

TOGO 2019 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Togo is a republic governed by President Faure Gnassingbe, whom voters re-elected in 2015 in a process that international observers characterized as generally free and fair. In December 2018 parliamentary elections took place under peaceful conditions. The Economic Community of West African States (ECOWAS) considered the 2018 elections reasonably free and transparent, despite a boycott by the opposition. The ruling Union for the Republic party (UNIR) won 59 of 91 seats; the government-aligned party, Union of Forces for Change (UFC), won seven seats; and independent candidates aligned with the government and smaller parties split the remaining 25 seats. On June 30, municipal elections were held for the first time in 32 years, fulfilling a long-term central government commitment to decentralization. The country increased its total number of elected representatives from 91 (parliamentarians) to more than 1,500 at the national and municipal levels. UNIR won 60 percent of the nationwide vote, approximately two thirds of municipal council seats, and together with independent parties aligned to the government control of 101 of 117 communes.

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, which reports to the prime minister. The gendarmerie falls under the Ministry of Defense but also reports to the Ministry of Security and Civil Protection on many matters involving law enforcement and internal security. The Ministry of Defense, which reports directly to the president, oversees the military. Civilian authorities did not always maintain effective control over the armed forces, gendarmerie, and police, and government mechanisms to investigate and punish abuse were often not effective.

Significant human rights issues included: unlawful or arbitrary killings by security force members; cruel, inhuman, or degrading treatment; harsh and life-threatening conditions in prisons and detention centers; arbitrary detention by the government; political prisoners; arbitrary or unlawful interference with privacy; interference with freedoms of peaceful assembly and association; violence against girls and women and inadequate government efforts to investigate, prosecute, or otherwise

hold perpetrators accountable; and criminalization of consensual same-sex sexual conduct.

Impunity was a problem. The government took limited steps to investigate, prosecute, or punish officials who committed abuses.

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

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were several reports that the government or its agents committed arbitrary or unlawful killings.

On April 13, security force members beat a protester in Bafilo who was participating in an unauthorized demonstration organized by the opposition Pan-African National Party (PNP). He died in transit to the hospital. According to human rights organizations, the family did not file a complaint due to fear of retaliation, and authorities did not provide the family with a death certificate or information on the circumstances surrounding the incident.

In December 2018 security force members shot and killed a 12-year-old child and a man while attempting to disperse protesters with tear gas during a demonstration in the Lome neighborhood of Togblekope in the run-up to parliamentary elections. Authorities denied security force responsibility for the deaths, stating the bullets in the shooting were not from a weapon used by security force members. Nevertheless, according to human rights organizations, eyewitnesses reported seeing security force members firing at protesters. The government announced it would investigate the deaths but did not report on the status of the matter by year's end. The families of the deceased requested autopsy reports, but authorities did not provide them.

In May 2018 media reported 10 prison guards beat a detainee to death in the Kpalime Civil Prison. They were arrested, and the public prosecutor of Lome charged nine of the guards with torture. As of December they remained in detention but had not been tried.

b. Disappearance

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

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

The constitution and law prohibit such practices. There were multiple reports, however, that government officials employed cruel, inhuman, or degrading treatment.

Human rights organizations reported systemic physical mistreatment--such as caning and withholding food for as much as two days--of uncharged detainees. There were numerous abuses similar to the following example: On April 13, protesters detained at the Central Service for Criminal Investigation (SCRIC) were beaten repeatedly with cords and sticks. One of the protesters stated he was made to sign a document that he was not allowed to read and, on April 14, was tried and convicted without legal representation. Authorities stated there may have been instances of mistreatment but denied such treatment was systemic.

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.

Physical Conditions: Overcrowding was a serious problem. As of August 28, there were 5,277 convicted prisoners and pretrial detainees (including 158 women) in 13 prisons and jails designed to hold 2,720 inmates. For example, the Tsevie Prison was 570 percent above capacity with 319 inmates held in a prison designed to hold 56.

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 the government-supported private nursery. Officials held pretrial detainees together with convicted prisoners.

From January 1 to August 28, there were 12 prison deaths from various causes, including malaria. Medical facilities, food, sanitation, ventilation, and lighting were inadequate or nonexistent, prisoners did not have access to potable water, and disease was widespread.

