

TOGO 2014 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Togo is a republic governed by President Faure Gnassingbe, whom voters reelected in 2010 in a process international observers characterized as generally free and fair. In July 2013 the ruling UNIR (Unity) party won 62 of 91 seats in the National Assembly. International and national observers monitoring the election declared it generally free, fair, transparent, and peaceful, although there were logistical shortcomings. Authorities failed at times to maintain effective control over the security forces.

The main human rights problems reported during the year included prison overcrowding and harsh and life-threatening prison conditions, official corruption and impunity, and lengthy pretrial detention.

Other human rights abuses included executive influence over the judiciary; government restrictions on freedom of press and assembly; rape, violence, and discrimination against women; child abuse, including female genital mutilation/cutting (FGM/C) and sexual exploitation; and trafficking in persons. Official and societal discrimination persisted against persons with disabilities, regional and ethnic groups, and lesbian, gay, bisexual, and transgender (LGBT) persons. Child labor, including forced child labor, was a problem.

The government took limited steps to prosecute or punish officials who committed abuses. Impunity, including in the security services, was widespread.

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

a. Arbitrary or Unlawful Deprivation of Life

There were no reports the government or its agents committed arbitrary or unlawful killings during the year.

b. Disappearance

There were no reports of politically motivated disappearances during the year.

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

The constitution prohibits such practices; however, the law contains no provision defining and criminalizing torture. There were no reports of torture or other cruel, inhuman, or degrading treatment or punishment by government officials.

Prison and Detention Center Conditions

Prison conditions remained harsh and in some cases life threatening due to serious overcrowding, poor sanitation, disease, and unhealthy food. There were reports prison officials sometimes withheld medical treatment from prisoners.

Physical Conditions: There were 4,493 prisoners (including 115 women) in 12 prisons and jails designed to hold 2,720. Men often guarded women. There were 25 juveniles held in the Brigade for Minors facility. Authorities placed the infants of female pretrial detainees and prisoners in the care of government-supported private nurseries. Officials held pretrial detainees with convicted prisoners. Prisoners had access to potable water, but medical facilities were inadequate, and disease was widespread.

During the year there were 22 prison deaths from various causes, including malaria.

Administration: Recordkeeping was inadequate. Many of those in pretrial detention qualified for release under a provision of law that provides for release if half of the possible sentence corresponding to the charge has been served. Prison administrators did not maintain records of charges against detainees, however, so officials did not know which detainees were eligible for release. There were no ombudsmen to assist in resolving the complaints of prisoners and detainees. No alternatives to incarceration exist, even for nonviolent prisoners.

Authorities granted prisoners and detainees reasonable access to visitors and permitted religious observance.

Authorities allowed prisoners and detainees to submit complaints to judicial authorities without censorship and to request investigation of credible allegations of inhuman conditions. Authorities rarely investigated such complaints and did not publicly document such investigations. The government monitored and investigated prison and detention center conditions only rarely. Official impunity was a problem.

Independent Monitoring: Local nongovernmental organizations (NGOs) accredited by the Ministry of Justice could visit prisons. Such NGOs were generally independent and acted without government interference. The government required international NGOs to negotiate an agreement with the government to gain similar access. The International Committee of the Red Cross and other international human rights organizations had prison access. From February 11 to 16, the government instituted “The Week of the Detainee” during which all prison facilities were open to the public, allowing visitors to witness the harsh, sometimes deplorable, realities of prison life.

Improvements: On April 30, in order to ease some of the pressures on overcrowded prisons, the government released 484 minor offenders who had less than six months remaining on their sentences.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention, and the government generally respected these prohibitions.

Role of the Police and Security Apparatus

The national police and the gendarmerie are responsible for law enforcement and maintenance of order within the country. The National Intelligence Agency provided intelligence to police and gendarmes but, in contrast with previous years, did 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 Ministry of Defense, which reports directly to the president, oversees the military and the gendarmerie.

