

# TOGO 2017 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Togo is a republic governed by President Faure Gnassingbe, whom voters re-elected in 2015 in a process international observers characterized as generally free and fair. In 2013 the ruling Union for the Republic party (UNIR) won 62 of 91 seats in the National Assembly. International and national observers declared it generally free, fair, transparent, and peaceful, although there were logistical shortcomings.

Civilian authorities at times did not maintain effective control over the security forces.

The most significant human rights issues included arbitrary deprivation of life and use of excessive force by security forces; lack of due process; harsh and life-threatening conditions in prisons and detention centers; arbitrary arrest; executive influence on the judiciary; government restrictions on freedom of assembly; official corruption; criminalization of same-sex sexual conduct, although not enforced; and trafficking in persons.

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

### **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 reports that the government or its agents committed arbitrary or unlawful killings.

For example, in August and September, police shot and killed three protesters when demonstrations turned violent in the northern cities of Sokode and Mango.

#### **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 several reports, however, that government officials employed them. For example, Amnesty International, Action for the Abolition of Torture, and the Togolese League for Human Rights reported that agents of the Gendarmerie Research and Investigations Service beat detained political activists and subjected them to extreme sleep deprivation during September and October antigovernment protests.

#### **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 unhealthy food. In contrast with 2016, there were no reports prison officials withheld medical treatment from prisoners.

Physical Conditions: Overcrowding was a problem. As of October 1, there were 4,859 prisoners and pretrial detainees (including 156 women) in 13 prisons and jails designed to hold 2,720. Men often guarded women. There were 45 juveniles held in the Brigade for Minors facility. Authorities placed the infants of female pretrial detainees and prisoners in the care of government-supported private nurseries. Officials held pretrial detainees together with convicted prisoners.

There were 25 prison deaths from various causes, including malaria. Medical facilities, food, sanitation, ventilation, and lighting were inadequate or nonexistent, prisoners did not have access to potable water, and disease was widespread.

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.

Independent Monitoring: Representatives of local nongovernmental organizations (NGOs) accredited by the Ministry of Justice visited prisons. Such NGOs were generally independent and acted without government interference. 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, sometimes deplorable, realities of prison life.

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

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

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

The national police and the gendarmerie are responsible for law enforcement and maintenance of order within the country. The gendarmerie is also responsible for migration and border enforcement. The National Intelligence Agency provided intelligence to police and gendarmes but did not have internal security or detention facility responsibilities. Police are under the direction of the Ministry of Security and Civil Protection, which reports to the prime minister. The 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 security. The Ministry of Defense, which reports directly to the president, 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. Corruption and inefficiency were endemic among police, and impunity was a problem. There were reports of police misusing arrest authority for personal gain. Abuses by security forces were subject to internal disciplinary investigations and criminal prosecution by the Ministry of Justice, but investigation and prosecution seldom occurred. The government generally neither investigated nor punished effectively those who committed abuses. There was training to increase respect for human rights.

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

There were no reports of persons arbitrarily detained in secret without warrants. The law authorizes judges, senior police officials, prefects, and mayors to issue arrest warrants. Detainees have the right to be informed of the charges against them, and 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. No detainees were held incommunicado.

Arbitrary Arrest: In August and September, security forces arbitrarily detained large groups of protesters in Lome and Sokode, who were released without charge.

Pretrial Detention: Pretrial detainees and persons in preventative detention totaled 3,222, or 51 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 for more than six months.

Detainee's Ability to Challenge Lawfulness of Detention before a Court: The constitution and law provide for the right of an arrested or detained person to challenge the lawfulness of detention, regardless of whether on criminal or other grounds. An individual found to have been unlawfully detained may file for damages.

#### **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. There was a widespread perception lawyers bribed judges to influence the outcome of cases. The court system remained overburdened and understaffed.

There were instances in which the outcomes of trials appeared predetermined. For example, on October 20, authorities charged, tried, and convicted 30 defendants only two days after their detention for participating in peaceful demonstrations. All except one of the defendants lacked legal counsel, and the lawyer for that defendant did not have adequate time to prepare a defense.

