

# TOGO

## EXECUTIVE SUMMARY

Togo is a republic governed by President Faure Gnassingbe, who was reelected in March 2010 in a process characterized by international observers as generally free and fair. The ruling Rally of the Togolese People (RPT) 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, including torture; official impunity; and harsh and life-threatening prison conditions.

Other human rights abuses included arbitrary arrest and detention, including lengthy pretrial detention, and executive influence over the judiciary. The government infringed on citizens' privacy rights and restricted freedoms of press, assembly, and movement. Official corruption was pervasive. Discrimination and violence against women were problems. Child abuse, including female genital mutilation (FGM) 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 was significant. Child labor, including forced child labor, was a problem.

The government took few steps to prosecute or punish officials who committed abuses, and 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 that the government or its agents committed arbitrary or unlawful killings during the year.

No action was taken against security forces that killed striking demonstrators in 2010.

Despite the 2009 establishment of the Truth, Justice, and Reconciliation Commission (TJRC) in response to public and international pressure to account for the complaints lodged by victims of political violence between 1958 and 2005, impunity remained the rule (see section 5).

### **b. Disappearance**

There were no reports of politically motivated disappearances.

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

The constitution prohibits such practices; however, the criminal code contains no provision defining and criminalizing torture, and security force abuse, including torture, was a problem. Amnesty International (AI) and local human rights organizations reported that 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.

In March the Human Rights Committee of the UN High Commissioner for Human Rights released a report expressing concern about allegations of torture and mistreatment in detention, notably on the premises of the National Intelligence Agency (NIA). The report criticized the government for failing to investigate allegations of torture and failing to define and criminalize torture. Local journalists who covered the report were subsequently threatened with torture (see section 2.a.).

The 33 persons arrested in 2009 for suspected coup plotting, including the president's half brother Kpatcha Gnassingbe, were tried and convicted by the Supreme Court in September. Several of those convicted claimed they were tortured while in NIA custody. Kossi Adjinon, an army captain, said his hands were tied to a bar from which he was suspended for three days. Former police chief Olivier Amah Other, who suffered from hypertension, claimed he was kept in solitary confinement for three months and denied medical services. Other suspects claimed they were chained naked to walls, beaten, and denied food. Gnassingbe and former army chief Assani Tidjani were sentenced to 20 years' imprisonment. Sentences for the other suspects ranged from 12 months to 20 years.

Most of the detainees were held by the NIA and charged with offenses against the security of the state, conspiracy, rebellion, and “voluntary violence.” According to AI, some of the detainees initially were held incommunicado, and several were denied family visits. Lawyers sometimes were denied access to their clients. The International Committee of the Red Cross (ICRC) and other human rights organizations were initially denied access to the detainees, but subsequently were granted access.

The allegations of NIA torture made by the prisoners at their trial subsequently were referred to the governmental National Commission for Human Rights, which published its report on February 17. The report confirmed most of the allegations and issued recommendations, including punishing the individuals responsible, compensating victims, and improving oversight of the NIA.

### **Prison and Detention Center Conditions**

Prison conditions remained harsh and life threatening with serious overcrowding, poor sanitation, and unhealthy food. At year’s end the expanded Central Prison of Lome, which was built for 666 prisoners, held 1,964 prisoners. In 2009 the media reported that prisoners were dying of hunger and received typically one meal a day worth 150 CFA francs (\$0.31). In 2010 the warden of the central prison confirmed that adult prisoners received one meal a day, and juveniles were provided three. Prisoners had access to potable water, but medical facilities were inadequate, and disease and drug abuse were widespread. Sick prisoners reportedly had to pay 1,500 CFA francs (\$3.12) to guards before being allowed to visit the infirmary. There were reports that prison officials sometimes withheld medical treatment from prisoners. Lawyers and journalists reported that prison guards charged prisoners a small fee to shower, use the toilet, or have a place to sleep. Local press reported that prison guards sexually harassed female prisoners.

While there were no official statistics on the number of prison deaths, the warden of the central prison confirmed 23 prisoner deaths during the year from various causes, including asthma, hypertension, and tuberculosis.