Administration: There were no ombudsmen 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 any findings. The government rarely monitored and investigated allegations of inhuman prison and detention center conditions.

Independent Monitoring: Representatives of local nongovernmental organizations (NGOs) accredited by the Ministry of Justice visited prisons. 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 who alleged mistreatment by prison guards. Authorities generally denied requests by journalists to visit prisons. The government required international NGOs to negotiate an agreement to obtain access. The International Committee of the Red Cross and other international human rights organizations had access through such agreements. The government holds an annual *Week of the Detainee Program*, during which all prisons are open to the public, allowing visitors to witness the harsh, sometimes deplorable, realities of prison life. On February 8, Archbishop Emeritus of Lome Philippe Fanoko Kpodzro visited the Lome Civil Prison. He lamented the living conditions of the prisoners and pleaded for authorities to humanize the prison climate.

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 special judges 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, and sometimes 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 implementation. No detainees were held incommunicado. Abuses of legal protections are subject to internal disciplinary investigations and criminal prosecution by the Ministry of Justice, but investigation and prosecution seldom occurred.

Arbitrary Arrest: On June 30, plainclothes police arrested six activists from the Nubueke political movement for observing the municipal elections without accreditation. The plainclothes officers did not show identification or possess arrest warrants. The activists were taken to the SCRIC. The officers confiscated their mobile phones, preventing them from contacting their lawyers and family members. On July 1, police released them without charge.

Pretrial Detention: Pretrial detainees and persons in preventive detention totaled 3,386 inmates constituting 64 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 time detainees would have served if tried and convicted, in many cases by more than six months.

Detainee's Ability to Challenge Lawfulness of Detention before a Court: The constitution and law provide for the right of an arrested or detained person to challenge the lawfulness of detention, regardless of whether on criminal or other grounds. An individual found to have been unlawfully detained may file for damages.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary, but the government did not always 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 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. The judicial system employs both

traditional law and the Napoleonic Code in trying criminal and civil cases. Defendants enjoy a presumption of innocence and the right to be informed promptly and in detail of the charges against them, with free interpretation as necessary from the moment charged through all appeals. They have a right to a trial without undue delay, to be present at their trial, to communicate with an attorney of their choice or be provided with one at public expense if unable to pay, and to adequate time and facilities to prepare a defense. Trials were open to the public and juries were used. Defendants have the right to confront prosecution witnesses and to present witnesses and evidence on their own behalf. Defendants have the right not to testify or confess guilt. Those convicted have the right to appeal. Authorities generally respected these rights, which are extended to all defendants including women, members of indigenous groups, older persons, and persons with disabilities.

In rural areas the village chief or a council of elders has authority to try minor criminal and civil cases. Those who reject traditional authority may take their cases to the regular court system.

Political Prisoners and Detainees

There were reports of two political prisoners or detainees.

On April 20, security force members detained PNP counselor Ouro-Djikpa Tchatikpi for organizing unauthorized protests. In contravention of law, authorities detained Tchatikpi at the SCRIC for more than three months without appearing in court or being charged. On August 10, authorities released him without charge.

In August 2018 authorities arrested civil society leader Folly Satchivi, the spokesperson of the political movement Under No Circumstances, for conducting an unauthorized press conference, which other human rights organizations stated never actually took place. The government charged Satchivi with disruption of public order and other offenses, and the court denied him bail. In January he was convicted of disruption of public order and sentenced to three years' imprisonment, of which 12 months were suspended. He filed an appeal, and on October 10, the Court of Appeals reversed the charge on which he was convicted, replaced it with the lesser offense of aiding and abetting disruption of public order, and reduced his sentence to 28 months' imprisonment, of which six months were suspended. On October 16, Satchivi received a presidential pardon and was released.

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. Unlike in 2018 there were reports the government failed to respect these prohibitions. For example, during opposition protests on April 13, security force members entered PNP party chairman Tikpi Atchadam's home without a warrant and arrested three of his guards, allegedly for involvement in the protests. Human rights organizations reported the guards were not involved in the protests. Nevertheless, the guards were charged with aggravated disturbance of public order, violence, and assault, tried, and convicted. Two were sentenced to one year in prison, with six months suspended, and released in late October. One received a sentence of two years' imprisonment with one year suspended and was scheduled for release in April 2020.