## **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. Authorities generally respected most of these rights, which 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 no reports of political prisoners or detainees.

## **Civil Judicial Procedures and Remedies**

The constitution and law provide for civil and administrative remedies for human rights violations, 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 the government failed to respect these prohibitions. From August to October, there were multiple reports of security force members entering homes without judicial or other appropriate authorization. For example, in October security force members and government-sponsored vigilantes attacked civilians in their houses in pro-

opposition neighborhoods in the capital and other cities. These actions resulted in a number of persons fleeing the Mango and Sokode regions, with more than 500 fleeing across the border to Ghana.

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

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

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

Press and Media Freedom: Independent media were active and expressed a wide variety of views. Nevertheless, authorities attempted to influence the press through illicit means. For example, on February 2, the president of the High Authority of Audiovisuals and Communications (HAAC), Pitang Tchalla, confessed that in December 2016 he gave journalists envelopes containing cash as a “year-end gift from President Faure Gnassingbe to his relatives and friends” to encourage positive media coverage of the government.

Violence and Harassment: Local and international organizations reported violence against journalists. For example, on February 7, gendarmes arrested Kossi Robert Avotor, a reporter for the privately owned weekly newspaper *L’Alternative* while he was covering an antigovernment protest. He was beaten, handcuffed and held on the ground by gendarmes. Gendarmes erased his camera’s memory before returning it to him. Reporters without Borders and local media organizations condemned the attack.

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

Libel/Slander Laws: On May 25, HAAC suspended monthly newspaper *La Nouvelle* for one month for violation of ethics rules for having published an article on political violence in the country that included photographs of victims and a list of perpetrators alleged to have committed political violence. HAAC stated that the

content of the newspaper's article included "defamation, threats to peace and social security, and violation of human dignity."

Nongovernmental Impact: On August 21, a political opposition group threatened to lynch Joseph Gadahn, editor of the bimonthly newspaper *Economie et Developpement*, for remarks he made on a Radio Kanal FM talk show discussing opposition political claims. The group accused him of taking positions against opposition demands for constitutional reforms. Five local NGOs, including the Togolese Media Observatory, condemned the threats against the journalist.

Actions to Expand Freedom of Expression, Including for the Media: On May 4, the government began enforcement of the Freedom of Access to Public Information and Documentation Act, passed in March 2016 by the National Assembly. The law provides for media and private citizens to obtain government information but excludes the disclosure of "public information and documents that pertain to security, national defense, and court decisions."

### **Internet Freedom**

The government restricted and disrupted access to the internet but did not censor online content; there were no credible reports the government monitored private online communications without appropriate legal authority. In August and September, the government shut down the internet and restricted telephone-messaging services on several occasions.

According to the International Telecommunication Union, 11.3 percent of the population used the internet in 2016.

### **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, and the government generally respected these rights.

### **Freedom of Peaceful Assembly**

The constitution and law provide for the freedom of peaceful assembly, and the government generally respected this right. Organizers of demonstrations must obtain permission from the Ministry of Territorial Affairs, which may prescribe the route marchers may take. On October 10, the government banned demonstrations during the workweek. On October 31, the ban was ended, and the government announced that plainclothes security officers would no longer be deployed to demonstrations and that civil society groups could freely observe them.

Police practices in dealing with demonstrators during the August-October antigovernment demonstrations included the use of excessive and indiscriminate force. For example, police shot and killed some protesters and injured many more when demonstrations turned violent. Security forces and government-sponsored vigilantes attacked protesters trying to assemble for demonstrations and beat civilians in their houses in pro-opposition neighborhoods in the capital and other cities.

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

See the Department of State's *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

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

While the law provides for freedom of internal movement, foreign travel, emigration, and repatriation, the government restricted some of these rights.

The government cooperated with the Office of the UN High Commission for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

In-country Movement: Traffic police routinely stopped motorists on fabricated traffic law charges in order to obtain bribes.

### **Protection of Refugees**

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. The government assisted in the repatriation of 26 refugees.

### **Section 3. Freedom to Participate in the Political Process**

The constitution provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage, and citizens exercised that ability.

