

TOGO 2012 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Togo is a republic governed by President Faure Gnassingbe, who voters reelected in March 2010 in a process international observers characterized as generally free and fair. The ruling UNIR (Unity) party, formerly the RPT (Rally of the Togolese People) party, dominated politics and maintained firm control over all levels of the highly centralized government. Security forces reported to civilian authorities.

The main human rights problems reported during the year included security force use of excessive force, official corruption and impunity, and government control of the press through beatings and harassment of journalists and sometimes outright censorship.

Other human rights abuses included prison overcrowding and harsh and life-threatening prison conditions, arbitrary arrest and detention, including lengthy pretrial detention, and executive influence over the judiciary. The government ignored repeated decisions of international human rights courts in human rights matters; it also placed various restrictions on freedom of press and assembly. Rape, violence, and discrimination against women were problems. Child abuse, including female genital mutilation/cutting and sexual exploitation, occurred. Trafficking in persons and societal discrimination against persons with disabilities were problems. Official and societal discrimination persisted against persons with disabilities, regional and ethnic groups, and members of the lesbian, gay, bisexual and transgender (LGBT) community. Societal discrimination against persons with HIV/AIDS was significant. The rights of workers to organize, strike, and bargain collectively were weakly protected. Child labor, including forced child labor, was a problem.

The government took limited steps to prosecute or punish officials who committed abuses. Impunity, especially 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, and security force abuse was a problem. Amnesty International and local human rights organizations reported police and gendarmes abused detainees during interrogation, guards beat prisoners, and young persons and children were at risk of corporal punishment while in detention. The government did not prosecute officials for such abuses, and impunity remained a problem.

The governmental National Commission for Human Rights (CNDH) published a report in February 2011 that confirmed security forces had used torture. The report also issued remedial recommendations, which included punishing the individuals responsible, compensating victims, and improving oversight of the National Intelligence Agency (NIA). The government made some reforms in line with these recommendations, such as prohibiting the NIA from detaining persons, and the NIA complied with this prohibition. Unlike in prior years, there were no reports security forces used torture or that persons were arbitrarily detained in secret without warrants.

Prison and Detention Center Conditions

Prison conditions remained harsh and life threatening with serious overcrowding, poor sanitation, and unhealthy food. The prison spent only 500 CFA francs (\$1) per prisoner per day for food, medicine, and hygiene. Prisoners had access to potable water, but medical facilities were inadequate, and disease and drug abuse were widespread. Moreover, prisoners in the Central Prison of Lome had no access to toilets between 5:00 p.m. and 6:30 a.m. and instead had to use pots. Sick prisoners reportedly had to pay 1,500 CFA francs (\$3) to guards before being allowed to visit the infirmary. There were reports prison officials sometimes withheld medical treatment from prisoners.

Physical Conditions: As of December 20, there were 4,060 prisoners in the country's 12 prisons and jails, of whom 105 were women. Men often guarded women. There were up to 45 juveniles held at a time in the Brigade for Minors

facility, officially intended to accommodate only 28. Five or six minors were put into cells made for two. Infants of female pretrial detainees and prisoners were placed in the care of private nurseries, which received government support. Pretrial detainees were held with convicted prisoners.

At year's end the Central Prison of Lome, which was built for 666 prisoners, held 1,844.

Minister of Justice Tchitchao Tchalim stated that 28 prisoners died during the first three months of the year from various causes, including asthma, hypertension, and tuberculosis.

Administration: Recordkeeping was inadequate, and only the prosecution maintained full records on prisoners and their trials. Many of those in pretrial detention qualified for release under the law for having served half of the possible sentence while in pretrial detention, but the prison administration did not know which detainees were eligible for release, since it did not maintain records of charges against detainees. There were no ombudsmen to assist in resolving the complaints of prisoners and detainees. There were no alternatives to incarceration, 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 request investigation of credible allegations of inhumane conditions. However, authorities rarely investigated such complaints and did not publicly document such investigations. The government monitored and investigated prison and detention center conditions only rarely, and official impunity was a problem.

Monitoring: Local nongovernmental organizations (NGOs) accredited by the Ministry of Justice could readily visit prisons. International NGOs must negotiate an agreement with the government to gain similar access to prisons. The International Committee of the Red Cross (ICRC) and other international human rights organizations had prison access. Only representatives of the Office of the UN High Commissioner for Refugees (UNHCR) and the ICRC had access to NIA detention facilities.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention; however, the government did not always respect these prohibitions. For example, during unruly street protests on August 21-22, security forces arrested 127 persons, most of whom were released without charge after being jailed for five days.