Corruption and inefficiency were endemic in the police force, and impunity was a problem. Abuses by security forces were subject to internal disciplinary investigations and criminal prosecution by the Ministry of Justice, but this occurred infrequently. The government generally neither investigated nor punished effectively those who committed abuses. Authorities, however, arrested one police officer in 2013 after he shot into a crowd of rioting students, killing one. He was tried and convicted but had not been sentenced at year’s end.

Police often failed to respond to societal violence.

Arrest Procedures and Treatment of Detainees

There were no reports of persons arbitrarily detained in secret without warrants. 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 unlike in previous years, police generally respected this right. 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 has provided only partial funding for implementation. 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. The law stipulates that a special judge conduct a pretrial investigation to examine the adequacy of evidence and decide on bail; however, authorities often held detainees without bail for lengthy periods regardless of a judge's approval or disapproval.

Arbitrary Arrest: There were few reports of arbitrary arrest or arrests of participants in lawful demonstrations. There were, however, reports of police misusing arrest authority for personal gain.

Pretrial Detention: A shortage of judges and other qualified personnel, as well as official inaction, resulted in lengthy pretrial detention and confinement of prisoners for periods exceeding the time they would have served if tried and convicted. Pretrial detainees and persons in preventative detention totaled 2,931, or 65 percent of the total prison population.

e. Denial of Fair Public Trial

Although the constitution provides for an independent judiciary, the executive branch continued to exert control over the judiciary, and judicial corruption was a problem. There was a widespread perception lawyers often 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 trial; however, executive influence over 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. They have a right to a fair trial without undue delay, to communicate with an attorney of their choice, and to adequate time and facilities to prepare a defense. Authorities generally respected most of these rights, but there were many delays in the justice system. Trials were open to the public and juries were used. Defendants have the right to be present at their trials, the right to an attorney, and the right to appeal. Defendants may confront witnesses and may 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. The law extends the above rights to all citizens, and authorities generally respected these rights. Defendants have the right to access government-held evidence relevant to their cases, but this right was not respected.

In rural areas the village chief or a council of elders is authorized 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 no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

The constitution and law provide for civil and administrative remedies for wrongdoing, but the judiciary did not respect such provisions, and most citizens were unaware of them. Some past cases submitted to the Court of Justice of the Economic Community of West African States resulted in rulings the government did not implement.

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

The constitution and law prohibit such actions, and there were no reports the government failed to respect these prohibitions.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Although the constitution provides for freedom of speech and press, the government restricted these rights, although less so than in previous years. The law imposes penalties on journalists deemed to have committed “serious errors” as defined in the media code.

Freedom of Speech: There were no reports persons were reluctant to criticize the government publicly or privately due to violent reprisals by government agents or the possibility of civil liability charges. Hate speech (“incitement to hatred”) is illegal.

Press Freedoms: In general the independent media were active and expressed without restriction a wide variety of views, often with scant respect for the facts.

Violence and Harassment: There were no reliable reports of journalists subjected to violence or harassment.

Censorship or Content Restrictions: The High Authority of Audiovisuals and Communications (HAAC) is a constitutionally mandated body charged with assuring press freedom, ensuring ethical standards of journalism, and allocating frequencies to private television and radio stations. For violations of the press code, the HAAC has the power to impose penalties, including suspending publications for up to six months, withdrawing press cards, and seizing equipment from journalists.

On September 25, the HAAC banned the launching of the online journal Afrikaexpress.info, allegedly because the owner failed to comply with all required registration formalities and due to broadcasts that discussed the private lives of government officials, particularly that of the HAAC president. In August 2013 a judge permanently shut down radio station Legend FM, citing a long history of violations and the failure of the director to appear for a hearing to determine whether to renew the station’s license.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports the government monitored private online communications without appropriate legal authority. According to the International Telecommunication Union, 4.5 percent of the population used the internet in 2013.

