

TOGO 2021 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

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

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 the Armed Forces but also reports to the Ministry of Security and Civil Protection on many matters involving law enforcement and internal security. The armed forces have some internal security duties and report also to the Ministry of the Armed Forces. 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. There were credible reports that members of the security forces committed some abuses.

Significant human rights issues included credible reports of: cruel, inhuman, or degrading treatment by government or on behalf of government; harsh and life-threatening prison conditions; arbitrary arrest or detention; political prisoners or detainees; arbitrary or unlawful interference with privacy; serious restrictions on free expression and media including the existence of criminal libel laws; substantial interference with the freedom of peaceful assembly and freedom of association; serious government corruption; lack of investigation of and accountability for gender-based violence, including but not limited to domestic or

intimate partner violence and child, early, and forced marriage; crimes involving violence or threats of violence targeting lesbian, gay, bisexual, transgender, queer, or intersex persons; existence or use of laws criminalizing consensual same-sex sexual conduct between adults; and existence of the worst forms of child labor.

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

Section 1. Respect for the Integrity of the Person

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

Unlike in the previous year, there were no reports that the government or its agents committed arbitrary or unlawful killings. The Ministry of Security and Civil Protection announced investigations into several reports of killings by security forces in 2020, but the results of these investigations remained pending. For example, the April 2020 death of a Lome man after leaving his home during the COVID-19 curfew remained unresolved as of September.

On February 24, parents demanding justice for children killed during opposition protests in 2017 and 2018 launched the Collective of Victims' Families in Togo, calling on the government to bring the perpetrators to justice. As of September, authorities had not announced any investigations into those deaths.

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

Rights Commission (CNDH) also investigates security force killings.

b. Disappearance

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

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 of uncharged detainees. The CNDH serves as the National Mechanism to Prevent Torture (NMPT), and human rights organizations invited the NMPT to engage more actively to prevent torture and abuse.

On December 29, 2020, gendarmes arrested Carlos Ketohou, publishing director of *L'Independant Express*, a private newspaper. He was held at the Central Intelligence and Criminal Investigation Service (SCRIC) until January 2. Human rights groups reported Ketohou suffered ill treatment and was denied clothing other than underwear. Security forces repeatedly interrogated him over the course of several hours with guns pointed at his face.

Authorities arrested Pan-African National Party Prefectural secretary Abdou-Moutawakilou Yakoubou in January 2020 on allegations of having participated in violent acts against gendarmes during the 2019 government raid on the “Tiger Revolution” group. Authorities granted him provisional freedom on health grounds in July, and he died on August 26 of a long-term illness. Human rights organizations reported he was subjected to torture and inhuman acts while in detention. The Committee for the Liberation of All Political Prisoners in Togo reported that five others arrested in early 2020 for participation in the Tiger Revolution group, Mourane Tairou, Alassani Issaka, Saibou Moussa, Seybou

Alilou, and Djalilou Soulemane, died in prison in late 2020, and were also allegedly subjected to torture while in prison.

On October 20, the Community Court of Justice of the Economic Community of West African States condemned the government for torture and ill-treatment of a woman arrested during political demonstrations in 2017. The court ordered the government to pay \$53,000 restitution to the woman. The woman filed a complaint with the court in 2018 after domestic courts refused to consider her petitions.

According to the *Conduct in UN Field Missions* online portal, there was one allegation submitted in October 2020 of sexual exploitation and abuse by a Togolese peacekeeper deployed to a UN peacekeeping mission. As of September, the United Nations had substantiated the allegation and repatriated the perpetrator, but the government had not disclosed the disciplinary or remedial measures taken.

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

Offices tasked with investigating abuses include the CDJP, the Inspectorate of the Judicial Police, the Ministry of Security, the Ministry of Justice, the Public Prosecutors' Office, and the CNDH.

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 30, there were 4,990 convicted prisoners and pretrial detainees (including 132 women) in 13 prisons and jails designed to hold 2,720 inmates. For example, the Lome

civil prison was more than one-third above capacity with approximately 900 inmates held in a prison designed to hold 666. These crowded conditions facilitated the spread of COVID-19.