Role of the Police and Security Apparatus

The national police, the NIA, and the gendarmerie are responsible for law enforcement and maintenance of order within the country. The NIA is responsible for domestic and foreign intelligence and security, including criminal investigations. The NIA reports directly to the president. The 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 rarely occurred. The government generally neither investigated nor punished effectively those who committed abuses. However, four police officers were administratively punished with 60 days of house arrest (“home strict arrest”) without pay for firing on an opposition leader’s house with tear gas and concussion grenades during a political gathering there on July 14. Police often failed to respond to societal violence.

Arrest Procedures and Treatment While in Detention

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

Arbitrary Arrest: In some instances security forces arbitrarily arrested participants in lawful demonstrations for which organizers had met police requirements, including advance notification.

The law prohibits arrest for civil debt; however, according to the Togolese League of Human Rights, there were cases of persons arrested for outstanding debts and detained in gendarmeries and police stations for more than 48 hours. There were unsubstantiated reports of persons forced to accept employment against their will.

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. Approximately 65 percent of inmates were pretrial detainees.

Amnesty: On June 15, the president pardoned 434 pretrial detainees who had already served three-quarters of the maximum possible sentences for the charges against them.

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.

A military tribunal exists for crimes committed by military personnel, but its proceedings were closed. The military court may not try civilians and does not accord military defendants the same rights as civilians.

Trial Procedures

The judicial system employs both traditional law and the Napoleonic Code in trying criminal and civil cases. Defendants officially enjoy a presumption of innocence and the right to be informed promptly and in detail of the charges against them, 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. However, these rights were often not respected, and there were many delays in the justice system. Trials were open to the public, juries were used, and judicial procedures generally were respected. Defendants have the right to be present at their trials and

the right to counsel and to appeal. All defendants have the right to an attorney, and the bar association sometimes provided attorneys for the indigent in criminal cases. Defendants have the right to be present at their trials, 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. Authorities respected these rights. Defendants have the right to access government-held evidence relevant to their cases, but this right was not respected.

The law did not extend these rights to persons tried in the military court.

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

Both the constitution and the law provide for civil and administrative remedies for wrongdoing, but the judiciary did not respect such provisions, and most citizens were unaware of them. However, some submitted cases to the Court of Justice of the Economic Community of West African States (ECOWAS). In a past ECOWAS court decision, the government respected the legal authority of the court but failed to implement its decision.

Regional Human Rights Court Decisions

In 2010 the Constitutional Court ruled that nine parliamentary deputies were properly stripped of their seats for changing political party affiliation from the Union for Forces of Change (UFC) to the National Alliance for Change (ANC). The nine deputies, including prominent opposition leader Jean-Pierre Fabre, appealed the decision to the Inter-Parliamentary Union and the ECOWAS Court of Justice, both of which ruled in 2011 in favor of the ANC. As the government took no action to implement these rulings, the deputies appealed again to the ECOWAS Court of Justice, and on March 13, the court again decided in their favor. The decisions remained unimplemented at year's end.

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

The constitution and law prohibit such actions, and the government generally respected these prohibitions. In criminal cases a judge or senior police official may authorize searches of private residences.

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

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Although the constitution provides for freedom of speech and press, the law imposes penalties on journalists deemed to have committed “serious errors.” The government restricted these rights, although less so than in previous years. Impunity for past abuses against journalists and defamation suits encouraged self-censorship.

Freedom of Speech: Unlike in previous years, there were no reports that persons were reluctant to criticize the government publicly or privately due to violent reprisals by government agents or the possibility of civil liability charges.

Freedom of Press: In general the independent media were active and expressed a wide variety of views, often with scant respect for the facts, without restriction. However, there were two notable cases of censorship (discussed below).

Violence and Harassment: During the year there were reports that government security personnel harassed, attacked, and beat press reporters and photographers. For example, on February 9, gendarmes in Lome reportedly stopped Max Savi Carmel, news editor of the private Beninese bimonthly *Tribune d’Afrique*, and told him to follow them to the offices of the Intelligence and Investigation Services Bureau of the gendarmerie. The gendarmes held Carmel for several hours and questioned him about his sources and information on a pending story. After he was released from custody, Carmel said he discovered his car had been ransacked.