Academic Freedom and Cultural Events

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

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution and law provide for freedom of assembly, although the government sometimes restricted this right.

Marches and protests over labor issues, proposed media legislation, and political issues were a frequent occurrence. These usually occurred without incident, but in some instances police forcibly disrupted and dispersed peaceful protests.

c. Freedom of Religion

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

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

While the law provides for freedom of internal movement, foreign travel, emigration, and repatriation, the government restricted some of these rights. The government cooperated with the UN High Commission for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern. Within the government, the Office of National Coordination of Refugee Assistance serves as the main counterpart for refugee assistance and the search for durable solutions, the National Eligibility Commission focuses on refugee status determination, and the High Commission for Repatriated Persons and for Humanitarian Action works with Togolese returnees.

In-country Movement: Traffic police often stopped motorists on fabricated charges of violating traffic laws in order to solicit bribes.

Internally Displaced Persons (IDPs)

There were no reports of IDPs during the year.

Protection of Refugees

Access to Asylum: The law does not provide for the granting of asylum or refugee status, but the government established a system for providing protection to refugees in partnership with the UNHCR through the Office of National Coordination of Refugee Assistance. As of October there were 21,048 refugees in the country. The majority (more than 17,000) were from Ghana. During the year the government granted refugee status to 282 persons, of whom 273 were from the Central African Republic.

Employment: The government began issuing new identification cards and residence permits to refugees in May. These cards allow refugees access to banking services and employment, and make it possible to start their own businesses.

Access to Basic Services: Refugees have access to the courts and to the health and educational systems. The introduction of new identity cards helped protect these rights and facilitated refugee access to public services.

Durable Solutions: The government cooperated with the UNHCR to assist in the safe, voluntary repatriation of refugees to their home countries. Between November 2011 and August 2013, the government and the UNHCR assisted 913 Ivoirian refugees to return to their country. During the year the government assisted in the repatriation of 96 refugees, of whom 94 were Ivoirian.

As of July 27, Ghanaian authorities repatriated Togolese refugees, whom the UNHCR and the High Commission for Repatriated Persons and for Humanitarian Action received. Authorities in Togo briefed the returnees on security problems and granted them a lump sum for inland transportation.

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

The constitution provides citizens the ability of to change their government through free and fair elections, which they exercised through elections based on universal suffrage.

Elections and Political Participation

Recent Elections: In July 2013 the ruling UNIR party won 62 of 91 seats in the National Assembly. The Constitutional Court rejected opposition claims of fraud and vote buying, citing lack of evidence. International and national observers monitoring the election declared it generally free, fair, transparent, and peaceful, although there were logistical shortcomings. Human rights groups noted the Ministry of Security cooperated with them to improve the professionalism of the security services during the election.

Political Parties and Political Participation: The UNIR party dominated politics and maintained firm control over all levels of government. UNIR membership conferred advantages, such as better access to government jobs. In contrast with previous years, legal restrictions on demonstrations applied equally to opposition and progovernment parties.

Participation of Women and Minorities: There were 14 women in the 91-seat National Assembly, an increase of six from 2012, and six female ministers in the 29-member cabinet.

Members of the 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 official corruption, the government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity.

Corruption: The body officially responsible for combating corruption was the National Commission for the Fight against Corruption and Economic Sabotage. It remained moribund due to the lack of a specific legal mandate to fight corruption. The World Bank's Worldwide Governance Indicators for 2013, the most recent available, reflected that government corruption was severe and most severe among prison officials, police officers, and members of the judiciary. There were no major corruption cases reported during the year. The government has established various other entities such as the Government Accounting Office and Finances Inspectorate to investigate and audit public institutions, but their resources were limited and they reported little in the way of results. Authorities established toll-free and text-messaging lines for citizens to report cases of corruption.

