

# TOGO 2020 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Togo is a republic governed by President Faure Gnassingbe, whom voters peacefully re-elected on February 22 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 a boycott by the opposition.

The national police and gendarmerie are responsible for law enforcement and maintenance of order within the country. The gendarmerie is also responsible for migration and border enforcement. The National Intelligence Agency provides intelligence to police and gendarmes but does not have internal security or detention facility responsibilities. Police are under the direction of the Ministry of Security and Civil Protection, which reports to the prime minister. The gendarmerie falls under the Ministry of Defense but also reports to the Ministry of Security and Civil Protection on many matters involving law enforcement and internal security. The Ministry of Armed Forces oversees the military. Civilian authorities did not always maintain effective control over the armed forces, gendarmerie, and police, and government mechanisms to investigate and punish abuse were often not effective. Members of the security forces committed some abuses.

Significant human rights issues included: unlawful or arbitrary killings by security force members; cruel, inhuman, or degrading treatment by the government; harsh and life-threatening conditions in prisons and detention centers; arbitrary detention; political prisoners; arbitrary or unlawful interference with privacy; serious restrictions on free expression and the internet, including threats of violence, and the existence of criminal libel laws; interference with freedoms of peaceful assembly and association; lack of investigation of and accountability for violence against women; criminalization of consensual same-sex sexual conduct; and reports of crimes involving violence or threats of violence targeting lesbian, gay, bisexual, transgender, or intersex persons.

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

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

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

There were several reports that the government or its agents committed arbitrary or unlawful killings. Human rights organizations reported that some of these abuses occurred while Joint Pandemic Task Force security personnel enforced a state of emergency COVID-19 curfew. For example on April 23, in Be-Adakpame, a neighborhood in Lome, family members reported a relative found dead after he left home during the curfew to relieve himself. On April 30, the minister of security and civil protection announced an investigation into the killing.

On May 21, a security officer in the Anti-Crime Brigade reportedly shot at close range and killed a man pulled over for speeding. One report indicated that the man's young daughter was in the car at the time. Minister of Security and Civil Protection Damehane Yark announced an investigation into the killing. One human rights organization reported authorities might have imprisoned the officer allegedly responsible for the killing.

In April 2019 security force members in Bafilo beat a protester who was participating in an unauthorized demonstration organized by the opposition Pan-African National Party (PNP). He died in transit to the hospital. Human rights organizations reported the government opened an investigation into the death, but as of August the government had not released any results or pursued any charges. The family was reportedly filing a complaint against the state.

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 opens investigations into high-profile cases but rarely publishes the results. The Ministry of Justice recommends appropriate cases for prosecution to the Public Prosecutors' 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 government authorities.

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

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

Human rights organizations reported systemic physical mistreatment 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. There were several abuses reported similar to the examples noted below.

On April 11, security personnel enforcing the COVID-19 state of emergency reportedly assaulted an elderly woman, Nyanuwoede Drafoe, living in Agbodrafo, an area approximately 20 miles from Lome. Her family members reported she was beaten for not respecting the curfew. Human rights organizations noted, however, the curfew was not in force in the area at that time and that the use of force was excessive and amounted to inhuman and degrading treatment. The human rights organizations referred the case to the CNDH, which began an investigation.

On April 23, in Lome security forces detained without charge businessman Koko Langueh, who provided digital communication services to opposition presidential candidate Agbeyome Kodjo. Human rights organizations reported that security forces at the CDJP facility handcuffed him to a bench; took his money, bankcards, and two cell phones; did not allow him to communicate with his lawyer for five days; and beat him so severely that he lost consciousness. At one point an officer put his foot on the victim's neck and another held his feet so that he could not move. Human rights organizations reported that the victim provided photographic evidence of his injuries. On April 30, authorities released the businessman when his lawyer arrived at the CDJP.