On March 2, police reportedly attacked Koffi Djidonou Frederic Attipou, a photojournalist with the weekly newspaper *Le Canard Independant* and the biweekly magazine *Sika*. Attipou suffered an eye injury after police beat him for taking photographs of officers seizing a motorcycle during a protest. On April 27, police officers allegedly beat journalists Noel Kokou Tadegnon and Didier Alli

while they were covering a demonstration in Lome. In July demonstrators attacked another journalist, Atayi Ayi, a reporter for the newspaper *Forum de la Semaine*. On October 5, security personnel attacked journalist Justin Anani while he was covering an antigovernment protest.

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

On July 16, the HAAC revoked the printing license of the newspaper *La Nouvelle* for printing articles on the ethnic make-up of the government and on the president's supposed lovers. The newspaper was cited for defamation, invading private lives, and inciting racial hatred.

Internet Freedom

There were no known government restrictions on access to the Internet or reports the government monitored e-mail or Internet chat rooms without judicial oversight. According to the International Telecommunication Union, 3.5 percent of the population used the Internet in 2011.

Academic Freedom and Cultural Events

According to students and professors, a government informant system continued to exist, and undercover gendarmes attended classes.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution and law provide for freedom of assembly; however, the government sometimes restricted this right. Although demonstration organizers had followed standard notification and other procedures, on several occasions the government prevented opposition marches through commercial areas and forcibly dispersed demonstrators when authorities did not agree to the routes taken.

However, marches were a weekly occurrence, and they commonly took place peacefully and without incident.

On March 28, police arrested students Agnite Massama, Bitsioudi Birenam, and Sidiba Mohamed at the University of Kara. A fourth student, Alinki M'claw, was arrested on April 3. The government charged them with "incitement to revolt" after they organized a general assembly to discuss the government's failure to honor its promise to grant benefits to support students and provide scholarships on the basis of merit. On April 24, it released all four without bringing them to trial.

Freedom of Association

Under the constitution and law, citizens have the right to organize associations and political parties, and the government generally respected this right.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/j/drl/irf/rpt.

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

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation; however, the government restricted some of these rights. The government cooperated with the 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.

In-country Movement: The government reduced the number of official checkpoints to three, from four in 2011. Security forces often stopped motorists on fabricated charges of violating traffic laws in order to solicit bribes.

Internally Displaced Persons (IDPs)

In October intercommunal conflict broke out between members of the Peul (Fula) and Gangan ethnic groups in Oti District in the north, resulting in the burning down of a number of homes and the displacement of more than 1,000 persons. In response the UNHCR deployed an emergency team to assist the government. The UNHCR registered more than 1,150 IDPs and provided them with shelter, nonfood

items, and basic humanitarian assistance. The government continued to facilitate the peace building and reconciliation process.

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. As of October there were approximately 23,400 refugees in the country, of which more than 17,000 were from Ghana and 5,500 from Cote d'Ivoire.

Temporary Protection: During the year 556 persons requested asylum and received temporary protection. Between October 2011 and January, human traffickers abandoned in the country 209 Tamils fleeing Sri Lanka for Canada. Authorities did not grant refugee status, housed them in jails and open-air stadiums, and returned an estimated 160 to Sri Lanka.

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

The constitution provides citizens the right to change their government peacefully, and citizens exercised this right in the 2010 presidential election. The government remained highly centralized, and long-promised local elections along with legislative elections scheduled during the year were postponed to 2013.

Elections and Political Participation

Recent Elections: In March 2010 president and ruling RPT candidate Faure Gnassingbe was reelected with 61 percent of votes cast. 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. The EU monitoring group noted that inadequate transparency measures reduced confidence in the electoral administration but did not challenge the outcome of the vote. The 2010 election occurred with minimal violence.

Political Parties: 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. While the legal restrictions on demonstrations nominally applied to all parties, they were enforced primarily on opposition

parties. Security forces banned and dispersed some opposition demonstrations and arrested participants (see section 2.b.).

During the year the government refused to reinstate nine opposition parliamentary deputies who were stripped of their seats for changing political party affiliation in 2010 (see section 1.e.).

Participation of Women and Minorities: There were eight women in the 81-seat National Assembly and seven female ministers in the 32-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. The World Bank's most recent worldwide governance indicators indicated that government corruption was a severe problem among prison officials, police officers, and members of the judiciary.

