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TOGO ASYLUM COUNTRY PROFILE 2008

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I. INTRODUCTION

The Togo country profile is produced by the Department of State's Bureau of Democracy, Human Rights, and Labor, Office of Multilateral and Global Affairs

for use by the Executive Office for Immigration Review and the Department of Homeland Security in assessing asylum claims. By regulation the Department of State may provide asylum officers and immigration judges information on country conditions that may be pertinent to the adjudication of asylum claims. The purpose of this and other profiles is to provide factual information relating to such conditions. They do not relate to particular asylum claims, but instead provide general country condition information as of the date they are drafted.

Profiles are circulated for comment within the State Department, including to overseas missions, and to other agencies if appropriate. Adjudicators may also wish to review the relevant chapters of the Department of State's annual *Country Reports on Human Rights Practices* and *International Religious Freedom Report*, available on the Internet at www.state.gov, as they provide additional material, including on the relevant constitutional and legal systems and other issues related to the human rights situation in a given country, and other publicly available materials on conditions in Togo.

II CONTEXT AND OVERVIEW

A. Historical Background

During the 15th and 16th centuries, Portuguese explorers and traders visited the coast of present-day Togo. For the next 200 years, the coastal region was a major raiding center for Europeans in search of slaves, earning Togo and the surrounding region the name "The Slave Coast." In an 1884 treaty signed at Togoville, Germany declared a protectorate over a stretch of territory along the coast and gradually extended its control inland. Because it became Germany's only self-supporting colony, Togoland was known as its model possession. In 1914, Togoland was invaded by French and British forces and fell after brief resistance.

After World War II, Togoland became a UN trust territory administered by the United Kingdom and France. In 1957, the residents of British Togoland voted to join the Gold Coast as part of the new independent nation of Ghana. French Togo became an autonomous republic within the French union, although it retained its UN trusteeship status. In 1960 Togo severed its constitutional ties with France, shed its UN trusteeship status, and became fully independent under a provisional constitution with Sylvanus Olympio as president.

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On January 13, 1963, President Olympio was assassinated in an uprising of army non-commissioned officers dissatisfied with conditions following their discharge from the French army. Nicholas Grunitzky, an opposition leader who fled Togo in 1962 in order to avoid arrest, returned from exile two days later to head a provisional government with the title of prime minister. On May 5, 1963, the Togolese adopted a new constitution which reinstated a multi-party system, chose deputies from all political parties for the National Assembly, and elected Grunitzky as president and Antoine Meatchi as vice president. Nine days later, President Grunitzky formed a government in which all parties were represented. His government remained in power until January 13, 1967, when forces led by Lt. Col. Etienne Eyadema (later Gen. Gnassingbe Eyadema), one of the non-commissioned officers who had deposed Olympio, ousted President Grunitzky in a bloodless military coup. Political parties were banned, and all constitutional processes were suspended. The committee of national reconciliation ruled the country until April 14, 1967 when Eyadema assumed the presidency. In late 1969, a single national political party, the Rally of the Togolese People (RPT), was created, and President Eyadema was elected party president on November 29, 1969.

B. Recent Political History

Togo, with a population of 6.3 million, is a republic governed by President Faure Gnassingbe, who was declared president in April 2005 in an election marred by severe irregularities. President Gnassingbe replaced his father, former president Gnassingbe Eyadema, who died in February 2005 after 38 years in power. Eyadema and his party, Rally of the Togolese People (RPT), strongly backed by the armed forces, had dominated politics and maintained firm control over all levels of the country's highly centralized government until his death. In violation of the constitution, the military leadership swore in Faure Gnassingbe as President. Pressure from African leaders, the Economic Community of West African States, and the African Union, combined with general condemnation from the international community, forced Faure Gnassingbe to step down on February 25, 2005. In April, he won deeply flawed and violent Presidential elections. The civilian authorities did not maintain effective control of the security forces.