Financial Disclosure: All officials working for the Unified Revenue Authority, established during the year, are required to disclose their income and assets. No other provisions in the constitution, law, regulations, or codes of conduct require income and asset disclosure by appointed or elected officials.

Public Access to Information: Although the law provides for public access to government information, the government does not always respond to requests. Many documents are only available in hard copy.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A variety of domestic and international human rights groups operated generally without government restriction, investigating and publishing their findings on human rights cases. Government officials often cooperated but typically were not responsive to NGO recommendations.

Government Human Rights Bodies: A permanent human rights committee exists within the National Assembly, but it did not play a significant policymaking role or exercise independent judgment.

The National Commission for Human Rights (CNDH) is the government body charged with investigating allegations of human rights abuses. CNDH representatives visited many prisons, documented prison conditions, and advocated for prisoners, especially those in need of hospital medical attention. The CNDH also provided training in how to prepare and submit cases to the CNDH for investigation and redress.

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

The constitution and law prohibit discrimination based on race, gender, disability, language, or social status, although the government did not enforce these provisions effectively. The constitution and law do not prohibit discrimination based on sexual orientation or gender identity.

Women

Rape and Domestic Violence: The law criminalizes rape without distinction; it does not specifically address spousal rape, which was rarely reported for societal reasons and, if reported, was often ignored by authorities. The law provides for

prison terms of five to 10 years for those convicted. The prison term is 20 years if the victim is a child under 14; is gang-raped; or if the rape results in pregnancy, disease, or incapacitation lasting more than six weeks. The government was diligent in investigating reports of rape and prosecuting suspects, but victims were reluctant to report incidents due to the social stigma associated with being raped and fear of reprisal. Although neither the government nor any other group compiled statistics on rape or rape arrests, some observers claimed rape was a widespread problem throughout the country.

The law does not specifically prohibit domestic violence, and domestic violence against women continued to be widespread. Police generally did not intervene in abusive situations, and many women were not aware of the formal judicial mechanisms designed to protect them. Although there were no official efforts to combat domestic violence, several NGOs were active in educating women on their rights.

Female Genital Mutilation/Cutting (FGM/C): The law prohibits FGM/C, which, according to 2010 UN Children's Fund (UNICEF) data, the most recent available, had been performed on 3.9 percent of girls and women between the ages of 15 and 49. It is usually perpetrated a few months after birth (see section 6, Children.).

Sexual Harassment: Sexual harassment was a problem. While the law states harassment is illegal and may be prosecuted in court, no specific punishment is prescribed, and authorities did not enforce the law.

Reproductive Rights: The government recognized the right of couples and individuals to decide freely and responsibly the number, spacing, and timing of their children and to have the information and means to do so, and the right to attain the highest standard of reproductive health, free from discrimination, coercion, and violence. Health clinics and local NGOs operated freely in disseminating information on family planning under the guidance of the Ministry of Health. There were no restrictions on the right to access contraceptives, but according to the 2014 Demographic Health Survey (DHS), only 17 percent of girls and women between ages 15 and 49 used a modern method of contraception. The UN Population Division estimated the unmet need for family planning was 37 percent of this cohort. The major barriers to contraceptive use were poverty and lack of education.

Skilled health-care personnel attended approximately 60 percent of births. Although the government provided free cesarean sections, it did not provide free

childbirth services generally, and the lack of doctors meant most women used skilled midwives for childbirth as well as for prenatal and postnatal care, unless the mother or child suffered serious health complications. The maternal mortality rate was 400 deaths per 100,000 live births, and a woman's lifetime risk of maternal death was one in 50, according to the 2014 DHS. The most common causes of maternal mortality were hemorrhaging, adolescent pregnancy, and lack of access to skilled obstetric care during childbirth.