As of October 28, there were 4,334 prisoners in the country’s 12 prisons and jails, of whom 92 were female. There were 30 juveniles held in the Brigade for Minors during the summer, six of whom were released at the start of the school year. Infants of female prisoners and detainees were placed in the care of private nurseries, which received government support. Pretrial detainees were held with convicted prisoners.

Prisoners and detainees were granted reasonable access to visitors and were permitted religious observance.

Authorities permitted 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.

There were no ombudsmen who served on behalf of prisoners and detainees. There were no alternatives to incarceration, and no improvements were made to the status and circumstances of juvenile confinement, pretrial detention, or recordkeeping procedures. However, the Ministry of Justice continued to work on ameliorating these problems through its multiyear reform program financed by the European Union.

Local nongovernmental organizations (NGOs) accredited by the Ministry of Justice could visit prisons anytime, although the accreditation process could take up to a year. International NGOs are required to negotiate an agreement with the government to gain similar access to prisons. During the year the ICRC and other international human rights organizations were allowed prison access. Only internationally recognized groups such as the Office of the UN High Commissioner for Refugees (UNHCR) and the ICRC were granted 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.

#### **Role of the Police and Security Apparatus**

The security forces consist of the army, navy, air force, national security service (including the national police and investigation bureau), and the gendarmerie. The NIA is responsible for domestic and foreign intelligence and security, including criminal investigations. 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. Police and gendarmes are responsible for law enforcement and maintenance of order. The army is in charge of external security. Approximately 80 percent of the army's officers and soldiers were from the Kabye ethnic group, which constituted 23 percent of the population and to which the current and previous presidents belonged.

Police generally were ineffective and corrupt, 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. Police often failed to respond to societal violence.

In June the army created a special unit of military police to enforce discipline among soldiers in Lome. Although no official figures were published, numerous soldiers were jailed for various infractions.

### **Arrest Procedures and Treatment While in Detention**

The law authorizes judges, senior police officials, prefects, and mayors to issue arrest warrants; however, persons were detained without warrants arbitrarily and secretly. 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 that a special judge conduct a pretrial investigation to examine the adequacy of evidence and decide on bail; however, in practice detainees often were held without bail for lengthy periods with or without the approval of a judge. Family members and attorneys officially had access to a detainee after 48 or 96 hours of detention, but authorities often delayed, and sometimes denied, access.

Arbitrary Arrest: Security forces arbitrarily arrested persons during the year.

For example, on December 10, security forces arrested Adou Seibou, the president of MEET (a University of Lome student group leading demonstrations) and 10 other students. Seibou and the other 10 were released the same day.

Demonstrators were arbitrarily arrested during the year (see section 2.b.).

The law prohibits arrest for civil debt; however, according to the Togolese League of Human Rights, an unknown number of persons were arrested for outstanding debts and detained in gendarmeries and police stations for more than 48 hours.

The 33 persons arrested in 2009 for suspected coup plotting, including Kpatcha Gnassingbe, one of the president's half brothers and a national assembly member, were convicted and sentenced during the year (see section 1.e.).

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. Almost 80 percent of inmates were pretrial detainees.

Amnesty: On January 5, the president pardoned 270 prisoners, most of whom were pretrial detainees who had served the same time in prison or longer than they would have served if convicted.

#### **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 corruption was a problem. Lawyers often bribed judges to influence the outcome of cases. The court system remained overburdened and understaffed.

There were three associations of magistrates in the country: the Union of Magistrates of Togo (SMT), the National Association of Magistrates (ANM), and the Professional Association of Magistrates of Togo (APMT). A majority of the APMT members were supporters of the ruling RPT party and reportedly received the most prestigious assignments, while judges who advocated an independent judiciary and belonged to the ANM or SMT often were assigned to second-tier positions.

A military tribunal exists for crimes committed by security forces, and its proceedings were closed. The military court cannot 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 do not enjoy a presumption of

innocence. 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 have 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 may confront witnesses and present witnesses and evidence on their own behalf. The preceding rights were respected in practice. Defendants have the right to access government-held evidence relevant to their cases, but in practice that right was not respected.