#### **Elections and Political Participation**

Recent Elections: In 2015 President Faure Gnassingbe was re-elected to a third five-year term with 59 percent of the vote. International and national observers monitoring the election declared it generally free, fair, transparent, and peaceful, although there were logistical shortcomings. Security forces did not interfere with voting or other aspects of the electoral process; they played no role and remained in their barracks on election day.

Political Parties and Political Participation: The UNIR party dominated politics and maintained firm control over all levels of government. UNIR membership conferred advantages such as better access to government jobs.

Participation of Women and Minorities: No laws limit the participation of women and members of minorities 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). 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 National Commission for the Fight against Corruption and Economic Sabotage, lacked a specific anticorruption legal mandate and was inactive. Other state entities, such

as the Government Accounting Office and Finances Inspectorate, investigated and audited public institutions, but because their resources were limited, they reported few results. Authorities established toll-free and text-messaging lines for citizens to report cases of corruption.

In January the government appointed board members to the High Authority for the Prevention of and Fight against Corruption--a seven-person independent body to, among other things, hear complaints of corruption and refer them to legal authorities, work with the judiciary on strengthening countercorruption practices, educate the public, and oversee adherence of public officials to anticorruption statutes. The High Authority had yet to conduct any investigations by year's end.

Corruption: Government corruption was most severe among prison officials, police officers, and members of the judiciary. For example, there were credible reports that judges accepted bribes to expedite and render favorable decisions in land dispute cases.

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.

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

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

### Women

Rape and Domestic Violence: The law criminalizes rape, but if reported, the law was often not enforced effectively by authorities. The law does not specifically address domestic violence. The law provides for five to 10 years' imprisonment for conviction of rape and a fine of two million to 10 million CFA francs (\$3,400 to \$17,010). Conviction of spousal rape is punishable by up to 720 hours of community service and a fine of 200,000 to one million CFA francs (\$340 to \$1,701). A prison term for conviction of 20 to 30 years applies if the victim is under age 14; is gang raped; or if the rape results in pregnancy, disease, or incapacitation lasting more than six weeks. Neither the government nor any group compiled statistics on rape or arrests for rape.

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. Although there were no official efforts to combat rape and domestic violence, several NGOs actively educated women on their rights.

Female Genital Mutilation/Cutting (FGM/C): The law prohibits FGM/C for girls and women. According to UNICEF 2015 data, FGM/C had been performed on 3 percent of girls and women between ages 15 and 49 and on 1 percent of girls and young women ages 15 to 19. The most common form of FGM/C was excision, usually performed a few months after birth.

Penalties for those convicted of FGM/C range from five to 10 years' imprisonment as well as substantial fines; repeat offenders face longer sentences. The law was rarely enforced, however, because most cases occurred in rural areas where awareness of the law was limited or traditional customs among certain ethnic groups took precedence over the legal system. The practice was most common in isolated Muslim communities in the sparsely populated Central Region.

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

For more information, see [data.unicef.org/resources/female-genital-mutilation-cutting-country-profiles/](https://data.unicef.org/resources/female-genital-mutilation-cutting-country-profiles/).

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

Coercion in Population Control: There were no reports of coerced abortion, involuntary sterilization, or other coercive population control methods. Estimates on maternal mortality and contraceptive prevalence are available at: [www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/](http://www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/).

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. 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, it is slow, distant, and expensive to access; rural women were effectively subject to traditional law.

There are no restrictions on women signing contracts, opening bank accounts, or owning property. Women did not experience formal-sector economic discrimination in access to employment, credit, or managing a business. 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. Polygyny was practiced and recognized by formal and traditional law.

## **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 nationality be acquired by a child born of one citizen parent, be it the father or the mother, the nationality code states that 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. For additional information, see Appendix C.

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. While there is no statutory rape law, by law the minimum age of consensual sex is 16 for both boys and girls. 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.

Early and Forced Marriage: The legal ages for marriage are 18 for girls and 20 for boys, although both may marry under these ages with parental consent. For additional information, see Appendix C.

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 mass media, particularly local radio, stressed avoiding early marriage and the importance of educating girls. (For more information, see UNICEF's website.)