Impunity was a problem in the security forces, including police, gendarmes, and the armed forces. The factors that contribute to impunity include politicization, lack of political will, corruption, and insufficient training. Human rights organizations reported they filed dozens of complaints since 2005, but the government rarely investigated or punished those involved. Following allegations of excessive force in relation to enforcement of the COVID-19 state of emergency and curfew, the government in April instructed the Ministry of Justice to open an investigation. As of August the government has not published any results of this

investigation. 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 13, there were 4,117 convicted prisoners and pretrial detainees (including 96 women) in 13 prisons and jails designed to hold 2,720 inmates. For example, Tsevie Prison was at least 360 percent above capacity with more than 200 inmates held in a prison designed to hold 56.

Nursing mothers with infants were generally held together with other detainees. In some cases nursing mothers chose to have their babies placed in the care of the government-supported private nursery. Officials held pretrial detainees together with convicted prisoners.

From January 1 to August 13, there were 26 prison deaths from illnesses linked to overcrowding and malaria. The government reported that no prisoners had died from COVID-19. Medical facilities, food, sanitation, ventilation, and lighting were inadequate or nonexistent, prisoners did not have access to potable water, and disease was widespread.

On May 12, a riot reportedly broke out at the Civil Prison of Lome following the discovery of 19 positive cases of COVID-19. Security forces used tear gas in response.

Administration: There were no ombudsmen to assist in resolving the complaints of prisoners and detainees. Although authorities allowed prisoners and detainees to submit complaints to judicial authorities without censorship and to request investigation of credible allegations of inhuman conditions, they rarely investigated complaints and, when they did, did not release any findings. The government rarely monitored and investigated allegations of inhuman prison and detention center conditions from other sources.

Independent Monitoring: Prior to the COVID-19 pandemic, representatives of local nongovernmental organizations (NGOs) accredited by the Ministry of Justice visited prisons. Such NGOs were generally independent and acted without government interference. Nevertheless, some NGOs noted instances in which they had received authorization to conduct a visit but were denied access upon arrival, most often when visiting political prisoners alleged mistreatment by prison guards. Security forces monitored visits to the Central Criminal Research and Investigation Service (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. The government required international NGOs to negotiate an agreement to obtain access. The International Committee of the Red Cross and other international human rights organizations had access through such agreements. The government holds an annual *Week of the Detainee Program*, during which all prisons are open to the public, allowing visitors to witness the harsh realities of prison life.

The NMPT conducted multiple prison visits and conducted awareness campaigns on their mission.

On April 13, due to the COVID-19 pandemic, the government suspended prison-monitoring visits by NGOs to limit the spread of the virus. This made independent monitoring of prison conditions significantly more difficult.

Improvements: To protect prisoners from COVID-19, the government released 1,048 prisoners on April 3. Other measures included: isolation of new prisoners; quarantine of prisoners with potential exposure to COVID-19; increase in food rations of detainees; increased accessibility of medicine; and sick detainees isolated or sent out of detention centers for treatment. Nonetheless, overcrowding and poor sanitary conditions made it difficult to guard effectively against infection.

#### **d. Arbitrary Arrest or Detention**

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

#### **Arrest Procedures and Treatment of Detainees**

The law authorizes judges, senior police officials, prefects, and mayors to issue arrest warrants. Detainees have the right to be informed of the charges against

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

Arbitrary Arrest: On April 21, security forces detained two human rights defenders from the Collective of Associations against Impunity in Togo and a journalist for more than 10 hours at the SCRIC facility. They had no access to a lawyer or their cell phones and could not communicate with their families. Security forces did not give a reason for their arrest. The individuals were conducting a monitoring mission during the arrest of presidential election runner-up Agbeyome Kodjo.

Pretrial Detention: Pretrial detainees and persons in preventive detention constituted 62 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 a problem. A widespread public perception existed that lawyers bribed judges to influence the outcome of cases. The court system remained overburdened and understaffed.