The law did not extend these rights to persons tried in the military court. Women who were uneducated or came from rural areas tended not to be aware of or feared claiming their rights.

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

### **Political Prisoners and Detainees**

The 33 persons arrested in 2009 for suspected coup plotting, including the president's half brother Kpatcha Gnassingbe, were tried and convicted by the Supreme Court in September (see section 1.e.). Several of those convicted claimed they were tortured while in NIA custody (see section 1.c.).

### **Regional Human Rights Court Decisions**

In November 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 court of the Economic Community of West African States, both of which ruled in favor of the ANC during the year. However, neither the government nor the Constitutional Court had reinstated any of the nine by year's end.

### **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.

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

The constitution and law prohibit such actions, and the government generally respected these prohibitions in practice. In criminal cases a judge or senior police official may authorize searches of private residences. In political and national security cases, security forces need no prior authorization.

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

### **Section 2. Respect for Civil Liberties, Including:**

#### **a. Freedom of Speech and Press**

##### **Status of Freedom of Speech and Press**

Although the constitution provides for freedom of speech and press, the law imposes severe penalties on journalists responsible for “serious errors.” The government restricted these rights in practice, although less so than in previous years. Impunity for past crimes 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 past violent reprisals by government agents and the possibility of civil liability.

Freedom of Press: The government owned and operated one daily newspaper, and there were two independent dailies. Approximately 30 privately owned newspapers were published with some regularity. There was a lively independent press, most of which was heavily politicized, with some newspapers highly critical of the government.

Violence and Harassment: During the year journalists formed a group called “SOS Journalists in Danger” after receiving an anonymous note--allegedly from the government--threatening 10 prominent journalists because of their critical reporting on the government and the NIA. The note, which was widely reported in



the local press, quoted a senior official as saying that the 10 journalists were under surveillance and would “soon come to taste the torture they are talking about.” The note added that the journalists would be physically harmed by “faked accidents, poisoning, and made-up stories.” The 10 journalists cited had covered a March report by the Human Rights Committee of the UN High Commissioner for Human Rights expressing concern about allegations of torture and mistreatment in detention, particularly at the premises of the NIA. Colonel Dokisime Gnama Latta, the minister of security and civil protection, said the allegations in the note represented “an outrageous campaign” of “fantastic cock-and-bull stories” and called the list “fictitious.” None of the journalists threatened had been harmed by year’s end.

Information surfaced during the year that in August 2010 gendarmes assaulted Didier Ledoux, a journalist with the daily *Liberte Hebdo*, while he was photographing the main Lome law courts, where defamation suits were being heard against two newspapers. According to Ledoux, the gendarmes dragged him to one of their vehicles, beat him, forced him into the vehicle, and took him to a nearby gendarmerie barracks. Within minutes of the arrest, the Union of Independent Journalists of Togo and the Committee of Newspaper Owners telephoned the head of the gendarmerie, who subsequently released Ledoux.

In November 2010, plain-clothes gendarmes shot cameraman Tony Sodiji with a tear gas grenade at close range. Sodiji was filming a demonstration. In September 2010 gendarmes stabbed Sodji while he was covering a demonstration.

Censorship or Content Restrictions: The High Authority of Audiovisuals and Communications (HAAC) was established to provide for freedom of the press, ensure ethical standards, and allocate frequencies to private television and radio stations. Although nominally independent, in practice the HAAC operated as the government’s censorship arm. The HAAC has the power to impose severe penalties--including suspending publications for up to six months, withdrawing press cards, and seizing equipment from journalists--for vaguely defined “crimes.” Unlike in the previous year, the HAAC did not suspend any publications or withdraw press cards.