The April 2005 presidential elections were marred by violence and widespread accusations of vote tampering, causing 40,000 Togolese to flee to neighboring Benin and Ghana. Faure Gnassingbe was pronounced the winner. Togo was pressed by the international community--including regional heads of state--to form a government of national unity, including key opposition figures. After

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Gnassingbe failed to reach agreement with the opposition he named Edem Kodjo of the Convergence Patriotique Panafricaine (CPP) Prime Minister. Kodjo was an original founder of the ruling Rassemblement du Peuple Togolais (RPT) and former Organization of African Unity (OAU) Secretary-General and Togolese Prime Minister. Kodjo subsequently named a cabinet that kept security-related ministries in the hands of the RPT and did not include any representatives from the opposition.

Prompted in part by a desire to reengage with international donors, the government launched a far-reaching political reform process in early 2006 that began with a comprehensive national political dialogue. In August 2006 President Gnassingbe and members of the opposition signed the Global Political Agreement (GPA), bringing an end to the political crisis triggered by Gnassingbe Eyadema's death in February 2005 and the flawed and violent electoral process that followed. The GPA provided for a transitional unity government whose primary purpose would be to prepare for benchmark legislative elections. The Comité d'Action pour le Renouveau (CAR) opposition party leader and human rights lawyer Yawovi Agboyibo was appointed Prime Minister of the transitional government in September 2006. Leopold Gnininvi, president of the Convention Démocratique des Peuples Africains (CDPA) party, was appointed Minister of State for Mines and Energy. The third opposition party, Union des Forces de Changement (UFC), headed by Gilchrist Olympio, declined to join the government but agreed to participate in the national electoral commission and the national dialogue follow-up committee, chaired by Burkina Faso President Blaise Compaore.

The legislative elections held on October 14, 2007, in which all opposition parties participated, were declared free and fair by international and national election observers. The RPT, with 50 seats, won a majority. The UFC took 27 seats, with the CAR receiving the remaining four. RPT members were elected to all the internal leadership positions within the National Assembly. On December 3, 2007, President Gnassingbe appointed Komlan Mally, an RPT member and former Minister of Urban Development, as the new Prime Minister. The other two parties elected to the National Assembly, the UFC and CAR, are not represented in the cabinet.

While the 2005 elections were marked by unrest and violence, culminating in an exodus of roughly 40,000 Togolese to neighboring Ghana and Benin, the 2007 elections passed without incident. Nearly all the refugees who fled Togo in 2005 have voluntarily returned. They were assisted in their repatriation by the Office of

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the United Nations High Commission for Refugees, which continues to support returns for remaining refugees. The special police force for the election, the Force Sécurité Elections Législatives (FOSEL), conducted itself in a professional manner. There were no deaths nor reports of election-related violence, and with the exception of a few injuries during a spontaneous march, the entire process was peaceful. The military voted early and remained in its barracks on voting day.

III HUMAN RIGHTS SITUATION AND COUNTRY CONDITIONS

The human rights situation in the country has improved significantly since 2005, particularly in the realm of free political expression. Human rights problems include the inability of citizens to change their government; abuse of detainees; government impunity; harsh prison conditions; arbitrary and secret arrests and detention; lengthy pretrial detention; executive control of the judiciary; frequent infringement of citizens' privacy rights; restrictions on the press, including closing media outlets; restrictions on freedom of assembly and movement; female genital mutilation (FGM) and violence against women; discrimination against women and ethnic minorities; trafficking in persons, especially children; child labor; and lack of worker's rights in export processing zones (EPZs). Despite the human rights problems that persist in Togo, the situation today has improved dramatically. Human rights has become a real discussion topic within the government and notable improvements have been made.

A. Language

French is widely spoken throughout Togo as the country's official language. In the south, the primary local languages spoken are Ewe and Mina, and in the north Kabye is widely spoken. Many other local dialects are spoken throughout the country, especially in rural areas, but children are systematically taught French at school. Few Togolese speak English with the exception of highly educated affluent Togolese who have been educated either in the United States or the United Kingdom, or those who were taught by a Peace Corps volunteer.

B. Religion

The Constitution provides for freedom of religion, and the Government generally respects this right in practice. The Government at all levels seeks to protect this right in full and does not tolerate its abuse, either by governmental or private

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actors. The State Department has no reported instances of societal abuse or discrimination based on religion.