Discrimination: Although women and men are equal under the law, women continued to experience discrimination in education, pay (see section 7.d.), pension benefits, and inheritance. In urban areas women and girls dominated market activities and commerce. Harsh economic conditions in rural areas, however, where most of the population lived, left women with little time for activities other than domestic tasks and agricultural fieldwork. While formal law supersedes traditional law, 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 (see section 7.d.), credit, or managing a business. Under traditional law a wife has no maintenance or child support rights in the event of divorce or separation. The formal law provides inheritance rights for a wife upon the death of her husband. Polygyny was practiced.

Children

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

Approximately 50 percent of children were registered at birth, but the percentage was lower in rural areas. The main obstacles were the cost and difficulty of registering births for rural families far from government offices. Coupled with an outreach campaign to remind rural families that all children must have birth certificates, the government coordinated from time to time with NGOs to organize free delivery of birth certificates to rural areas.

Education: School attendance is compulsory for boys and girls until the age of 15 years, and the government provides tuition-free public education from nursery through primary school. Parents must pay for books, supplies, uniforms, and other expenses. Primary school education ends between the ages of 11 and 13. There

was near gender parity in attendance at the primary school level, and in general girls and boys were treated equally. 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. Although it explicitly prohibits sexual exploitation of children and child prostitution, the law was not effectively enforced. There was no statutory rape law. The government continued to work with local NGOs on public awareness campaigns to prevent exploitation of children.

The government maintained a toll-free line for persons to report cases of child abuse and to seek help. The service provides information on the rights of the child and legal procedures and access to social workers who may intervene in emergencies. The government also established school curricula to educate children on human rights and, working with UNICEF, trained teachers on children's rights.

Early and Forced Marriage: The legal age for marriage is 18, although with parental permission it is 16. According to a 2010 UNICEF report, the most recent available, of women ages 20-24, 25 percent were married or in a union before the age of 18. The practice significantly declined in recent years. Rates were highest in the Savannah Region at 61 percent, followed by the Plateau Region at 37 percent, Kara Region at 36 percent, Central Region at 31 percent, and the Maritime Region at 29 percent.

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

Female Genital Mutilation/Cutting (FGM/C): The law prohibits FGM/C, which, according to 2010 UNICEF data--the most recent available--had been performed on 1 percent of girls and young women ages 15 to 19. Penalties for perpetrators of FGM/C range from two months to five years in prison as well as substantial fines. The law was rarely enforced because most FGM/C cases occurred in rural areas where awareness of the law was limited. The most common form of FGM/C was excision, which was usually performed on girls a few months after birth. Most of the larger ethnic groups did not practice FGM/C, and others were abandoning it. The practice was most common in isolated Muslim communities in the sparsely populated Central Region. Traditional customs often took precedence over the

legal system among certain ethnic groups. The government continued to sponsor educational seminars on FGM/C. Several domestic NGOs, with international assistance, organized campaigns to educate women on their rights and on how to care for victims of FGM/C. NGOs also worked to create alternative labor opportunities for former FGM/C perpetrators.

Sexual Exploitation of Children: The law prohibits the commercial sexual exploitation of children and provides penalties of between one and five years' imprisonment and, in addition, fines from 100,000 to one million CFA francs (\$189 to \$1,894) for offenders. For violations involving children under 15 years, prison sentences may be up to 10 years. The minimum age of consensual sex is 16 for boys and girls.

The law prohibits child pornography and provides for penalties of five to 10 years in prison. Minors were subjected to prostitution. The government conducted a survey and assessment of reports of child-sex tourism in 2013 as part of its effort to address the problem, but neither was released by year's end.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism

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

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

Persons with Disabilities

The law prohibits discrimination against persons with physical, mental, intellectual, and sensory disabilities in employment (see section 7.d.), education, access to health care, transportation, or in the provision of other state services, but the government did not effectively enforce these provisions. 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. There was no reported pattern of abuse in these facilities. 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 posed barriers.