On August 29, the *Tribune d’Afrique*, a newspaper based in Benin but with a bureau in Lome, resumed distribution after it had been banned. In August 2010 a criminal court judge banned indefinitely the distribution of the newspaper, which had published an investigative series on the alleged involvement of Mey Gnassingbe, a half brother of the president, in drug trafficking. Regarded as a

critic of the government, *Tribune d'Afrique* often has been targeted by government authorities in recent years and has been summoned by the HAAC approximately 20 times since it published a 2009 article on the president's weekend palace in Agou. The resumption of distribution in Togo was the result of a July 14 decision by a Lome appeal court reducing the damages against the newspaper from 60 million CFA francs (\$125,000) to 10 million CFA francs (\$20,800) and limiting the distribution ban to a period of three months, which expired in November 2010.

Libel Laws/National Security: On November 2, a Lome criminal court ordered the privately owned weekly *L'Independant Express* to pay 200 million CFA francs (\$415,000) in damages and a fine of 800,000 CFA francs (\$1,663) to Julie Beguedou, the CEO of the rice-import company Elisee Cotrane. On August 16, an article in the newspaper accused Beguedou of planning to flood the local market with toxic rice. In a letter to the justice minister, Reporters without Borders (RSF) characterized the story as harsh and damaging, but said the damages were exorbitant and likely to bankrupt the newspaper. RSF underscored that lawsuits against the media should not be motivated by the goal of intimidating journalists into self-censorship.

Radio remained the most important medium of mass communication, and there were approximately 100 radio stations, most of which were privately owned.

On February 2, the National Press Owners Committee, the Togo Union of Independent Journalists, and the Togolese Media Monitoring Center launched a campaign to draw attention to the November 2010 closure of three independent radio stations by the Posts and Telecommunications Regulation Agency (ART&P). The campaign included "Togo without media" days of action, sit-ins outside government agencies, and protest marches in various cities. The three stations-- Providence, Metropolis, and X-Solaire--were closed for not having proper operating permits or meeting technical requirements. On March 16, the ART&P ordered the closure of Carre Jeune, a community radio station, on the grounds of "nonrespect for professional standards." By year's end, Providence, Metropolis, and Carre Jeune radio stations had obtained the required documentation and were permitted to resume broadcasting. Radio X-Solaire, however, remained closed.

The government-owned Togo Television was the only major television station. Eight smaller television stations operated during the year.

## **Internet Freedom**

There were no known government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail.

### **Academic Freedom and Cultural Events**

The government intimidated academics by maintaining a security force presence at the University of Lome. 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 generally restricted this right. The government prevented opposition supporters from meeting and forcibly dispersed demonstrations on several occasions during the year.

On May 16, the National Assembly passed a law to strengthen the right to peaceful protest. The law extends the advance notification requirement to obtain a permit to demonstrate from 48 hours to 72 hours, but provides for default permission to demonstrate in the absence of a governmental response and provides the right to appeal any denial of permission to a court. While originally supportive of the law, the ANC subsequently charged that the law was a maneuver to stifle the right to demonstrate because of a provision holding protest organizers responsible for any damage to property resulting from the protest. Observers noted that although the law strengthened the right to protest and reduced the prospect of violent government crackdowns on demonstrators, it was not widely understood or applied, particularly outside of the capital.

On March 17, security forces in Lome fired rubber bullets and canisters of tear gas at supporters of ANC leader Jean-Pierre Fabre, who had called for a demonstration against the government's attempt to regulate public protests. Several demonstrators were injured and some were arrested. Colonel Yark Damehane, commander of the National Gendarmerie, said the demonstrations were "unauthorized and therefore illegal."

Several times during the year, government security forces prevented Jean-Pierre Fabre from leaving his home to join ANC protest marches.

In May and June, gendarmes at the University of Lome used tear gas to break up peaceful student demonstrations against changes to the curriculum. Some students were injured.

The results of an inquiry into the violent dispersion of a June 2010 demonstration to protest rising fuel prices were not released by year's end. The gendarmerie used live ammunition, batons, and tear gas to disperse demonstrators, resulting in several deaths and numerous injuries.