At the time of the guards' arrest, police seized their mobile phones. Human rights organizations reported it was common for police to seize mobile phones without legal authorization in order to search them for communications and data.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

Although the constitution provides for freedom of speech, including for the press, the government restricted these rights. The law imposes penalties on journalists deemed to have committed "serious errors" as defined in the media code.

Press and Media, Including Online Media: Independent media were active and expressed a wide variety of views.

Violence and Harassment: In May the NGO Reporters Without Borders called on authorities to investigate death threats against the editor of the newspaper *Le Flambeau des Démocrates* for publishing an article exposing a dubious real estate acquisition by a government minister. Based on security camera footage that

showed a vehicle without license plates hitting the journalist's parked car, the NGO also noted the journalist's car appeared to have been targeted. The journalist reported the death threats to authorities and filed a "willful damage" complaint in court.

Libel/Slander Laws: Libel and slander are criminal offenses. In April 2018 the government arrested the president of the political association Youth Movement for Democracy and Development after the organization published a report on the repression of protests in which it claimed the government had killed approximately 100 demonstrators. The government charged the president with libel for spreading false news, insulting authorities, and calling for genocide. In December 2018 the president was convicted and sentenced to 18 months' imprisonment, with six months suspended and eight months applied for time served in pretrial detention. On April 5, he was released.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content.

In December 2018 the National Assembly passed a cybersecurity law that criminalizes the dissemination of false information and the production and sharing of data that undermine "order, public security, or breach human dignity." A person convicted of violating the law may be sentenced to three years' imprisonment. Although no cases were prosecuted, human rights organizations reported the law contributed to an atmosphere of "restricted civic space," an environment in which citizens self-censor due to their fear of being punished for sharing actual thoughts and opinions.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedoms of Peaceful Assembly and Association

The constitution and law provide for the freedoms of peaceful assembly and association. Unlike in 2018 the government and the National Assembly acted during the year to restrict these freedoms.

Freedom of Peaceful Assembly

The constitution and law provide for freedom of peaceful assembly. Unlike in 2018 the government restricted freedom of peaceful assembly. Security force members routinely used excessive force and tear gas in preventing demonstrators from participating in unauthorized protests.

On August 12, the National Assembly passed an amendment to the “Bodjona Law” regarding peaceful public demonstrations that imposes additional restrictions on the time, place, frequency, and application process for holding public demonstrations. The amended 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 10 a.m. and 6 p.m., and protesters must follow a single route designated by authorities. On September 11, the UN special rapporteur on the right to peaceful assembly and association along with three other human rights UN special rapporteurs released a letter to the government stating their concern that certain aspects of the amended law were incompatible with the country’s international human rights obligations, in particular the International Covenant on Civil and Political Rights that the government ratified in 1984.

On November 27, a group of civil society organizations staged a peaceful demonstration under the terms of the amended law. The Ministry of Territorial Administration rejected the group’s proposed protest route, however, citing the requirements of the amended law.

Freedom of Association

The amended Bodjona Law may also further restrict freedom of political association since it grants broad powers to the government to target suspected terrorists. According to human rights organizations, the law could be misapplied to restrict lawful activity by opposition party members and their supporters.

During the year the government regularly interfered with opposition political party activities, particularly those of the PNP. For example, on September 15, Mango security force members broke up a PNP party meeting. They dispersed those present with tear gas and broke chairs and other equipment. Although the meeting reportedly was held in a private building, authorities claimed PNP participants were also active in public space outside the building.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement

While the law provides for freedom of internal movement, foreign travel, emigration, and repatriation, the government restricted some of these rights. During the year an internal bureaucratic dispute regarding administrative responsibility prevented authorities from repatriating 12 refugees (11 from Ghana and one from Europe).

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees and asylum seekers.

In-country Movement: Traffic police and gendarmes routinely stopped motorists on fabricated traffic law charges in order to obtain bribes.

e. Internally Displaced Persons

Not applicable.

f. Protection of Refugees

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: The government cooperated with UNHCR to assist in the safe, voluntary repatriation of refugees to their home countries. From January 1 to September 24, the government assisted in the repatriation of 82 refugees.

g. Stateless Persons

Not applicable.

