana, Cote d'Ivoire, and Nigeria. There were credible reports that Nigerian women and children were trafficked through the country to Europe (particularly Italy and the Netherlands) for the purpose of prostitution.

From February 2001 to February 2002, the Government reported that authorities intercepted 351 children ages 10 to 17 in the process of being trafficked.

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

The Government provided limited assistance for victims. Terre des Hommes, an NGO, assisted recovered children until their parents or next-of-kin could be notified. Assistance was also available from a government-funded Social Center for Abandoned Children. NGOs have taken the lead in addressing this concern. CARE International-Togo, in collaboration with four local NGOs, developed a trafficking education and awareness program in three different regions of the country. During the year, ILO/International Program for the Elimination of Child Labor (IPEC) worked with other NGOs to increase awareness of the trafficking problem and to encourage the Government to pass and enact a law setting fines and penalties for anyone caught in the process of trafficking children.

The Government did not conduct public awareness campaigns during the year.