### **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 in practice.

#### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/j/drl/irf/rpt](http://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 movement within the country, foreign travel, emigration, and repatriation; however, the government restricted some of these rights in practice. 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: Checkpoints with armed security personnel and arbitrary searches of vehicles and individuals were common. There were four official checkpoints in the country as well as numerous unofficial checkpoints where security forces solicited bribes and impeded movement.

Exile: The constitution prohibits forced exile, and the government did not employ it. Several opposition and human rights workers remained in self-imposed exile,

claiming they feared arrest. However, many who fled in the early 1990s returned, including the current foreign minister.

### **Protection of Refugees**

The country's laws do not provide for the granting of asylum or refugee status, but the government has established a system for providing protection to refugees.

More than 7,000 Ivoirian refugees entered Togo to flee the political violence following presidential elections in Cote d'Ivoire in December 2010. The government initially granted automatic refugee status and built a camp at the site of a former hotel outside Lome. As the number of new arrivals slowed and others returned to Cote d'Ivoire, the government began screening new arrivals during the year to determine refugee status.

In March and again in April of 2010, approximately 300 Ghanaian refugees fled a violent land dispute in northeast Ghana and crossed the border into Togo. Many of the refugees initially lived in schools and other public buildings or stayed in tents provided by the government. The refugees remained in Togo and by year's end had settled in tents and more permanent shelters constructed with UNHCR and government support.

Temporary Protection: The government continued to provide temporary protection to approximately 521 individuals who may not qualify as refugees under the 1951 Convention relating to the Status of Refugees and its 1967 protocol.

### **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 March 2010 presidential election. The government remained highly centralized.

### **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. Unlike the 2005 presidential election, which

resulted in approximately 400 deaths and the flight from the country of an estimated 40,000 persons, the March election occurred with minimal violence.

The national government appointed officials and controlled the budgets of government entities at all levels, including prefectures and municipalities, and influenced the selection of traditional chiefs.

Political Parties: The RPT party dominated politics and maintained firm control over all levels of government. RPT 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 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 female members 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 the government and military.

#### **Section 4. Official Corruption and Government Transparency**

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. According to the World Bank's Worldwide Governance Indicators for 2010, government corruption was a severe problem.

Corruption was common among prison officials, police officers, and members of the judiciary.

During the year a former prime minister and two former ministers were convicted in absentia of embezzlement.

In July 2010 a disciplinary committee was established to investigate corruption in the customs administration, and investigations and disciplinary actions were conducted during the year, although statistics were unavailable.

An independent court with an autonomous budget to oversee public expenditures began operations in July 2010 and continued its audit of government expenditures in previous years, working its way to the present.

Officials were not subject to financial disclosure laws.

Although the press code 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.

There were several domestic human rights groups, including the Togolese League of Human Rights, the Center for Observation and Promotion of the Rule of Law, and the Togolese Association for the Defense and Protection of Human Rights.

Information surfaced during the year that in November 2010, security forces forcibly dispersed a march organized by several human rights organizations to protest the government's repeated violations of the right to peaceful assembly. Several demonstrators were injured.

UN and Other International Bodies: The government generally cooperated with international governmental organizations and permitted visits by UN representatives or other organizations such as the ICRC (see section 1.c.).

The TJRC, which has no power to prosecute or grant amnesty, was established in 2009 in response to public and international pressure to address the complaints lodged by victims of political violence between 1958 and 2005. By the end of 2011, the TJRC had collected more than 20,000 statements, opened 7,936 case

files, and held numerous public hearings around the country. Although the commission can recommend prosecutions, no such recommendations had been issued by year's end, nor had the commission issued its recommendations concerning reparations. The commission held public hearings and continued taking individual statements during the year, but no victims of human rights violations received any reparations.

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 governmental National Commission for Human Rights investigated numerous allegations of human rights abuses, including torture at the NIA.

## **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 rape due to the social stigma associated with being raped and fear of reprisal. Rape was thought to be a widespread problem throughout the country. During the year more than 50 persons were arrested for rape. At year's end 46 were in prison awaiting trial, awaiting convictions to be formalized, or serving sentences.

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 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): (see section 6, Children).