#### **Trial Procedures**

The constitution provides for the right to a fair and public trial, but executive influence on the judiciary limited this right. The judicial system employs both

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

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

### **Political Prisoners and Detainees**

There were reports of 52 political prisoners or detainees, all released by year's end. They did not receive the same protections given to other detainees. Human rights and humanitarian organizations did not have access to them.

On April 21, security forces detained runner-up opposition presidential candidate Agbeyome Kodjo together with 51 of his supporters. The government detained Kodjo reportedly for "aggravated disturbance of public order, dissemination of false news, slanderous denunciation, and breach of the internal security of the state" due to his continued claims months after the election in various media sources that he was the country's rightful president, and his unlawful use of state symbols. Authorities released Kodjo on April 25, but 16 of the 51 individuals arrested with him remained in detention. Human rights organizations reported authorities on June 1 convicted these 16 individuals on charges of rebellion and complicity in rebellion, noting the trial occurred without a lawyer present and thus deprived them of the right to defend themselves. On August 26, local media reported that the government had released the 16 individuals.

### **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 February 22, the evening of the presidential election, a large contingent of security forces surrounded the homes of opposition presidential candidate Agbeyome Kodjo and former archbishop Monsignor Philippe Kpodzro. The minister of security and civil protection claimed the government had information about threats to Kodjo and Monsignor Kpodzro, but the government reportedly did not inform the individuals about the nature of the threat, and the two men and their supporters perceived the security presence as an intimidation tactic.

On April 25, security forces raided the offices of an opposition businessman and took two computers and two USB keys (see section 1.c).

On August 3, international news sources reported six citizens, including religious figures and opposition supporters, had their mobile phones infiltrated by spyware technology created by NSO Group, an Israeli private surveillance firm. These six were part of a larger group of 1,400 individuals found internationally to have faced such spyware attacks. The firm refused to release a list of its clients but stated it sold the spyware to a number of governments. Several of the victims reportedly believed the government conducted the spyware attack.

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

#### **a. Freedom of Expression, Including for the Press**

Although the constitution provides for freedom of expression, including for the press, the government restricted these rights. The law imposes penalties on journalists deemed to have committed “serious errors.”

Violence and Harassment: On April 30, the Media Foundation for West Africa expressed concern regarding acts of violence committed by authorities against

journalists while covering the arrest of political leader Agbeyome Kodjo on April 21. Members of the security forces fired tear gas at the reporters, then reportedly detained one of them without cause.

On August 18, the International Federation for Human Rights (FIDH) condemned “judicial harassment and threats” against the editor of the newspaper *L’Alternative* and called on authorities to defend the right of freedom of expression. *L’Alternative* had published an article on June 9 regarding alleged embezzlement in the oil sector. The individuals accused in the article then filed a lawsuit against the newspaper and its editor for defamation. The FIDH reported that the editor was subsequently subjected to “threats, including death threats, and acts of intimidation, including through anonymous telephone calls.” The Committee to Protect Journalists (CPJ) reportedly also expressed concern following reports of an intimidating phone call on July 21 pressuring the *L’Alternative* editor to stop reporting allegations of corruption related to the oil sector.

Censorship or Content Restrictions: In April the Togolese section of the International Union of the Francophone Press and the CPJ expressed concern regarding two High Authority for Audiovisual and Communication (HAAC) disciplinary decisions made on March 23. Following defamation complaints filed by the French ambassador, the HAAC imposed a two-month suspension on the privately owned biweekly newspaper *L’Alternative* for an article that criticized the French president’s Africa advisor. The HAAC also imposed a 15-day suspension on the privately owned daily newspaper *Liberte* for an article describing the French ambassador as an enemy of democracy. In its decision the HAAC accused the two opposition newspapers of not complying with professional rules.

In April the Independent Union of Togolese Journalists expressed concern over another HAAC disciplinary action suspending the privately owned newspaper *Fraternite* for two months. The HAAC sanctioned *Fraternite* for publishing an article denouncing the sanctions against *L’Alternative* and *Liberte* and criticizing the members of the HAAC. Human rights organizations regarded the HAAC’s suspension decisions as disproportionate.