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 2015 President Faure Gnassingbe won re-election to a third five-year term with 59 percent of the vote. International and national observers monitoring the election declared it generally free, fair, transparent, and peaceful, although there were logistical shortcomings. Police and gendarmes did not interfere with voting or other aspects of the electoral process.

In December 2018 parliamentary elections took place. Fourteen opposition parties chose to boycott the elections. Prior to the elections, the parties called for equal representation on the Electoral Commission, a neutral administrator, more transparency in the voter registration process, and the right for citizens residing abroad to vote. The parties withheld participation in the commission and urged supporters not to register to vote.

International observers noted the parliamentary elections took place under generally peaceful conditions. Although it expressed regret regarding the decision of the coalition of 14 opposition parties to boycott the elections, ECOWAS commended “the effective conduct of free and transparent legislative elections.” The Constitutional Court announced the ruling UNIR party won a majority with 59 of 91 seats. The government-aligned UFC won seven seats. Smaller parties and independent candidates aligned with the government won the remaining 25 seats.

On June 30, municipal elections were held for the first time in 32 years, fulfilling a long-term government commitment to decentralization. The country increased its total number of elected representatives from 91 (parliamentarians) to more than 1,500. UNIR won 60 percent of the nationwide vote, approximately two thirds of municipal council seats, and together with independent parties aligned with the government control of 101 of 117 communes. Independent parties aligned with the government took most communes in the south. Despite some reports of irregularities and concerns regarding the observer accreditation process, the elections were peaceful and viewed as satisfactorily conducted by domestic observers.

Although candidate participation in local elections was generally open, the Supreme Court invalidated the candidacy of former minister of territorial

administration Pascal Bodjona; a decision widely viewed as politically motivated. The court cited the facts that his organization was not registered as a political party and that it had the same name as a French development NGO as the basis for its decision.

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.

Participation of Women and Minorities: No laws limit the participation of women and members of minorities in the political process, and they did participate. Some observers believed cultural and traditional practices prevented women from voting, running for office, serving as electoral monitors, or otherwise participating in political life on the same basis as men. For example, only 18 percent of parliamentarians were women (16 of 91) during the year. Nevertheless, the president of the National Assembly was a woman as were seven ministers in the 27-member cabinet. 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 conviction of corruption by officials, the government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity.

The body officially 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 countercorruption 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. In February the authority announced the initiation of investigations into corruption linked to the Cup of African Nations in 2013 and 2017 and illicit payments for construction of a road from Lome to Vogan that was never built. On November 4, it closed its investigations and transferred these two cases to the public prosecutor of Lome for action. No trial date was set by year's end.

Other state entities, such as the Government Accounting Office and the Finances Inspectorate, investigated and audited public institutions but reported few results.

Authorities maintained toll-free and text-messaging lines for citizens to report cases of corruption.

Corruption: Government corruption was most severe among prison officials, police, and members of the judiciary. There were credible reports judges accepted bribes to expedite and render favorable decisions in land dispute cases.

Financial Disclosure: Only the Togo Revenue Authority requires its officers to disclose their income and assets. No provisions in the constitution, law, regulations, or codes of conduct require income and asset disclosure by appointed or elected officials.

Section 5. Governmental Attitude Regarding 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 often met with human rights groups and participated in NGO-sponsored public events but typically were not responsive to NGO recommendations. Some NGOs, such as the Togolese League for Human Rights, reported experiencing intimidation and threats while conducting their work, particularly during election periods.

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 National Commission for Human Rights (CNDH) is the government body charged with investigating allegations of human rights abuses. During the year the CNDH investigated cases of alleged human rights abuses. For example, it investigated the case of Essih Koffi held in pretrial detention for six years in Atakpame Civil Prison. On September 9, the CNDH secured Koffi's release.

The CNDH undertook other activities, including organizing meetings with human rights organizations, visiting prisons, observing local elections, and providing comments and concerns to the government on the amended Bodjona Law. Additionally, it participated with the High Authority of Broadcasting and Communications, the Ministry of Human Rights, the Ministry of Justice, and the National Assembly in a dialogue with human rights organizations on the achievements and challenges in and prospects for the promotion and protection of human rights in the country.