Nursing mothers with infants were generally held together with other detainees. In some cases, nursing mothers chose to have their babies placed in the care of a government-supported private nursery. In September the national penitentiary director claimed there were no nursing mothers in prison. Officials held pretrial detainees together with convicted prisoners.

As of September, the national penitentiary director confirmed there were 26 prison deaths from illnesses linked to overcrowding and malaria. The government reported no prisoners had died from COVID-19. Medical facilities, food, sanitation, ventilation, and lighting were inadequate. Prisoners did not have access to potable water, and disease was widespread.

Administration: Prisons lacked 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 their findings. The government rarely monitored and investigated allegations of inhuman prison and detention center conditions received from other sources.

Independent Monitoring: Prior to the COVID-19 pandemic, the Ministry of Justice accredited nongovernmental organization (NGO) representatives for prison visits. The government required international NGOs to negotiate an agreement to obtain access, and the International Committee of the Red Cross and other international human rights organizations had such agreements. Such NGOs were generally independent and acted without government interference. Nevertheless, some NGOs noted instances in which they had received authorization to conduct a visit but were denied access upon arrival, most often when visiting political prisoners alleging mistreatment by prison guards. Security forces monitored visits to the SCRIC pre-detention facility and did not allow NGO representatives and

prisoners to speak in confidence. Authorities generally denied requests by journalists to visit prisons.

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

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention and provide for the right of any person to challenge the lawfulness of his or her arrest or detention in court. The government did not always observe these requirements.

Arrest Procedures and Treatment of Detainees

The law authorizes judges, senior police officials, prefects, and mayors to issue arrest warrants. Detainees have the right to be informed of the charges against them, and police generally respected this right. The law provides for a suspect to be brought before a judicial officer within 72 hours of arrest. Although the law stipulates that a judge conduct a pretrial investigation to examine the adequacy of evidence and to decide on bail, authorities often held detainees without bail for lengthy periods regardless of a judge's decision. Attorneys and family members have the right to see a detainee after 48 to 96 hours of detention, but authorities often delayed or denied access. All defendants have the right to an attorney, and the bar association sometimes provided attorneys for indigents charged with criminal offenses. The law gives indigent defendants the right to free legal representation, but the government provided only partial funding for counsel. Abuses of legal protections are supposedly subject to internal disciplinary investigations and criminal prosecution by the Ministry of Justice, but investigations and prosecutions seldom occurred.

Arbitrary Arrest: On November 4, authorities arrested Geneva-based government critic Jean-Paul Oumolou during a family visit. Authorities held

Oumolou without charge for eight days, then charged him with incitement to revolt, contempt of authority, dissemination of false news, and “crime apology.” Oumolou fled the country during the 2018 antigovernment protests, when he called on citizens and the military to prevent President Faure Gnassingbe from seeking another term.

In November 2020 authorities arrested leading officials Gerard Djossou and Brigitte Kafui Adjamagbo-Johnson from Dynamique Monseigneur Kpodzro (DMK), the political group that supported opposition figure and February 2020 presidential election runner-up Agbeyome Kodjo. The public prosecutor claimed the government had evidence the DMK planned to destabilize the state but did not present it nor detain others. In December 2020 the investigative judge charged the two with conspiracy and undermining the internal security of the state and later that month released them from prison under judicial supervision. The government continued to monitor their movements, and the two needed permission to travel outside the country. Opposition members and human rights groups asserted the charges were politically motivated.

Pretrial Detention: Pretrial detainees and persons in preventive detention constituted 60 percent of the total prison population. A shortage of judges and other qualified personnel, as well as official inaction, often resulted in pretrial detention for periods exceeding the time detainees would have served if tried and convicted, in many cases by more than six months.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary, but the government did not always respect judicial independence and impartiality. The executive branch exerted control over the judiciary, and judicial corruption was sometimes 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. 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. Although authorities in many cases respected these rights, there were numerous exceptions, including long delays in trials and denial of access to attorneys.