Libel/Slander Laws: Libel and slander are criminal offenses. Unlike in previous years, there were no cases filed under these laws.

## **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 human dignity.” A person convicted of violating the law may be sentenced to three years’ imprisonment. Although no cases were prosecuted, human rights organizations reported the law continued to contribute to an atmosphere of “restricted civic space,” an environment in which citizens self-censor due to their fear of being punished for sharing actual thoughts and opinions.

The government restricted access to the internet on the day of the presidential election, February 22, and the following day, February 23.

On February 21, the chairman of the Independent National Election Commission (CENI) stated that an internet shutdown could occur during the voting process. The Open Observatory of Network Interference reported blocked access to several instant-messaging applications, including Facebook, WhatsApp, and Telegram for Togo Telecom and Atlantique Telecom subscribers shortly after polls closed on February 22. In March, the NGO Access Now reported that the government prevented access to those several internet services during the election.

On June 25, the Economic Community of West African States (ECOWAS) Court of Justice ruled that the 2017 internet shutdown ordered by the government due to opposition party protests was illegal. The court ordered the government to pay approximately \$3,500 in compensation to the plaintiffs and to implement safeguards to protect the right to freedom of expression in the country.

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

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

### **b. Freedoms of Peaceful Assembly and Association**

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

#### **Freedom of Peaceful Assembly**

The constitution and law provide for freedom of peaceful assembly. As in 2019, the government restricted freedom of peaceful assembly.

The law regarding peaceful public demonstrations 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.

On February 28, the minister for territorial administration banned demonstrations called by opposition candidate Agbeyome Kodjo and former archbishop Philippe Kpodzro, claiming that the group was not a registered organization. Small demonstrations took place, nonetheless, and human rights organizations reported security force mistreatment of protesters, including caning and the use of other excessive force to disperse the demonstrations.

On August 1, the minister for territorial administration once again banned demonstrations called by former archbishop Kpodzro. Security forces reportedly dispersed protesters with force and detained eight persons for their participation in the protest. Authorities released them the same day.

### **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.

In the pre-election period, human rights organizations received reports of political parties unable to campaign freely because of undue restrictions by local government officials or security forces. Additionally, following continuing government interference with the activities of the opposition PNP in 2019, party members reported they no longer tried to hold meetings.

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

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

### **d. Freedom of Movement**

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 in order to obtain 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 and asylum seekers.

Abuse of Migrants and Refugees, and Stateless Persons: UNHCR reported two cases of physical violence against refugees and referred both cases to the government and its partners.

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection for refugees.

Durable Solutions: The government cooperated with UNHCR to assist in the safe, voluntary repatriation of refugees to their home countries. From January 1 to August 31, the government assisted in the repatriation of four refugees. UNHCR reported the number of refugees was lower than previous years due to the COVID-19 pandemic.

### **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: On February 22, President Faure Gnassingbe won re-election to a fourth five-year term with 71 percent of the vote. Main opposition candidate Agbeyome Kodjo of the Patriotic Movement for Democracy and Development

won 19 percent and prevailed in the Maritime Region, which includes the capital city of Lome. International observation delegations from ECOWAS and the African Union monitoring the election declared it generally free and fair.

The government excluded groups from observing the election including the Episcopal Council for Justice and Peace. On February 18, the government also revoked the accreditation of the NGO Togolese National Civil Society Platform (CNSC). CENI had previously approved CNSC to observe the elections. On February 19, the government expelled three foreign staff who arrived to support the CSNC's observation efforts.

Following the announcement of the election results, opposition supporters, including Agbeyome Kodjo, alleged widespread fraud. Although presenting no credible evidence of such fraud, Kodjo declared himself the rightful winner of the election, proclaimed himself head of state, began misusing state symbols such as the seal and motto, made proclamations as a public official, and announced a cabinet. On March 16, the National Assembly stripped Kodjo of his immunity as a member of parliament. Authorities then detained him on April 21 after he failed to respond to two prosecutorial summonses. Authorities released him on April 25, and he went into hiding on July 10, reportedly due to fear of government security forces detaining him again. He remained in hiding as of October.