Officials were not subject to financial disclosure laws. The only body officially responsible for combating corruption was the National Commission for the Fight against Corruption and Economic Sabotage. However, it has been moribund for several years, due to the lack of a specific legal mandate to fight corruption.

Although the law provides for public access to government information, the government in the past did not permit access for either citizens or noncitizens, including foreign media. However, the government provided some information during the year, including postings on its Web site.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations 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 sometimes 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 any significant role in policymaking or exercise independent judgment.

The CNDH investigated numerous allegations of human rights abuses, including torture at the NIA. According to Amnesty International, on February 20, the government censored a report by the CNDH that denounced the use of torture by the government. In protest the CNDH published the original report the same day. According to CNDH president Koffi Kounte, shortly before publication of the report he received threats in relation to it “from the head of state’s inner circle.”

The Truth, Justice, and Reconciliation Commission, established in 2009 to address complaints lodged by victims of political violence between 1958 and 2005, released its report on April 3. Although the commission could recommend prosecution of offenses, it did not; however, it recommended restitution to many of the victims.

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

The constitution and law prohibit discrimination based on race, gender, religion, disability, language, or social status; however, the government did not enforce these provisions effectively.

Women

Rape and Domestic Violence: The law criminalizes rape and 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 law does not specifically outlaw spousal rape. Although the government was diligent in investigating reports of rape and prosecuting suspects, victims were reluctant to report incidents due to the social stigma associated with being raped and fear of reprisal. Although the government did not compile statistics on rape or rape arrests, some observers believed rape was a widespread problem throughout the country.

The law does not specifically prohibit domestic violence, and domestic violence against women continued to be a widespread problem. 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 (FGM/C): See section 6, Children.

Sexual Harassment: Sexual harassment was a problem. While the law states that 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 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 estimates from the UN Population Fund, only 13 percent of girls and women between ages 15 and 49 years used a modern method of contraception. Approximately 60 percent of births were attended by skilled health-care personnel. 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. Maternal mortality was 300 deaths per 100,000 live births in 2010, according to the World Health Organization. The most common causes of maternal mortality were hemorrhaging; high blood pressure; and complications due to abortion, infection, and birthing. The prevalence rate for modern contraception use was 13.2 percent. The major barriers to contraceptive use were poverty and a lack of education.

Discrimination: Although women and men are equal under the law, women continued to experience discrimination in education, pay, pension benefits, and inheritance. In urban areas women and girls dominated market activities and commerce. However, harsh economic conditions in rural areas, where most of the population lived, left women with little time for activities other than domestic tasks and agricultural fieldwork. Under traditional law, which applied to the vast majority of women, a husband legally can restrict his wife's freedom to work and control her earnings. While formal law supersedes traditional law, it is slow, distant, and expensive; rural women were effectively relegated to traditional law.

The law requires equal pay for equal work, regardless of gender, but this provision generally was observed only in the formal sector. There are no restrictions on

women owning property. Women did not experience formal sector economic discrimination in access to employment, credit, or managing a business. Under traditional law a wife has no maintenance or child support rights in the event of divorce or separation. During the year a law was passed which establishes inheritance rights for a widow upon the death of her husband. Polygyny was practiced.

Children

Birth Registration: Citizenship is derived either from birth within the country's borders or from the parents.

Approximately 50 percent of children were not registered at birth. The government stated that the main obstacle was the cost of registering births.

Education: School attendance is compulsory for both boys and girls until the age of 15, and the government provides tuition-free public education from nursery through primary school; however, 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 the same. 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.

Child Marriage: According to several international organizations, child marriage existed on a small scale, especially in the north and among Muslims. Cases often were not reported since parents willingly gave their children in marriage.

Of women ages 20-24, 25 percent reportedly 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.

Harmful Traditional Practices: The law prohibits FGM/C, which was performed on approximately 2 percent of girls, according to the minister for the promotion of women. Penalties for perpetrators of FGM/C range from two months to five years in prison as well as substantial fines. However, 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 within 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 against FGM/C. Several 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 sexual exploitation of children and provides penalties of between one to five years' imprisonment and fines from 100,000 to one million CFA francs (\$200 to \$2,000) for offenders. For violations involving children under 15, prison sentences can be up to 10 years. The minimum age of consensual sex is 16.

The law prohibits child pornography and provides for penalties of five to 10 years in prison. Minors were subjected to prostitution.

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.