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

The Committee for the Liberation of All Political Prisoners in Togo stated there were more than 100 political prisoners or detainees. These persons did not receive the same protections given to other prisoners and detainees. Human rights and humanitarian organizations did not have access to them.

During a radio debate on April 27, Patriotic Democratic Front opposition leader and former communication minister Djimon Ore criticized France's policies in Africa and said the acts the ruling Gnassingbe family committed exceeded the atrocities of the Rwandan genocide. On April 29, the Criminal Investigation Service arrested Ore at his home. The public prosecutor charged Ore with "attacking the honor, attempting aggravated disturbances of public order, and

insulting representatives of the public authority.” He was sentenced to two years’ imprisonment on May 14. Various opposition leaders and civil society activists called for his release and declared his arrest was a violation of his freedom of expression. Ore remained in custody at year’s end.

On May 17, security forces detained Patriotic Movement for Democracy and Development party member Paul Missiagbeto for allegedly spreading fake news. Authorities reportedly held Missiagbeto for four days without charges at the SCRIC before transferring him to Lome Civil Prison 18 days after his arrest. On September 1, a court sentenced him to four years in prison for “threats, insults and disturbance of public order.” His legal counsel said the charges came from surveillance of his illegally acquired cell phone and violated constitutional protections.

The Association for Victims of Torture and the Mandela Awareness Movement highlighted 14 emblematic cases sent to the president in November 2020, calling for him to free political prisoners, particularly those arrested in the Tiger Revolution raid of 2019. In February the Committee for the Liberation of All Political Prisoners in Togo noted that Abdoul-Aziz Goma and 15 others were still in detention after their arrest in 2018, with two persons also still detained from a 2018 opposition protest, and 76 persons still in detention from the raid on the Tiger Revolution group.

Civil Judicial Procedures and Remedies

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

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

The constitution and law prohibit such actions, but there were reports such

interference occurred.

On May 17, a dozen heavily armed gendarmes in civilian clothes reportedly broke into Djimon Ore's home in western Lome and searched without a warrant. After conducting a search, they arrested Ore and returned to take photos (see section 1.e., Political Prisoners).

On July 21, international media cited the use by authorities of Israeli software program Pegasus to spy on activists, opponents, and journalists. The government reportedly spied on several persons, including journalists Carlos Ketohou and Ferdinand Ayite, as well as opposition figures and human rights activists (see section 1.e., Political Prisoners).

Section 2. Respect for Civil Liberties

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

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

Freedom of Expression for Members of the Press and Other Media, including Online Media: The law imposes penalties on journalists deemed to have committed "serious errors," such as privacy infringement; incitement of racial, ethnic, or religious hatred; apology for war crimes, sedition, or terrorism; and dissemination of defamatory statements.

Violence and Harassment: Authorities used harassment and intimidation to threaten journalist Carlos Ketohou (see section 1.c., Torture and Other Cruel, Inhuman, or Degrading Treatment of Punishment).

Censorship or Content Restrictions: On October 11, the media regulatory body, the High Authority for Audiovisual and Communication (HAAC), suspended weekly newspaper *The Guardian* for four months and revoked the press card of its editor without notice. The HAAC suspension order accused the newspaper of

inciting civil disobedience and violating the press code for its report on parental opposition to a school mandate ordering the vaccination of minors age 13.

Libel/Slander Laws: Libel and slander are criminal offenses. Human rights organizations reported the government used these laws to restrict public discussion and retaliate against journalists. For example, on January 4, the HAAC ordered the private newspaper *L'Independant Express* to cease operations permanently, including its print and online publications. The HAAC decision cited a newspaper story from December 2020, noting the publication did not respect “professional rules” relating to insulting officials and defamation. The story, entitled “End-of-year scoop: two women ministers arrested for theft of golden spoons,” did not reference any specific government official by name or by country.