The Constitution prohibits the establishment of political parties based on religion and states explicitly that "no political party should identify itself with a region, an ethnic group, or a religion." There were no other laws or statutes that specifically restrict religious freedoms. Catholics, Protestants, and Muslims occupy positions of authority in the local and national governments.

The most recent available statistics, published by the Demographic Research Unit of the University of Lomé in 2004, stated that the population was approximately 33 percent traditional animist, 27.8 percent Catholic, 13.7 percent Sunni Muslim, and 9.5 percent Protestant. The remaining 16 percent of the population consisted of various Christian (9.8 percent) and non-Christian groups (1.2 percent), and persons not affiliated with any religious group (4.9 percent).

C. National/Racial/Ethnic Minorities

Togo's population of 6.3 million people (2006 est.) is composed of about 21 ethnic groups. The two major groups are the Ewe in the South and the Kabye in the North. The ethnic groups of the coastal region, particularly the Ewes (about 21% of the population), constitute the bulk of the civil servants, professionals, and merchants, due in part to the former colonial administrations which provided greater infrastructure development in the south. The Kabye (12% of the population) live on marginal land and traditionally have emigrated south from their home area in the Kara region to seek employment. Their historical means of social advancement has been through the military and law enforcement, and they continue to dominate these services. The hardest supporters of the RPT have traditionally been of the Kabye ethnicity. The State Department has no reported instances of societal or government abuse or discrimination according to nationality or ethnic groups. Post is not aware of any specific inter-group persecution or harassment by the government or society in general, although ethnic tension exists.

D. Political Opinion or Affiliation

During the reign of President Eyadema, arbitrary beatings, arrests and detentions were commonplace, and immediately following his death in 2005, ethnic tensions escalated. Opposition groups were persecuted in the lead-up to the April 2005

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presidential elections. However, in the wake of the formation of the government of national unity in September 2006, opposition parties have been consistently included in the political process. The legislative elections of October 2007 further strengthened inter-party relations, and while the parties still disagree on many fundamental issues, the embassy has not had reports of specific incidents of discrimination or persecution based on party membership.

The political climate is more open than it was in 2005 and before. For example, the UFC, the largest opposition party, has become significantly more active and independent. The party, while only receiving 27 seats in the National Assembly compared to 50 for the ruling RPT, actually received 38% of the popular vote (the RPT receive 40%). The president of the UFC, Gilchrist Olympio, can now move freely within the country and is provided with police protection. Olympio has not lived in Togo in many years because he was attacked by unidentified assailants while on a visit to northern Togo in the early nineties and sustained multiple gunshot wounds in the attack. Furthermore, as stated above, the legislative elections held on October 14, 2007, in which all opposition parties participated, were declared free and fair by international and national election observers. The special police force for the election conducted itself in a professional manner. There were no deaths nor reports of election-related violence, and the military voted early and remained in its barracks on voting day.

UFC supporters (the major opposition party in Togo) tend to be represented most by the traditionally southern Ewe group. (See Section II.B. Recent Political History above and IV. Other Considerations below.) Such incidents, however, have largely disappeared since political reforms were introduced in early 2006.

The Embassy has received no reports of arbitrary arrest or harassment among Togolese who had fled during the period of political violence in 2005 and before who have returned (see Section II.B. above) because of having been formerly aligned with the opposition before they fled. One prominent human rights critic of the government who fled to the U.S. in the late 1990s returned in 2007 and won a seat in the legislative elections.

E. Female Genital Mutilation (FGM)

Although no reliable statistics are available, the government and NGOs believe the practice has decreased in urban areas since the 1998 anti-FGM law was passed.

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The traditional practice continues in rural poor areas. Most of the larger ethnic groups do not practice FGM. Penalties for practitioners of FGM range from two months to five years in prison as well as substantial fines but the law is rarely enforced because most FGM cases occur in rural settings.