Sexual Harassment: A 1984 presidential decree prohibits sexual harassment and specifically mentions harassment of female students; however, authorities did not enforce the decree, and sexual harassment was a problem. While the law states that harassment is illegal and can be taken to court, no specific punishment is prescribed.

Reproductive Rights: The government recognized the right of couples and individuals to decide freely and responsibly the number, spacing, and timing of their children. Health clinics and local NGOs were permitted to operate 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 11 percent of women between 15 and 49 years old used a modern method of contraception. Approximately 62 percent of births were attended by skilled healthcare personnel. In May the government began providing free cesarean sections in response to the high mortality rate of mothers and babies in cesarean births. However, the government did not provide free childbirth services generally, and the lack of sufficient doctors meant most women only used midwives for childbirth as well as for prenatal and postnatal care, unless the mother or child suffered serious health complications. Maternal mortality was estimated at 350 deaths per 100,000 live births in 2008, according to UN statistics from 2010. Only heterosexual men and women received equal access to diagnosis and treatment for sexually transmitted infections, but women were more likely than men to seek treatment and refer their partners.

Discrimination: Although the law declares women equal under the law, women continued to experience discrimination in education, pension benefits, and inheritance. This was a consequence of traditional law, which applied to the vast majority of women. A husband legally can restrict his wife's freedom to work or control her earnings. In urban areas women and girls dominated market activities and commerce; however, harsh economic conditions in rural areas, where most of the population lived, left women with little time for activities other than domestic tasks and agricultural fieldwork. The labor code 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. Under traditional law a wife has no maintenance or child support rights in the event of divorce or separation and no inheritance rights upon the death of her husband. Otherwise,

women can own property with no special restrictions. Polygyny was practiced. Women did not experience economic discrimination in access to employment, credit, or managing a business.

The Ministry of Social Action and National Solidarity, along with independent women's groups and concerned NGOs, campaigned to inform women of their rights. In September 2010 President Faure launched a campaign to improve women's health and reduce infant mortality. The president also increased financial support to the effort, although at a lower level than originally promised.

## **Children**

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

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 were required to pay for books, supplies, uniforms, and other expenses. According to UNICEF, although 92 percent of boys and 85 percent of girls started primary school, only an estimated 58 percent of boys and 41 percent of girls finished. For secondary school, the net enrollment was 34 percent for boys and 12 percent for girls, but only 19 percent of boys and 9 percent of girls completed secondary school.

Child Abuse: Child abuse was a widespread problem. Although the law 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 line provides free information on the rights of the child and legal procedures. 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, especially in the north and among Muslims, existed on a small scale. Cases often were not reported as parents willingly gave their children in marriage.

Harmful Traditional Practices: The law prohibits FGM, which was perpetrated on approximately 1 percent of girls, according to UNICEF. It was believed the practice had decreased significantly in urban areas since the 1998 anti-FGM law was passed. The most common form of FGM was excision, which was usually performed on girls a few months after birth. Most of the larger ethnic groups did not practice FGM. Penalties for practitioners of FGM ranged from two months to five years in prison as well as substantial fines. However, the law rarely was applied because most FGM cases occurred in rural areas where awareness of rights was limited. Traditional customs often took precedence over the legal system among certain ethnic groups. The government continued to sponsor educational seminars against FGM. Several NGOs, with international assistance, organized campaigns to educate women of their rights and on how to care for victims of FGM. NGOs also worked to create alternative labor opportunities for former practitioners.

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 (\$208 to \$2,080) 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 engaged in prostitution.

Displaced Children: Orphans and other needy children received some aid from extended families or private organizations but little from the government. There were social programs to provide free health care for poor children.

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

### **Anti-Semitism**

The Jewish community was very small, 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](http://www.state.gov/j/tip).

## **Persons with Disabilities**

The law prohibits discrimination against persons with physical, mental, and sensory disabilities in employment, education, access to health care, 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. While the law nominally obliges the government to aid persons with disabilities and shelter them from social injustice, the government provided only limited assistance.