Persons with Disabilities

The law prohibits discrimination against persons with physical, mental, intellectual, and sensory disabilities in employment, education, access to health care, transportation, or in the provision of other state services, but the government did not effectively enforce these provisions. 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. The government 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 right of persons with disabilities to vote and participate in civic affairs is not restricted.

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 civil and military services while southern ethnic groups, especially the Ewe, dominate the private commercial sector. This is a recurring source of political tension. Political parties tended to have readily identifiable ethnic and regional bases. The UNIR party was more popular among northern ethnic groups than among southern groups; the reverse was true of the opposition UFC and Action Committee for Renewal parties.

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

The law provides that a person who engages in consensual same-sex sexual activity may be punished by one to three years' imprisonment and fined 100,000 to 500,000 CFA francs (\$200 to \$1,000). While the law was not routinely enforced,

at least one man, a Ghanaian, was arrested during the year under this law. The judge, seeking to avoid the attention the case might receive, instead charged the Ghanaian with disruption of public order. LGBT persons faced societal discrimination in employment, housing, and access to education and health care.

There were no organizations that focused on LGBT matters. There were few reported incidents of violence or abuse against LGBT persons; however, the penalty against homosexual behavior and the heavy stigma associated with it probably prevented most incidents of violence or abuse from being reported.

Other Societal Violence or Discrimination

The law prohibits discrimination against persons infected with HIV/AIDS, and the government continued to sponsor broadcasts aimed at dissuading discrimination. However, persons infected with HIV/AIDS continued to face significant societal discrimination.

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), with the right to form and join unions and bargain collectively. Workers have the right to strike, although striking health-care workers may be ordered back to work as necessary for the personal security and well-being of the population. While there are no provisions in the law protecting strikers against employer retaliation, the law requires employers to get a judgment from the labor inspectorate before it can fire workers. If workers are fired illegally, including for union activity, they must be reinstated and compensated for lost salary. However, 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 right to collective bargaining is recognized by law; however, it is limited to a single nationwide agreement negotiated and endorsed by representatives of the government, labor unions, and employers. All formal sector employees are covered by a collective bargaining agreement that sets nationwide wage standards for all formal sector workers. The government participated in this process both as a labor-management mediator and as the largest employer in the formal sector,

managing numerous state-owned firms that monopolized many sectors of the economy. Individual groups in the formal sector could negotiate agreements more favorable to labor through sector-specific or firm-specific collective bargaining, but this option was rarely used.

While the government generally respected and enforced laws regarding freedom of association and the right to organize, particularly outside the EPZs, the Ministry of Labor, Employment, and Social Security often failed to enforce the prohibition against antiunion discrimination. Employees of EPZ firms did not enjoy the same protection against antiunion discrimination as did other workers, although two unions representing EPZ workers were created in late 2009.

Worker organizations were independent of the government and political parties.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor, including by children; however, the government did not enforce the law effectively.

Forced labor occurred. Children sometimes were subjected to forced labor. There were reports of debtors being forced to accept employment against their will (see section 7.c).

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

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. However, the law does not include corresponding penalties. For some types of industrial and technical employment, the minimum age 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. However, the law 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. However, the government did not effectively enforce child labor laws

due to limited resources. 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, 29 percent of children between the ages of five and 14 worked. 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 the production of foodstuffs for consumption by the family such as beans and corn.

The most dangerous activity involving child labor was in the quarries, where children assisted their parents in crushing rock by hand and carrying buckets of gravel on their heads. Such labor was not sanctioned by the government and occurred only in small, privately owned quarries. Reputable local NGOs reported that while quarry work was strictly a weekend and holiday activity for most children, others 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 traditionally 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 (\$25 to \$35).

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.

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. In June the International Bureau for Children's Rights trained police officers in children's rights. In November the Ministry of Security, working with four international groups, held a three-day training session with police from 24 countries on the same subject. In addition, work increased with local committees that served both to raise awareness

of trafficking and forced labor and to report instances of either. With help from UNICEF, during the year the government provided funds to poor families with very young children considered at risk for trafficking.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/programs/ocft/tda.htm.

d. 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 (\$70) per month. The government set the poverty level at CFA 496 (\$1) 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.

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 employees have the right to complain to labor inspectors of unhealthy or unsafe conditions without penalty. Labor laws also provide protection for legal foreign workers. Workers in the informal sector and EPZ workers, however, were not covered by these laws.

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 effectively enforce the law.

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. Large enterprises are obliged by law to provide medical services for their employees and usually

attempted to respect occupational health and safety rules, but smaller firms often did not.