The CNDH also serves as the National Mechanism to Prevent Torture (NMPT). On August 5, the NMPT held an event with the Collective of Associations Against Impunity in Togo to launch the NMPT, raise awareness regarding its role, and help participants better understand legal definitions and ways to prevent torture and cruel or inhuman treatment. The ceremony was followed by capacity-building workshops held throughout the country for judicial and prison officials and other stakeholders.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Women

Rape and Domestic Violence: The law criminalizes rape, but authorities did not generally enforce it effectively. The law does not specifically address domestic violence. The law provides for five to 10 years' imprisonment for conviction of rape and a fine of two million to 10 million CFA francs (\$3,400 to \$17,000). Conviction of spousal rape is punishable by up to 720 hours of community service and a fine of 200,000 to one million CFA francs (\$340 to \$1,700). A prison term for conviction of 20 to 30 years applies if the victim is younger than 14, was gang raped, or if the rape resulted in pregnancy, disease, or incapacitation lasting more than six weeks. Although the government did not provide statistics on the incidence of rape or arrests for rape, some data were available from legal advocates for victims and NGOs.

Domestic violence against women was widespread. 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 made some efforts to combat rape and domestic violence. For example, on May 8, International Women's Day, the Ministry of Social Action, Women's Empowerment and Literacy together with the International Center for Human Rights Research, Counseling, and Expertise released a collection of national laws related to combating violence against women and girls. The release was intended to raise awareness regarding gender-based violence, specifically among local officials, security force members, lawyers, teachers, women's associations, and local leaders. Additionally, several NGOs actively educated women on their rights.

Female Genital Mutilation/Cutting (FGM/C): The law prohibits FGM/C for girls and women. 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. The most

common form of FGM/C was excision, usually performed a few months after birth. The practice was most common in isolated Muslim communities in the sparsely populated Central and Savanes Regions.

The government sponsored educational seminars on FGM/C. Several domestic NGOs, with international assistance, organized campaigns to educate women on their rights and how to care for victims of FGM/C. NGOs also worked to create alternative labor opportunities for former FGM/C perpetrators. For additional information, see Appendix C.

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 for one to three years' imprisonment and a fine of up to 3,000,000 CFA francs (\$5,090) for conviction of sexual harassment. Penalties for conviction 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.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization. For additional information, see Appendix C.

Discrimination: Although by law women and men are equal, 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. Harsh economic conditions in rural areas, where most of the population live, left women with little time for activities other than domestic tasks and agricultural fieldwork. While the formal legal system supersedes the traditional system, it is slow, distant, and expensive to access; rural women were effectively subject to traditional law.

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. By traditional law 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. Polygyny was practiced and recognized by formal and traditional law.

Children

Birth Registration: According to the constitution, citizenship is derived either from birth within the country's borders or, if abroad, from a Togolese parent.

Conflicting nationality laws, however, discriminated against women. While the constitution provides that a child born of one citizen parent, be it the father or the mother, is a citizen, the nationality code states a woman may pass her nationality to a child only if the father is stateless or unknown. The child code, however, has gender-neutral nationality provisions that conflict with the nationality code. For additional information, see Appendix C.

Education: School attendance is compulsory for boys and girls until age 15, and the government provides tuition-free public education from nursery 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.

Child Abuse: Child abuse was a widespread problem. The law criminalizes child abuse, defined as any sexual relationship or touching by an adult of a child younger than 16, the legal age of consensual sexual conduct for girls and boys. Conviction of violations is punishable by 10 to 20 years' imprisonment and a fine of 25,000,000 to 50,000,000 CFA francs (\$42,400 to \$84,900). The government worked with local NGOs on public awareness campaigns to prevent exploitation of children.

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

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. The Ministries of Education, Gender, and Health led development of the *National Program Against Child Marriage and Teenage Pregnancy*. 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. For additional information, see Appendix C.

Sexual Exploitation of Children: The law prohibits the commercial sexual exploitation of children, including the sale and offering or procuring of children for prostitution, and practices related to child pornography, and provides penalties for those convicted of up to 20 years' imprisonment and fines of 25 million to 50 million CFA francs (\$42,400 to \$84,900). For conviction of violations involving children younger than 15, prison sentences may be up to 10 years. The law was not effectively enforced. The minimum age of consensual sexual conduct is 16 for boys and girls.