An opposition businessman detained by security forces on April 23 had his offices raided and materials seized (see section 1.c.). Human rights organizations believed the detention and seizure were politically motivated, and the political opposition claimed this seizure of data prevented them from documenting the widespread fraud they alleged occurred.

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 UNIR party won a majority with 59 of 91 seats. The government-aligned UFC 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 (see also section 1.e., Political Prisoners and Detainees, and section 2.b., Freedom of Association).

Participation of Women and Members of Minority Groups: No laws limit the participation of women and members of minority groups in the political process and they did participate. Some observers believed cultural and traditional practices prevented women from voting, running for office, serving as electoral monitors, or otherwise participating in political life on the same basis as men. For example only 18 percent of parliamentarians were women (16 of 91). Nevertheless, the president of the National Assembly was a woman, as were 11 ministers in the 34-member cabinet, including the prime minister herself. Members of southern ethnic groups remained underrepresented in both government and the military.

#### **Section 4. Corruption and Lack of Transparency in Government**

Although the law provides criminal penalties for conviction of corruption by officials, the government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity.

The body officially responsible for combating corruption, the High Authority for Preventing and Combating Corruption and Related Offenses (HAPLUCIA), 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.

Local newspaper *L'Alternative* reported on one prominent case of alleged corruption in June (see section 2.a.). The director of the Committee to Monitor Fluctuations in the Prices of Petroleum Products (CSFPP) and his son (also a committee member) reportedly embezzled up to \$900 million in petroleum products over several years. The CSFPP, a government body, manages orders and

sets prices for petroleum products. Neither HAPLUCIA nor other enforcement offices took any action in the case.

HAPLUCIA continued working on a 2017 African Cup of Nations corruption case begun in 2019. It prepared to transfer to the public prosecutor a case concerning a director general of Road and Rail Transport accused of embezzling approximately \$800,000 from fairground vehicle registration operations in 2015, but the accused director general died on August 3.

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

### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights**

A variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials often met with human rights groups and participated in NGO-sponsored public events but typically were not responsive to NGO recommendations. Some NGOs, such as the Togolese League for Human Rights, reported experiencing intimidation and threats while conducting their work, particularly during election periods.

Government Human Rights Bodies: A permanent human rights committee exists within the National Assembly, but it did not play a significant policy-making role or exercise independent judgment. The CNDH is the government body charged with investigating allegations of human rights abuses. The CNDH is nominally independent of the government and somewhat effective in its investigations and deliberations.

On May 22, the CNDH issued a public statement regarding the May 21 reported killing by an Anti-Crime Brigade officer of a man accused of speeding (see section 1.a.). The statement called on security forces to exercise restraint, professionalism, and respect for the sanctity of life and to avoid these recurring abuses. On July 10, the CNDH released a report regarding two alleged robbers reportedly shot by the National Police Task Force in July 2019. The CNDH report called into question the government's version of events and called for judicial inquiry into the killings.

The CNDH undertook other activities, including organizing meetings with human rights organizations, visiting prisons, and observing the February presidential election. Nonetheless, human rights organizations encouraged the CNDH to take an even more active role in mitigating human rights abuses.

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

### **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 violence. The law provides for five to 10 years' imprisonment for conviction of rape and a substantial monetary fine. Conviction of spousal rape is punishable by up to 720 hours of community service and a smaller monetary fine. A prison term for conviction of 20 to 30 years applies if the victim is younger than 14, was gang raped, or if the rape resulted in pregnancy, disease, or incapacitation lasting more than six weeks. Although the government did not provide statistics on the incidence of rape or arrests for rape, some data were available from legal advocates for victims and NGOs.