On February 5, the HAAC suspended the private newspaper *L'Alternative* for four months. The HAAC suspension order stated that an article published in the newspaper on February 2 had violated professional and ethical standards regarding allegations of oil sector corruption. The order referenced a February 3 civil complaint filed by Minister of Urban Planning, Housing, and Land Reform Koffi Tsolenyanu for “misinformation, offense and defamation.”

In November 2020 a court found *L'Alternative* publishing director Ferdinand Ayite liable for defamation regarding a 2020 report of \$900 million of alleged embezzlement in the petrol sector. The court also suspended publication of the newspaper. On October 14, an appeals court postponed for a fourth time an appeal of the fine imposed by the trial court.

Internet Freedom

The law criminalizes the dissemination of false information online and the production and sharing of data that undermine “order, public security, or breach of human dignity.” Although no cases were prosecuted, human rights organizations reported the law continued to contribute to an atmosphere of “restricted civic space,” an environment in which citizens self-censored due to their fear of being

punished for sharing thoughts and opinions.

Unlike in previous years, there were no reports of the government restricting access to the internet.

Academic Freedom and Cultural Events

The government prohibited certain cultural events due to the COVID-19 pandemic. For example, on July 9, the government prohibited gatherings including traditional and cultural festivals.

b. Freedoms of Peaceful Assembly and Association

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

Freedom of Peaceful Assembly

The law imposes restrictions on the time, place, frequency, and application process for holding public demonstrations. The law prohibits demonstrations on all major roads; in urban centers; zones of economic activity deemed key; and areas close to government institutions, military sites, and diplomatic buildings. Protests may only take place between 10 a.m. and 6 p.m., and protesters must follow a single route designated by authorities. Since April 2020 the government banned protests and public demonstrations under the COVID-19 state of emergency.

On July 31, armed security agents prevented the DMK from holding two rallies in the capital city of Lome. Political parties reported the government used the COVID-19 state of emergency as an excuse to break up small in-house political gatherings and intimidate the political opposition.

Freedom of Association

The law potentially restricts 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. On July 26, the government suspended the allocation of NGO registration and renewal agreements. Government officials claimed the suspension was needed to update the NGO regulatory framework and align NGO activities with government priorities.

c. Freedom of Religion

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

d. Freedom of Movement and the Right to Leave the Country

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

In-country Movement: Traffic police and gendarmes routinely stopped motorists on fabricated traffic-law offenses to solicit bribes.

e. Status and Treatment of Internally Displaced Persons

Not applicable.

f. Protection of Refugees

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, returning refugees, or asylum seekers, as well as other persons of concern.

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.

Abuse of Migrants and Refugees: Unlike in previous years, there were no

reports of physical violence against refugees.

Durable Solutions: The government cooperated with UNHCR to assist in the safe, voluntary repatriation of refugees to their home countries, including the repatriation of 25 Ivoirian refugees between January and September.

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 February 2020 President Faure Gnassingbe won re-election to a fourth five-year term with 71 percent of the vote, according to government estimates. The main opposition candidate Agbeyome Kodjo of the Patriotic Movement for Democracy and Development won 19 percent and prevailed in the Maritime Region, which includes Lome. International observation delegations from the Economic Community of West African States (ECOWAS) and the African Union monitoring the election declared it generally free and fair, despite some irregularities. The government excluded some groups from observing the election, including the Episcopal Council for Justice and Peace.

In 2018 parliamentary elections took place. Fourteen opposition parties chose to boycott the elections. International observers noted the parliamentary elections took place under generally peaceful conditions. Although expressing regret regarding the opposition boycott, ECOWAS commended “the effective conduct of free and transparent legislative elections.” The Constitutional Court announced the ruling Union for the Republic (UNIR) party won a majority with 59 of 91 seats. The government-aligned Union of Forces for Change party won seven seats. Smaller parties and independent candidates aligned with the government won the remaining 25 seats.

Political Parties and Political Participation: UNIR dominated politics and

maintained firm control over all levels of government. UNIR membership conferred advantages such as better access to government jobs.