The Ministry of Social Action and National Solidarity (MSANS), the Ministry of Health, and the Ministry of Education are responsible for protecting the rights of persons with disabilities. During the year the MSANS held 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

The northern ethnic groups, especially the Kabye, dominate the civil and military services while southern ethnic groups, especially the Ewe, dominate the private commercial sector. This has been a recurring source of political tension.

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

The law provides that a person who engages in consensual same-sex sexual activity may be sentenced to one to three years' imprisonment and fined 100,000 to 500,000 CFA (\$189 to \$947), but the law was not enforced directly. On those occasions when police do arrest someone for engaging in consensual same-sex sexual activity, authorities file a charge for some other violation as a pretext for the arrest, such as disturbing the peace or public urination. The media code forbids promotion of immorality, and includes same-sex sexual activity. LGBT persons faced societal discrimination in employment, housing, and access to education and health care. Existing antidiscrimination laws do not apply to LGBT persons (see section 7.d.). No laws allow transgendered persons to change gender markers on government-issued identity documents.

No organizations openly focused on LGBT matters; LGBT organizations organized as public health or general human rights organizations. Activists reported violence against LGBT persons was common, but police ignored complaints. Most human rights organizations, including the CNDH, refused to address LGBT problems.

HIV and AIDS Social Stigma

The law prohibits discrimination against persons infected with HIV/AIDS, and the government continued to sponsor broadcasts aimed at dissuading discrimination. Persons infected with HIV/AIDS nonetheless continued to face significant societal discrimination at all levels, including reports of family members refusing to share eating utensils with infected persons. The most recently available Demographic and Health Survey for Togo does not address social stigma towards persons infected with HIV/AIDS.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The constitution and law provide workers, except security forces (including firefighters and police), the right to form and join unions and bargain collectively. There are supporting regulations that allow workers to form and join unions of their choosing. Workers have the right to strike, although striking health-care workers may be ordered back to work as necessary for the security and well-being of the population. While no provisions in the law protect strikers against employer retaliation, the law requires employers to get a judgment from the labor inspectorate before they may fire workers. If workers are fired illegally, including for union activity, they must be reinstated and compensated for lost salary. The law creating the Export Processing Zone (EPZ) exempts companies within the EPZ from providing workers with many legal protections, including protection against antiunion discrimination with regard to hiring and firing.

The law recognizes the right to collective bargaining; representatives of the government, labor unions, and employers negotiate and endorse a nationwide agreement. This collective bargaining agreement sets nationwide wage standards for all formal sector workers. For sectors in which the government is not an employer, the government participated in this process as a labor-management mediator. For sectors with a large government presence, including the state-owned companies, the government acts solely as an employer and does not mediate. Individual unions could negotiate agreements more favorable to labor through sector-specific or firm-specific collective bargaining.

The government generally effectively enforced laws regarding freedom of association and the right to organize, particularly outside the EPZs. While the law provides that the violation of the right to organize is a criminal offense, it does not provide for specific penalties or fines. Administrative judicial procedures were not subject to lengthy delays and appeals. Employees of EPZ firms do not enjoy the

same protection against antiunion discrimination as do other workers, although two unions representing EPZ workers were created in late 2009. Worker organizations were independent of the government and political parties. There were no reports of employers either refusing to bargain, bargaining with unions not chosen by workers, or using hiring practices (such as subcontracting or short-term contracts) to avoid hiring workers with bargaining rights. There were no reports of antiunion discrimination or employer interference in union functions. Union leaders were free from threats and violence from employers.

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 due to lack of resources limiting labor inspection and remediation capacity. Investigations were infrequent because investigators must pay for their own travel and lodging expenses without reimbursement. Penalties for violations, including light sentences ranging from six months to two years' imprisonment for trafficking of children under age 18, were insufficient to deter violations.

Forced labor occurred. Children were subjected to forced labor on coffee, cocoa, and cotton farms, as well as in stone and rock quarries, domestic service, street vending, and begging. Men were exploited for forced labor in agriculture, and women were exploited in domestic service and forced prostitution abroad.