Sexual Exploitation of Children: The law prohibits the commercial sexual exploitation of children and provides penalties for those convicted of between one and five years' imprisonment and fines from 100,000 to one million CFA francs (\$170 to \$1,701). For conviction of violations involving children under age 15, prison sentences may be up to 10 years. The law was not effectively enforced. The minimum age of consensual sex is 16 for boys and girls.

The law prohibits child pornography and penalties for conviction are five to 10 years' imprisonment. The government conducted a survey and assessment of reports of child sex tourism in 2013 as part of its effort to address the problem of minors subjected to prostitution, but it had yet to release the reports.

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 [travel.state.gov/content/childabduction/en/legal/compliance.html](http://travel.state.gov/content/childabduction/en/legal/compliance.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 [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **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 posed barriers.

The Ministries of Health, Education, and Social Action, Women's Promotion, and Elimination of Illiteracy were responsible for protecting the rights of persons with disabilities. The Ministry of Social Action, Women's Promotion, and Elimination of Illiteracy held awareness campaigns to fight discrimination and promote equality; it also distributed food and clothing and provided skills training to persons with disabilities.

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

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.

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

The penal code forbids “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 fined one million to three million CFA francs (\$1,701 to \$5,102), but the law was not enforced. On those occasions when police arrested someone for engaging in consensual same-sex sexual activity, the charge was usually for some other violation as justification for the arrest, such as disturbing the peace or public urination. The media code forbids promotion of immorality. Lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons faced societal discrimination in employment, housing, and access to education and health care. Existing antidiscrimination laws do not apply to LGBTI persons. No laws allow transgendered persons to change gender markers on government-issued identity documents.

LGBTI groups could 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 infected with HIV/AIDS, and the government sponsored broadcasts aimed at deterring discrimination. Persons infected with HIV/AIDS, nonetheless, faced some societal discrimination, including reports of family members refusing to share eating utensils with infected persons. The *2015 Demographic and Health Survey* did not address social stigma towards persons infected with HIV/AIDS.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The constitution and law provide workers, except security force members (including firefighters and police), the right to form and join unions and bargain collectively. Supporting regulations allow workers to form and join unions of their choosing. Representatives of the government, labor unions, and employers negotiate and endorse a nationwide agreement. This collective bargaining agreement sets nationwide wage standards for all workers in the formal sector. For sectors in which the government is not an employer, the government participates in this process as a labor-management mediator. For sectors with a large government presence, including the government-owned companies, the government acts solely as an employer and does not mediate. Individual unions could negotiate agreements more favorable to labor through sector- or firm-specific collective bargaining.

Workers have the right to strike, although striking health-care workers may be ordered back to work as necessary for the security and well-being of the population. While no provisions in the law protect strikers against employer retaliation, the law requires employers to obtain an authorizing judgment from the labor inspectorate before they may fire workers. 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 with regard to hiring and firing.

The government generally effectively enforced laws regarding freedom of association and the right to organize, particularly outside the EPZs. While the law provides that violation of the right to organize is a criminal offense, it does not provide for specific penalties or fines. Administrative judicial procedures were not subject to lengthy delays and appeals. Worker organizations were independent of the government and political parties. There were no reports of employers either refusing to bargain, bargaining with unions not chosen by workers, or using hiring practices (such as subcontracting or short-term contracts) to avoid hiring workers with bargaining rights. There were no reports of antiunion discrimination or employer interference in union functions. Union leaders were free from threats and violence by employers.

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



While the law prohibits all forms of forced or compulsory labor, the government did not enforce the law effectively. Investigations were infrequent because investigators must pay for their own travel and lodging expenses without reimbursement. Penalties for conviction of violations, including light sentences ranging from six months to two years' imprisonment for trafficking children under age 18, were insufficient to deter violations.

Forced labor occurred. Children were subjected to forced labor (see section 7.c.). Employers exploited men for forced labor in agriculture and exploited women in domestic service and forced prostitution abroad.