Participation of Women and Members of Minority Groups: No laws limit the participation of women and members of minority groups, including persons with disabilities and lesbian, gay, bisexual, transgender, queer, or intersex (LGBTQI+) persons in the political process, and they did participate. Some observers believed cultural and traditional practices constrained women, persons with disabilities, and LGBTQI+ persons from voting, running for office, serving as electoral monitors, or otherwise participating in political life on the same basis as heterosexual men or nonminority citizens. For example, only 17 of 91 parliamentarians were women, one parliamentarian had a disability, and none openly identified as LGBTQI+. Nevertheless, the president of the National Assembly was a woman, as were 12 ministers in the 34-member cabinet, including the prime minister. Members of southern ethnic groups remained underrepresented in both government and the military.

Section 4. Corruption and Lack of Transparency in Government

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

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

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

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.

On February 26, Vincent Bolloré, CEO of Bolloré Group, and two senior company executives admitted in a French court to corruption and abuse of power related to the acquisition of a Port of Lomé concession extension, tax exemptions, and construction permissions in exchange for drastically discounted communication services to President Faure Gnassingbé's 2010 re-election campaign. The French court recommended a criminal trial for the executives. Bolloré Group additionally paid nearly \$15 million in damages.

In November 2020 a leaked Finance Inspectorate audit noted serious irregularities in the Committee to Monitor Fluctuations of the Prices of Petroleum Products, a government body tasked with managing orders and setting prices for those products. In 2020 *L'Alternative* reported \$900 million in alleged embezzlement by the director of the committee and his son (see section 2.a., Libel/Slander Laws).

Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights

A variety of domestic and international human rights groups generally operated without government restriction, investigating, and publishing their findings on human rights cases. Government officials 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 CNDH is the government body charged with investigating allegations of human rights abuses and is nominally independent and somewhat effective in its investigations and deliberations.

The CNDH undertook several activities, including organizing meetings with human rights organizations and visiting prisons. For example, on July 22 and 23, the CNDH organized a workshop in Kpalime on the implementation of its prison reform recommendations. The meeting brought together representatives from relevant ministerial departments. Human rights organizations encouraged the CNDH to take a more active role in mitigating human rights abuses.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: The law criminalizes rape of women and men and addresses spousal rape, but authorities did not generally enforce it effectively. The law does not specifically address domestic or intimate partner violence. The law provides for five to 10 years' imprisonment for rape and a substantial monetary fine. Spousal rape is punishable by up to 720 hours of community service and a smaller monetary fine. A prison term of 20 to 30 years applies if the 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, the government had several locations where abused women could shelter.

On July 30, a motorcycle taxi driver was convicted of a rape committed in 2017.

After attempting to bribe a police officer, he received a 10-year sentence for rape and attempted corruption, in addition to a substantial monetary fine to compensate the victim.

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.

Sexual Harassment: Sexual harassment was a problem. While the law states harassment is illegal and may be prosecuted in court, authorities did not enforce it. The law provides penalties of one to three years' imprisonment and a potentially substantial fine. Penalties are increased for sexual harassment of a vulnerable person, defined as a minor, person of advanced age, pregnant woman, or person with an illness or disability.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Legal, social, and cultural barriers to sexual and reproductive health included poverty, the lack of education regarding sexual and reproductive health, and the classification of contraceptive services as nonemergency services, leading to delays in providing contraceptive services during the COVID-19 health emergency.

The government provided access to limited sexual and reproductive health services for sexual violence survivors. Emergency contraception was available as part of

the clinical management of rape.

According to UNICEF, the maternal mortality rate was 396 deaths per 100,000 live births, and a woman's lifetime risk of maternal death was one in 56 as of 2017. The most common causes of maternal mortality were hemorrhaging, adolescent pregnancy, and lack of access to skilled obstetric care during childbirth.

While there are no legal barriers related to menstruation and access to menstruation hygiene, social and cultural barriers impacted women and girls' ability to participate equally in society.