The law prohibits child pornography, and penalties for conviction are five to 10 years' imprisonment.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

Anti-Semitism

There is no known Jewish community, and there were no reports of anti-Semitic acts.

Trafficking in Persons

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

Persons with Disabilities

The law prohibits discrimination against persons with physical, mental, intellectual, and sensory disabilities, but the government did not effectively enforce these prohibitions. The law does not mandate accessibility to public or private facilities for persons with disabilities, although some public buildings had ramps. Children with disabilities attended schools at all levels, with some attending schools specifically for those with disabilities. Information regarding possible abuse in these facilities was unavailable. 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.

The Ministry of Health, the Ministry of Education, and the Ministry of Social Action, Women's Empowerment and Literacy were responsible for protecting the rights of persons with disabilities. The Ministry of Social Action, Women's Empowerment and Literacy conducted awareness campaigns to fight discrimination and promote equality; it also distributed food and clothing and provided skills training to persons with disabilities.

National/Racial/Ethnic Minorities

Northern ethnic groups, especially the Kabye tribe, dominate the civil and military services, while southern ethnic groups, especially the Ewe, dominate the private commercial sector. Relative dominance was a recurring source of political tension.

Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

The law prohibits “acts against nature committed with an individual of one’s sex,” widely understood as a reference to same-sex sexual activity. The law provides that a person convicted of engaging in consensual same-sex sexual activity may be sentenced to one to three years’ imprisonment and fined one million to three million CFA francs (\$1,700 to \$5,090), but it was not enforced. On those occasions when police arrested someone for engaging in consensual same-sex sexual activity, the charge was usually for some other legal infraction as justification for the arrest, such as disturbing the peace or public urination. The media code forbids promotion of immorality. Lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons faced societal discrimination in employment, housing, and access to education and health care. Existing antidiscrimination law does not apply to LGBTI persons. No law allows transgender persons to change gender markers on government-issued identity documents.

LGBTI groups may register with the Ministry of Territorial Affairs as health-related groups, particularly those focused on HIV/AIDS prevention. Activists reported violence against LGBTI persons was common, but police ignored complaints. Most human rights organizations, including the CNDH, refused to address LGBTI concerns.

HIV and AIDS Social Stigma

The law prohibits discrimination against persons with HIV/AIDS, and the government sponsored broadcasts aimed at deterring discrimination. The government National Council for the Fight Against AIDS (CNLS) is mandated with preventing discrimination against individuals living with HIV/AIDS. The CNLS conducts awareness raising activities, training, and other activities focused on achieving the objectives of the *National Strategic Plan to Fight against HIV/AIDS 2016-2020*. Persons with HIV/AIDS, nonetheless, faced some societal discrimination. For example, there were cases of family abandonment when HIV-positive status was discovered, and the perception that HIV/AIDS was religious punishment for wrongdoing persists.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The constitution and law provide 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. Children younger than 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 striking health-care workers may be ordered back to work if the government determines it necessary for the security and well-being of the population. 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 the export processing zone (EPZ) allows EPZ workers to form two unions but exempts companies within the EPZ from providing workers with many legal protections, including protection against antiunion discrimination regarding hiring and firing.

There are six 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.

While the law provides that violation of the right to organize is a criminal offense, it does not specify fines or other penalties applicable to conviction.

b. Prohibition of Forced or Compulsory Labor

While the law prohibits all forms of forced or compulsory labor, the government did not enforce the law effectively. Investigations were infrequent because labor inspectors must pay for their own travel and lodging expenses without reimbursement. Penalties for conviction were sufficiently stringent to deter violations. Prisoners are required to work; it was unclear if they are hired out to private employers.

Forced labor occurred. Children were subjected to forced labor (see section 7.c.).

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

The law does not prohibit all the worst forms of child labor. The law prohibits the employment of children younger than 15 in any enterprise or type of work and children younger than 18 from working at night. It requires a daily rest period of at least 12 hours for all working children. The law does not include corresponding penalties for violations. The minimum age for employment in hazardous work, such as some types of industrial and technical employment, is 18, although exceptions are often made for children ages 16 and 17 who are in good health and physically fit. The law allows 15-year-old children to carry, pull, or push loads weighing up to 308 pounds. The government has not defined what is considered hazardous work for children employed on ships and boats. The law prohibits the employment of children in some of the worst forms of child labor, including trafficking, prostitution, pornography, and the use of children in armed conflict. The law, however, authorizes employment of children ages 16 and older in other sectors likely to harm their health, safety, or morals.