The Agency for Handicapped Persons, under the Ministry of Social Action and National Solidarity, is responsible for protecting the rights of persons with disabilities. During the year the ministry held awareness campaigns to fight discrimination and to promote equality; it also distributed food and clothing and provided some skills training to persons with disabilities.

## **National/Racial/Ethnic Minorities**

The dominance in private sector commerce, professions, and public/ military service of members of southern ethnic groups of the former and current presidents' ethnic group Kabye and other northern groups were sources of political tension. Political parties tended to have readily identifiable ethnic and regional bases. The RPT party was more represented among northern ethnic groups than among southern groups; the reverse was true of the UFC and CAR opposition parties.

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

The law provides that a person who engages in a consensual same-sex sexual act may be punished by one to three years' imprisonment and fined 100,000 to 500,000 CFA francs (\$208 to \$1,041). There were no prosecutions for homosexuality or the often related charge of indecent assault. The eight persons arrested for same-sex sexual conduct in 2010 remained incarcerated.

Societal discrimination based on sexual orientation and gender identity occurred, and there were no known lesbian, gay, bisexual, and transgender organizations.

## **Other Societal Violence or Discrimination**

The law prohibits discrimination against persons infected with HIV/AIDS, and the government sponsored 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, including government health workers, although striking health care workers may be ordered back to work as necessary for the personal security and wellbeing of the population. The law prohibits retribution against strikers by employers, and antiunion discrimination was prohibited. The law provides exemptions from some provisions of the labor code. For example, the law does not recognize the trade union rights of workers in the export processing zones (EPZs). Unions generally are not allowed free access to EPZs or the freedom to organize workers. The law does not provide EPZ workers with protection against antiunion discrimination, notably with regard to hiring and firing.

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

While freedom of association and the right to organize were generally respected, 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 labor code prohibits all forms of forced or compulsory labor, including by children; however, the government did not enforce the law effectively.

Forced labor occurred in practice. Children sometimes were subjected to forced labor, primarily as domestic servants, porters, and roadside sellers. Children were also forced to perform agricultural work and beg. Women and girls were subject to forced labor as domestic servants. Children were trafficked into indentured servitude.

According to government statistics, 278 victims of trafficking were removed during the year. In 2010 the government doubled the number of workplace inspectors to 62. During the year the government conducted training and awareness activities with various officials, such as police and customs inspectors as well as private businesses. In addition, work increased with local committees that serve both to raise awareness of trafficking and forced labor and to report instances of either. With help from UNICEF, during the year the government began providing funds to poor families with very young children considered at risk for trafficking.

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip](http://www.state.gov/j/tip).

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The labor code prohibits the employment of children under the age of 15 in any enterprise or type of work, prohibits the employment of children under age 18 from working at night, and requires a daily rest period of at least 12 hours for all working children. For some types of industrial and technical employment, the minimum age is 18. The child code of 2007 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 also authorizes the employment of children 16 years and older in sectors likely to harm their health, safety, or morals.

The Ministry of Social Action and National Solidarity was responsible for enforcing the prohibition against the worst forms of child labor. However, the government did not effectively enforce child labor laws. Ministry inspectors enforced these age requirements, but only in the formal sector in urban areas. Due to limited resources, the enforcement of child labor laws was weak, and penalties were insufficient to deter violations. 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, ILO, 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 years were engaged in work. 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 agricultural sectors, children assisted their parents with the harvesting of cotton, cocoa, and coffee. Children were involved in the production of foodstuffs, such as beans and corn, for consumption by the family.

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 (\$26 to \$36).

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

#### **d. Acceptable Conditions of Work**

The government sets minimum wages for different labor categories, ranging from unskilled through professional positions. During the year the minimum wage was

raised to 35,000 CFA francs (\$73) per month. The Ministry of Labor, Employment, and Social Security is responsible for enforcement of the minimum wage system, especially in the private sectors.

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. Workers have the legal right to remove themselves from unsafe conditions without fear of losing their jobs. 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, which had 62 labor inspectors, did not 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.

In October the government implemented for the first time a health insurance plan 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.