A 2017 government-funded study surveyed 788 young women and girls from ages 10 to 24 on menstrual hygiene management. The study indicated women and girls experienced prohibition from performing activities during menstruation from their parents (62.5 percent of respondents) and from the culture (20.2 percent of respondents) in cooking, seeking water and wood, praying, eating with family, and engaging in sexual intercourse. Lack of private facilities in schools lead some women and girls to return home during menstruation out of a desire for privacy. The study reported girls leaving school entirely due to reasons related to menstrual hygiene management.

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 but did not receive adequate legal protection in those activities. Harsh economic conditions in rural areas, where most of the population lived, left women with little time for activities other than domestic tasks and agricultural fieldwork. While the formal legal system supersedes the traditional system, the government did not enforce the law effectively, and the courts were slow, distant, and expensive to access; rural women were effectively subject to traditional or customary practices. By tradition a wife has no maintenance or child support rights in the event of divorce or separation. The formal legal system provides inheritance rights for a wife upon the death of her

husband.

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. The law stipulates that 25 percent of public contracts must be awarded to young and female entrepreneurs.

Systemic Racial or Ethnic Violence and Discrimination

The law states citizens are equal before the law without privilege or deprivation based on race or ethnicity. Northern ethnic groups, especially the Kabye tribe, dominated the civil and military services, while southern ethnic groups, especially the Ewe, dominated the private commercial sector. This relative dominance by northern groups was a recurring source of political tension and discrimination. The government took little action to address these problems.

Children

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

Education: School attendance is compulsory for boys and girls until age 15, and the government provides tuition-free public education from nursery 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 including sexual abuse, defined as any sexual relationship or touching by an adult of a child younger than 16, the legal age of consensual sexual conduct. The government worked with local NGOs on public-awareness campaigns to prevent exploitation of children.

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

Child, Early, and Forced Marriage: The legal ages for marriage are 18 for girls and 20 for boys, although both may marry at younger ages with parental consent. UNICEF statistics (2017 data) found that 25 percent of women were married before age 18 and 6 percent before age 15.

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, Promotion of Women, 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.

Sexual Exploitation of Children: The law prohibits the commercial sexual exploitation of children including the sale, offering, or use of children for commercial sex, pedophilia, practices related to child pornography, and grooming behavior. The law was not effectively enforced. The law defines 16 as the minimum age of consensual sexual conduct for boys and girls. Courts in Lome and Kara responsible for trafficking cases were not operational due to pandemic-related impact on government operations. Reported abuses included instances of rape of a minor, illicit relationships with minors, and the circulation of child

pornography via social media networks.

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

Persons with disabilities cannot access education, health services, public buildings, and transportation on an equal basis with others. 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. While children with disabilities attended schools at all levels, with some attending schools specifically for those with disabilities, negative perceptions of children with disabilities often excluded them from school. School attendance rates of children with disabilities were unavailable, as was information on possible abuses. The law does not restrict the right of persons with disabilities to vote and participate in civic affairs, although lack of accessible buildings and transportation precluded some from doing so.

The Ministry of Health, the Ministry of Education, and the Ministry of Social Action, Promotion of Women, and Literacy were responsible for protecting the

rights of persons with disabilities. The Ministry of Social Action conducted awareness campaigns to fight discrimination and promote equality; it also distributed food and clothing and provided skills training to persons with disabilities.

HIV and AIDS Social Stigma

The law prohibits discrimination against persons with HIV and 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 and AIDS. The CNLS conducted awareness-raising programs, training, and other activities. Persons with HIV and AIDS nonetheless faced some societal discrimination. For example, there were cases of family abandonment when HIV-positive status was discovered, and the perception persisted that HIV and AIDS were religious punishment for wrongdoing.

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

Activists reported violence against LGBTQI+ persons was common, but police ignored complaints.

The law prohibits “acts against nature committed with an individual of one’s sex,” widely understood as a reference to same-sex sexual conduct. The law was not enforced. On those occasions when police arrested someone for engaging in consensual same-sex sexual conduct, the justification for the arrest was usually for some other legal infraction, such as a “shameless or unnatural act.” The law forbids promotion of immorality, which is understood to include promotion of same-sex sexual conduct.