The Ministry of Civil Service, Labor, Administrative Reform, and Social Protection is responsible for enforcing the prohibition against the worst forms of child labor. The ministry provided support to a center for abandoned children and worked with NGOs to combat child trafficking. Ministry efforts to combat child trafficking included holding workshops in collaboration with UNICEF, the International Labor Organization, NGOs, labor unions, police, customs officials,

and other partners to raise awareness of child labor in general and forced child labor in particular.

The government did not effectively enforce child labor law. Legal penalties were insufficient to deter violations. Ministry inspectors enforced age requirements only in the formal sector in urban areas.

Child labor was a problem. Some children started work at age five and typically did not attend school for most of the school year. Children worked in both rural and urban areas, particularly in family-based farming and small-scale trading, and as porters and domestic servants. In some cases children worked in factories. In the agricultural sector, children assisted their parents with the harvesting of cotton, cocoa, and coffee. Children were involved in crop production, such as of beans and corn, for family consumption.

The most dangerous activity involving child labor was in quarries, where children assisted their parents in crushing rock by hand and carrying buckets of gravel on their heads. The government did not sanction such labor, and it occurred only in small, privately owned quarries. Reputable local NGOs reported that, while quarry work was a weekend and holiday activity for most children, some left school to work full time in the quarries.

In both urban and rural areas, particularly in farming and small-scale trading, very young children assisted their families. In rural areas parents sometimes placed young children into domestic work in other households in exchange for one-time fees as low as 12,500 to 17,500 CFA francs (\$21 to \$30).

Children sometimes were subjected to forced labor, primarily as domestic servants, porters, and roadside sellers. Children were also forced to beg. Employers subjected children to forced labor on coffee, cocoa, and cotton farms, as well as in rock quarries, domestic service, street vending, and begging. Children were trafficked into indentured servitude. Child sexual exploitation occurred (see section 6, Children).

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

d. Discrimination 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 sufficient to deter 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. 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.

By traditional law, which applies to most women, a husband legally may restrict his wife's freedom to work and may control her earnings.

Societal discrimination against persons with disabilities was a problem. Discrimination against migrant workers also occurred.

e. Acceptable Conditions of Work

Representatives of the government, labor unions, and employers negotiate and endorse a nationwide agreement to set nationwide wage standards for all workers in the formal sector. The National Collective Bargaining Agreement sets minimum wages for different labor categories, ranging from unskilled through professional positions. The minimum wage is above the poverty line.

The government heavily regulates the labor market. Working hours of all employees in any enterprise, except in the agricultural sector, normally are not to exceed 40 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. This requirement was seldom respected in the private sector.

The Ministry of Civil Service, Labor, Administrative Reform, and Social Protection is responsible for enforcement of all labor law, especially in the formal private sector. The number of labor inspectors was insufficient to enforce the law effectively.

A technical consulting committee in the Ministry of Civil Service, Labor, Administrative Reform, and Social Protection sets workplace health and safety standards. It 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. Penalties for infractions were generally weak, and there was no evidence they deterred violations. 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. The law does not cover EPZ workers or workers in the informal sector, who represented a large, unregistered, nontaxpaying part of the economy. According to the Delegation of the Informal Sector Organization, a governmental entity, 80 percent of the country's commercial trade is conducted in the informal sector, both urban and rural, which it defines as revenue-generating activity that produces both untaxed and government-regulated goods and services.

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

The government did not effectively enforce the law, and formal-sector employers often ignored applicable law. Employers often paid less than the official minimum wage, mostly to unskilled workers, and the government lacked the resources to investigate and punish violators. In 2015 an explosion at the West African Cement plant in Tabligbo killed six employees, after which workers struck for more than two months. In 2016 the Court of Tabligbo ruled the plant owners had to pay 280 million CFA francs (\$475,000) to the victims' families. The plant director of operations was prosecuted, convicted, and sentenced to eight months' imprisonment; however, the sentence was suspended.