E. Torture

Although the Togolese constitution prohibits torture, the State Department receives reports that such practices continue, although with fewer reported instances today than prevailed in 2005 and before. This was borne out in the report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak, who visited Togo in 2007. He found evidence of ill-treatment of prisoners, mostly during interrogation or as a means of punishment. He also reported that severe overcrowding in prisons, deplorable sanitary situations, and restricted access to medical services amount to inhuman treatment. There were also numerous reports of torture or mistreatment of detainees, according to Amnesty International (AI) in its 2007 report. Impunity remains a problem, and the government did not publicly prosecute any officials for the abuses related to the 2005 elections. Members of the security forces raped prostitutes who refused to provide sex in exchange for being allowed to enter some sections of Lome.

IV. Other Considerations for Adjudicators

Togo's population has seen its living standards decline precipitously since the 1980s. Togo is one of the world's poorest countries, with an annual per capita income of \$350 USD, and migrants take advantage of opportunities to leave the country in pursuit of economic opportunities in Europe and the United States. In addition, Togo has high Diversity Visa (DV) application rates. Over 1,500 Togolese interviewed for the DV program in FY 2007; approximately half failed to qualify.

Reciprocity agreements limit tourist visas to three years. The expense and distance to travel, as well as the risk of not succeeding in a subsequent visa application, favor decisions to remain in the United States. The same rationale may apply to students or professionals who have received training in the United States and see little economic, educational, or professional reason to return to their home country.

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Due to the lack of credible civil documents and the prevalence of instances of misrepresenting immediate family relationships, Embassy Lome suggests DNA tests to establish relationship in some follow-to-join cases of immediate relatives of Togolese granted asylum in the U.S. Approximately 25% of DNA tests reveal that the beneficiary and petitioner are not biologically related as purported.

U.S. Embassy Lome's fraud section spends a great deal of time verifying documents related to pending asylum claims in the U.S., of which the majority are membership cards or attestations (usually from the UFC), medical reports relating to an injury allegedly related to torture, and security-related documents such as notices to appear or summonses. In Embassy Lome's experience verifying documents submitted in support of asylum claims, fraud is established in approximately 30% of claimed political membership affiliations, 90% of medical attestations, and 80% of police documents. Togolese nationals have told State Department officers in Togo that asylum claims are the quickest, easiest, and cheapest way to establish residence in the United States and subsequently bring their immediate family over, as well.

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APPENDIX I**Chronology of Significant Events**

April 27, 1960	Togo gains independence
January 13, 1963	Assassination of President Olympio
January 13, 1967	Lt. Col. Etienne Eyadema (later Gen. Gnassingbe Eyadema) ousted President Nicholas Grunitzky in a bloodless military coup
October 5, 1990:	First major demonstrations against Eyadema with the population demanding a multiparty system
September 27, 1992	Adoption of a new constitution with a provision on multiparty system
1993	European Union suspends aid to Togo
July 29, 1999	Lome Framework Agreement signed
February 5, 2005	President Eyadema's death
August 20, 2006	Global Political Agreement signed
October 14, 2007	Legislative Elections

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APPENDIX II

Sample Questions for Adjudicating Asylum Claims

1. Who is the current Secretary General of the UFC? (Jean-Pierre Fabre)
2. Who is the leader of the UFC? (Gilchrist Olympio)
3. What is the UFC symbol and what are the colors? (Yellow palm tree, red background)
4. How many seats belong to the UFC in the current National Assembly? (27)
5. Who signed the Global Accord as a representative of the UFC in August 2006? (Eric Amerding)
6. Where was this accord signed? (Ouagadougou)
7. When were the most recent legislative elections held in Togo? (October 14, 2007)
8. How many seats were won by the CAR in this election? (4)
9. Who are the Vice Presidents of the UFC? (1st vice-president: Emmanuel AKITANI BOB, 2nd: Gnassingbe AMAH, 3rd: Patrick Lawson)
10. Where is the headquarters of the UFC located? (59, Rue Koudadzé, Lomnava)
11. How many seats did the UFC win in Tchaoudjo prefecture? (one seat), in Tone prefecture? (zero)

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