Domestic violence against women was widespread. Police generally did not intervene in abusive situations, and many women were not aware of the formal judicial mechanisms designed to protect them. The government made some efforts to combat rape and domestic violence. For example, in February it sponsored the NGO One Billion Rising's documentary film *Broken Silence* that included testimony from survivors of rape and sexual violence, raising awareness with showings throughout the country. Additionally, several other NGOs actively educated women on their rights.

A human rights organization reported that in April security forces arrested a popular singer on rape charges and put him in prison to await trial; however, he was unexpectedly released on May 15, to the dismay of human rights activists.

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 for conviction of one to three years' imprisonment and a potentially substantial fine. Penalties for conviction are increased for sexual harassment of a vulnerable person, defined as a minor, person of advanced age, pregnant woman, or person with an illness or disability.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

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 law.

There are no restrictions on women signing contracts, opening bank accounts, or owning property. Women did not experience formal-sector economic discrimination in access to employment, credit, or business management. By traditional law a wife has no maintenance or child support rights in the event of divorce or separation. The formal legal system provides inheritance rights for a wife upon the death of her husband.

## **Children**

Birth Registration: According to the constitution, citizenship is derived either from birth within the country's borders or, if abroad, from a Togolese parent. Conflicting nationality laws, however, discriminated against women. While the constitution provides that a child born of one citizen parent, be it the father or the mother, is a citizen, the nationality code states a woman may pass her nationality to

a child only if the father is stateless or unknown. The child code, however, has gender-neutral nationality provisions that conflict with the nationality code.

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 for girls and boys. Conviction of violations is punishable by 10 to 20 years' imprisonment and a substantial fine. The government worked with local NGOs on public-awareness campaigns to prevent exploitation of children.

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

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, Gender, and Health led development of the *National Program against Child Marriage and Teenage Pregnancy*. Multiple initiatives focused on helping girls stay in school. Messages broadcast through media, particularly local radio, stressed avoiding early marriage and the importance of educating girls.

Sexual Exploitation of Children: The law prohibits the commercial sexual exploitation of children, including the sale and offering or procuring of children for prostitution, and practices related to child pornography. It provides penalties for

those convicted of up to 20 years' imprisonment and substantial fines. For conviction of violations involving children younger than age 15, prison sentences may be up to 10 years. The law was not effectively enforced. The minimum age of consensual sexual conduct is 16 for boys and girls.

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

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

### **Anti-Semitism**

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

### **Trafficking in Persons**

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

### **Persons with Disabilities**

The law prohibits discrimination against persons with physical, mental, intellectual, and sensory disabilities, but the government did not effectively enforce these prohibitions. The law does not mandate accessibility to public or private facilities for persons with disabilities, although some public buildings had ramps. Children with disabilities attended schools at all levels, with some attending schools specifically for those with disabilities. Information regarding possible abuse in these facilities was unavailable. The law does not restrict the right of persons with disabilities to vote and participate in civic affairs, although lack of accessible buildings and transportation precluded some from doing so.

The Ministry of Health, the Ministry of Education, and the Ministry of Social Action, Women's Empowerment and Literacy were responsible for protecting the rights of persons with disabilities. The Ministry of Social Action, Women's Empowerment and Literacy conducted awareness campaigns to fight

discrimination and promote equality; it also distributed food and clothing and provided skills training to persons with disabilities.

### **Members of National/Racial/Ethnic Minority Groups**

Northern ethnic groups, especially the Kabye tribe, dominate the civil and military services, while southern ethnic groups, especially the Ewe, dominate the private commercial sector. Relative dominance was a recurring source of political tension and discrimination occurred. The government took little action to address these problems.

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

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

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

### **HIV and AIDS Social Stigma**

The law prohibits discrimination against persons with HIV/AIDS, and the government sponsored broadcasts aimed at deterring discrimination. The government National Council for the Fight against AIDS (CNLS) is mandated with preventing discrimination against individuals living with HIV/AIDS. The CNLS

conducted awareness raising activities, training, and other activities focused on achieving the objectives of the *National Strategic Plan to Fight against HIV/AIDS 2016-2020*. Persons with HIV/AIDS nonetheless faced some societal discrimination. For example, there were cases of family abandonment when HIV-positive status was discovered, and the perception that HIV/AIDS was religious punishment for wrongdoing persisted.