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits the employment of children under age 15 in any enterprise or type of work and children under age 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. The minimum age for employment for hazardous work, such as some types of industrial and technical employment, is 18. The law prohibits the employment of children in the worst forms of child labor, including trafficking, prostitution, pornography, and the use of children in armed conflict. The law, however, authorizes the employment of children age 16 and older in other sectors likely to harm their health, safety, or morals.

The MSANS is responsible for enforcing the prohibition against the worst forms of child labor. The government did not effectively enforce child labor laws due to limited resources for inspections and remediation. For example, there were only 86 labor inspectors and two vehicles for Lome, a city of more than one million residents. In addition, legal penalties were insufficient to deter violations. Ministry inspectors enforced age requirements only in the formal sector in urban areas. The ministry funded a center for abandoned children and worked with NGOs to combat child trafficking. The ministry frequently held workshops in collaboration with UNICEF, the International Labor Organization, NGOs, labor unions, and other partners to raise awareness of child labor in general and forced labor in particular.

Child labor was a problem. According to UNICEF, 28 percent of children between the ages of five and 14 worked full time. 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 dropped out of 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 (\$24 to \$33).

Children sometimes were subjected to forced labor, primarily as domestic servants, porters, and roadside sellers. Children were also forced to beg. Children were trafficked into indentured servitude (see section 7.b. for additional sectors). Child sexual exploitation occurred (see section 6, Children.).

During the year the government, in collaboration with international organizations, conducted training and awareness activities with various officials, such as police and customs inspectors, as well as private businesses.

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

d. Discrimination With Respect to Employment or Occupation

The law prohibits discrimination in employment and occupation based on race, gender, disability, and language but does not specifically prohibit such discrimination based on sexual orientation, gender identity, and HIV-positive status or having other communicable diseases. The government, in general, did not effectively enforce the law.

Gender-based discrimination in employment and occupation occurred (see section 6, Children.). Although the law requires equal pay for equal work, regardless of gender, this provision generally was observed only in the formal sector.

Under traditional law, which applied to the vast majority of women, a husband legally may restrict his wife's freedom to work and control her earnings.

There was no overt government discrimination against persons with disabilities, and such persons held government positions, but societal discrimination against persons with disabilities was a problem.

Discrimination against migrant workers also occurred. Migrant workers enjoy the same legal protections, wages, and working conditions as citizens.

e. Acceptable Conditions of Work

The national collective bargaining agreement sets minimum wages for different labor categories, ranging from unskilled through professional positions. The minimum wage is 35,000 CFA francs (\$66.30) per month. The government set the poverty level at the internationally recognized level of \$1.25 per day.

Working hours of all employees in any enterprise, except for 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 expected 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 there are restrictions on 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 was seldom respected in the private sector.

A technical consulting committee in the Ministry of Labor, Employment, and Social Security sets workplace health and safety standards. It may levy penalties on employers who do not meet the standards, and workers have the right to complain to labor inspectors of unhealthy or unsafe conditions without penalty. Labor laws also provide protection for legal foreign workers. The laws did not cover workers in the informal sector and EPZ workers, who represented a large, unregistered, nontaxpaying part of the economy.

The Ministry of Labor, Employment, and Social Security is responsible for enforcement of all labor laws, especially in the private sectors. It had 62 labor inspectors for the entire country, which was insufficient to enforce the law effectively.

Employers often ignored applicable laws. Employers often paid less than the official minimum wage, mostly to unskilled workers. Many workers supplemented their incomes through second jobs or subsistence farming.

A health insurance plan exists for public sector employees. 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 National Social Security Fund compiles statistics on workplace accidents and fatalities, and transmits these once a year to the Ministry of Labor, Employment, and Social Security.

By law workers may remove themselves from situations that endanger health or safety without jeopardy to their employment, but authorities did not effectively protect employees in these situations.