LGBTQI+ persons faced societal discrimination in employment, housing, and access to education and health care. The existing antidiscrimination law does not apply to LGBTQI+ persons. No law allows transgender persons to change gender

markers on government-issued identity documents.

LGBTQI+ groups may register with the Ministry of Territorial Affairs as health-related groups, particularly those focused on HIV and AIDS prevention. Most human rights organizations, including the CNDH, refused to address LGBTQI+ concerns.

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 age 18 who are authorized to work may not join unions, except with the authorization of a parent or guardian.

Workers have the right to strike, although 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. The government can legally requisition public workers in the event of a strike, and workers who refuse to participate can be subjected to up to six days of forced labor. While no legal provisions protect strikers against employer retaliation, the law requires employers to obtain an authorizing judgment from the labor inspectorate before they may fire workers on strike. If employees are fired illegally, including for union activity, they must be reinstated and compensated for lost salary. The law creating 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 were 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.

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

On January 20, the government arrested without warrant eight leaders from the national teachers' union and brought them before the SCRIC. They spent three days in police custody before being released under judicial supervision. The union was preparing to launch a three-day teacher strike at the time of their arrest.

b. Prohibition of Forced or Compulsory Labor

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

Forced labor occurred in sectors including mining, domestic work, roadside vending, and agriculture. Children were subjected to forced labor (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 prohibits the worst forms of child labor. The law prohibits the employment of children younger than age 15 in any enterprise or type of work and children younger than age 18 from working at night. It forbids children from working more than eight hours per day. It requires a daily rest period of at least 12 consecutive hours for all working children. The law states that violations can result in temporary closure of the business involved and confiscation of the equipment used. 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 boys ages 16 and 17 to transport by handcart loads weighing up to 308 pounds. The law prohibits employment of children younger than age 18 working as stokers in the hold of a ship. 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 Ministry of Civil Service, Labor, and Social Dialogue 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, notably, forced child labor.

The government did not effectively enforce child labor laws. Penalties were not commensurate with penalties for other serious crimes. 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 (\$23 to \$32).

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 commensurate with penalties for similar violations. Due to social and cultural norms and stigma, however,

individuals sometimes chose not to report violations.

The government in general did not effectively enforce the law. 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 practice, which applies to most women, a husband legally may restrict his wife's freedom to work and may control her earnings. While figures related to gender-based violence or harassment in the world of work were unavailable, the practice was prevalent.

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

e. Acceptable Conditions of Work

Wage and Hour Laws: Representatives of the government, labor unions, and employers 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. Employers often paid less than the official minimum wage, mostly to unskilled workers, and the government lacked the ability to investigate and punish violators.

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. The private sector seldom respected this requirement.

The Ministry of Civil Service, Labor, and Social Dialogue is responsible for enforcement of labor law, especially in the formal private sector. The number of labor inspectors was insufficient to enforce the law effectively. Labor inspectors did have the right to conduct unannounced inspections and impose fines. Penalties were not commensurate with penalties for similar violations. Alleged violations of wage, hour, or overtime laws were most common in the mining sector and the EPZ.

Occupational Safety and Health: A technical consulting committee in the Ministry of Civil Service, Labor, and Social Dialogue 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 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. Occupational health and safety (OSH) standards were not appropriate for the main industries in the country. A 2019 government-commissioned study asserted the highest risk sectors included mining, manufacturing, construction, and public works. The study indicated the General Directorate for Labor employed 104 OSH inspectors of which one was an

occupational physician. OSH inspectors actively worked to identify unsafe working conditions in addition to responding to workers' OSH complaints, but the number of inspectors was insufficient to respond to poor working conditions and complaints effectively.

Informal Sector: According to a 2019 government-commissioned study, more than 91 percent of the country's workforce, both urban and rural, participated in the informal economy. Informal employment was found in virtually every sector of the economy including agriculture, manufacturing, mining, and even public works. The law does not provide wage, hour, and OSH protections and inspections for workers in the informal sector or EPZ workers. The law does afford workers in the informal economy social protections under the national social security law and the mandatory health insurance law.