## **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 applicable to conviction.

### **b. Prohibition of Forced or Compulsory Labor**

While the law prohibits all forms of forced or compulsory labor, the government did not enforce the law effectively, 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 not enforced. Prisoners are required to work; it was unclear if they are 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**

On May 22, the government passed a new law regarding prohibited hazardous work for children. The law prohibits all 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, Administrative Reform, and Social Protection is responsible for enforcing the prohibition against the worst forms of child labor. The ministry provided support to a center for abandoned children and worked with NGOs to combat child trafficking. Ministry efforts to combat child trafficking included holding workshops in collaboration with UNICEF, the International Labor Organization, NGOs, labor unions, police, customs officials,

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

The government did not effectively enforce child labor law. 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 (\$22 to \$30).

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

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

#### **d. Discrimination with Respect to Employment and Occupation**

The law prohibits discrimination in employment and occupation based on race, gender, disability, citizenship, national origin, political opinion, language, and HIV-positive status but does not specifically prohibit such discrimination based on sexual orientation or gender identity. Penalties were 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 law, which applies to most women, a husband legally may restrict his wife's freedom to work and may control her earnings.

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

#### **e. Acceptable Conditions of Work**

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

The government heavily regulates the labor market. Working hours of all employees in any enterprise, except in the agricultural sector, normally are not to exceed 40 hours per week. At least one 24-hour rest period per week is compulsory, and workers are to receive 30 days of paid leave each year. Working hours for employees in the agricultural sector are not to exceed 2,400 hours per year (46 hours per week). The law requires overtime compensation and restricts excessive overtime work. The Interprofessional Collective Convention sets minimum rates for overtime work at 120 percent of base salary for the first eight hours, rising to 140 percent for every hour after eight, 165 percent for work at nights and on Sundays and holidays, and double pay for Sunday and holiday nights. This requirement was seldom respected in the private sector.

The Ministry of Civil Service, Labor, Administrative Reform, and Social Protection is responsible for enforcement of all labor law, especially in the formal private sector. The number of labor inspectors was insufficient to enforce the law effectively. Labor inspectors did have the right to conduct unannounced inspections and impose fines. Penalties were not commensurate with penalties for similar violations.

A technical consulting committee in the Ministry of Civil Service, Labor, Administrative Reform, and Social Protection sets workplace health and safety standards. It may levy penalties on employers who do not meet labor standards, and workers have the right to complain to labor inspectors concerning unhealthy or unsafe conditions. Penalties for infractions were generally weak, and there was no evidence they deterred violations. By law workers may remove themselves from situations that endanger health or safety without jeopardy to their employment. The law also provides protection for legal foreign workers. The law does not cover EPZ workers or workers in the informal sector, who represented a large, unregistered, nontaxpaying part of the economy. According to the Delegation of the Informal Sector Organization, a governmental entity, 80 percent of the country's commercial trade is conducted in the informal sector, both urban and rural, which it defines as revenue-generating activity that produces both untaxed and government-regulated goods and services.

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

The government did not effectively enforce the law, and formal-sector employers often ignored applicable law. Employers often paid less than the official minimum wage, mostly to unskilled workers, and the government lacked the resources to investigate and punish violators. In 2015 an explosion at the West African Cement plant in Tabligbo killed six employees, after which workers struck for more than two months. In 2016 the Court of Tabligbo ruled the plant owners had to pay 280 million CFA francs (\$475,000) to the victims' families, but to date no remuneration has been made. The plant director of operations was prosecuted, convicted, and sentenced to eight months' imprisonment; however, the sentence was suspended. On July 15, three machine technicians at the Port of Lome drowned in the ocean when the machine driver attempted a reverse maneuver.