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

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

The law prohibits the employment of children under age 15 in any enterprise or type of work and children under age 18 from working at night. It requires a daily rest period of at least 12 hours for all working children. The law does not include corresponding penalties. The minimum age for employment in hazardous work, such as some types of industrial and technical employment, is 18, with two exceptions for children ages 16 and 17. The law prohibits the employment of children in the worst forms of child labor, including trafficking, prostitution, pornography, and the use of children in armed conflict. The law, however, authorizes the employment of children ages 16 and older in other sectors likely to harm their health, safety, or morals.

The Ministry of Civil Service, Labor, and Administrative Reform is responsible for enforcing the prohibition against the worst forms of child labor. The ministry funded a center for abandoned children and worked with NGOs to combat child trafficking. The ministry frequently held workshops in collaboration with UNICEF, the International Labor Organization, NGOs, labor unions, 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 laws. Legal penalties were insufficient to deter violations. Ministry inspectors enforced age requirements only in the formal sector in urban areas.

Child labor was a problem. According to a 2015 UNICEF report, 28 percent of children between ages five and 14 worked full time. Some children started work at age five and typically did not attend school for most of the school year. Children worked in both rural and urban areas, particularly in family-based farming and small-scale trading, and as porters and domestic servants. In some cases children worked in factories. In the agricultural sector, children assisted their parents with the harvesting of cotton, cocoa, and coffee. Children were involved in crop production, such as of beans and corn, for family consumption.

The most dangerous activity involving child labor was in quarries, where children assisted their parents in crushing rock by hand and carrying buckets of gravel on their heads. The government did not sanction such labor, and it occurred only in small, privately owned quarries. Reputable local NGOs reported that, while quarry work was a weekend and holiday activity for most children, some 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 (\$21 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 [www.dol.gov/ilab/reports/child-labor/findings/](http://www.dol.gov/ilab/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, and language but does not specifically prohibit such discrimination based on sexual orientation, gender identity, and HIV-positive status or other communicable diseases. Migrant workers enjoy the same legal protections, wages, and working conditions as citizens. Penalties for violations include a fine of up to one million CFA francs (\$1,701) and a sentence of up to six months in prison.

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

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

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

The national collective bargaining agreement sets minimum wages for different labor categories, ranging from unskilled through professional positions. The minimum wage is 35,000 CFA francs (\$60) per month. The government set the poverty level at the internationally recognized level of \$1.25 per day (equal to 735 CFA francs), the equivalent of \$38 per month (equal to 22,344 CFA francs).

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 there are restrictions on excessive overtime work. The Interprofessional Collective Convention sets minimum rates for overtime work at 120 percent of base salary for the first eight hours, rising to 140 percent for every hour after eight, 165 percent for work at nights and on Sundays and holidays; and double pay for Sunday and holiday nights. This requirement was seldom respected in the private sector.

The Ministry of Civil Service, Labor, and Administrative Reform is responsible for enforcement of all labor laws, especially in the formal private sector. The ministry had 109 labor inspectors for the country, which was insufficient to enforce the law effectively.

A technical consulting committee in the Ministry of Civil Service, Labor, and Administrative Reform sets workplace health and safety standards. It may levy penalties on employers who do not meet the standards, and workers have the right to complain to labor inspectors concerning unhealthy or unsafe conditions without penalty. Penalties for infractions were generally low, and there was no evidence they were strong enough to deter violations. By law workers may remove themselves from situations that endanger health or safety without jeopardy to their employment, but authorities did not effectively protect employees in these situations. Labor laws also provide protection for legal foreign workers. The laws do 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 government entity, 80 percent of the country's economic activity is in the informal sector, both urban and rural, which it defined as revenue-generating activity that produces untaxed or government regulated goods and services.

A health-insurance plan exists for public-sector employees. The law obliges large enterprises to provide medical services for their employees, and large companies usually attempted to respect occupational health and safety rules, while smaller ones often did not. The National Social Security Fund provides statistics on workplace accidents and fatalities once a year to the Ministry of Civil Service, Labor, and Administrative Reform.

The government did not effectively enforce the law, and formal-sector employers often ignored applicable laws. Employers often paid less than the official minimum wage, mostly to unskilled workers, and the government lacked the resources to investigate and punish violators. Many workers supplemented their incomes through second jobs or by subsistence farming.