

AFRICA	Legislation prohibiting incitement to national, racial and religious hatred (<i>Indicate relevant paragraphs and where possible text</i>)	Legislation protecting freedom of speech (<i>Indicate relevant paragraphs and where possible text</i>)	Other information or observations in relation to public discussion of both.	Examples of or information on relevant jurisprudence on incitement to hatred and/or freedom of speech	Relevant policies in relation to incitement to hatred and/or freedom of speech
Benin	<p>Constitution (11 December 1990) <u>Article 26:</u> The State shall provide equality before the law for every one, without distinction of origin, race, sex, religion, political opinion or social position.</p> <p><u>Article 36:</u> Each Benin has a duty to respect and consider his fellow men without any discrimination and to maintain relationships with the others that allow you to save, strengthen and promote respect, dialogue and mutual tolerance for peace and national cohesion.</p>	<p>Constitution (11 December 1990) <u>Article 23:</u> Everyone has the right to freedom of thought, conscience, religion, worship, opinion and expression in respect of public order established by law and regulations. The exercise of religion and expression of beliefs must be in accordance with the secular State. Institutions, religious or philosophical communities have the right to develop without hindrance. They are not subject to supervision by the state. They regulate and administer their affairs autonomously.</p> <p>Law n° 97-010 (20 August 1997) portant libéralisation de l'espace audiovisuel et dispositions pénales spéciales relatives aux délits en matière de presse et de communication audiovisuelle en République du Bénin.</p>	<p>La question de la haine raciale ou religieuse ou celle de la liberté d'expression ressortent des droits de l'homme. Et, en la matière, l'Article 3 de la constitution du 11 décembre 1990 dispose : «Toute loi, tout texte réglementaire et tout acte administratif contraires à ces dispositions sont nuls et non avenus. En conséquence, tout citoyen a le droit de se pourvoir devant la cour constitutionnelle contre les lois, textes et actes présumés inconstitutionnels.». Cette disposition ouvre le droit de saisine de la haute juridiction à tout citoyen en matière d'atteinte aux droits de l'homme. Dans un contexte où la justice est atteinte par la corruption et paralysée par sa lourdeur et sa lenteur, ce droit de saisine démocratisé est une garantie pour les droits individuels et les libertés publiques compte tenu de la crédibilité de la haute juridiction en la matière.</p>		
Burkina Faso	<p>Constitution du 2 juin 1991 <u>Article 1alinéa 3 :</u> "Les discriminations de toutes sortes, notamment celles fondées sur la race, l'ethnie, la région, la couleur, le sexe, la langue, la religion, la caste, les opinions politiques, la fortune et la naissance, sont prohibées". <u>Article 7 :</u> La liberté de croyance, de conscience, d'opinion religieuse, philosophique, d'exercice de culte, la liberté de réunion, la pratique libre de la coutume ainsi que la liberté de cortège et de manifestation, sont garanties par la présente Constitution, sous</p>	<p>Constitution du 2 juin 1991 <u>Article 8:</u> Les libertés d'opinion, de presse et le droit à l'information sont garantis. Toute personne a le droit d'exprimer et de diffuser ses opinions dans le cadre des lois et règlements en vigueur. <u>Article 21:</u> La liberté d'association est garantie. Toute personne a le droit de constituer des associations et de participer librement aux activités des associations créées.</p> <p>Loi n° 042-2008/AN du 23 octobre 2008 portant statut des</p>	<p>Le Burkina Faso compte une soixantaine d'ethnies qui cohabitent avec des communautés étrangères bien intégrées. De la coexistence entre la mosaïque de populations vivant au Burkina Faso, il n'a pas été rapporté d'incidents, troubles majeurs du fait d'une discrimination basée sur la race, la religion, les opinions politiques ou la nationalité. Le débat public ne se focalise pas sur des thèmes ou arguments tendant à créer une discrimination à l'égard de l'un quelconque des groupes ethniques ou des communautés étrangères parce cela est interdit</p>		<p>En 2008, le gouvernement a adopté une Stratégie nationale de promotion d'une culture de la tolérance et de la paix au Burkina Faso. La stratégie nationale de promotion de la culture de la tolérance et de la paix répond au souci de se doter d'un mécanisme de prévention et d'alerte précoce en vue de prévenir certains risques de conflits et proposer des pistes de solutions aux situations de violences. Cette stratégie s'inscrit dans le cadre des recommandations de l'Assemblée générale des Nations Unies qui a institué en</p>

	<p>réserve du respect de la loi, de l'ordre public, des bonnes moeurs et de la personnalité humaine".</p> <p><u>Article 13</u>: Les partis et formations politiques se créent librement. ... Toutefois, ne sont pas autorisés les partis ou formations politiques tribalistes, régionalistes, confessionnels ou racistes.</p> <p>Loi n° 042-2008/AN du 23 octobre 2008 portant statut des réfugiés au Burkina Faso <u>Article 2</u> : "La présente loi s'applique à tout demandeur d'asile et réfugié, sans discrimination, notamment au regard de son genre, de sa religion, de sa race ou de sa nationalité".</p> <p><u>Article 10</u> : "Tous les réfugiés régulièrement installés au Burkina Faso jouissent des mêmes droits et sont assujettis aux mêmes obligations sans discrimination aucune liée à la race, l'ethnie, la religion ou au pays d'origine".</p> <p><u>Article 11</u> : "Tous les réfugiés régulièrement installés au Burkina Faso bénéficient du même traitement que les nationaux. A ce titre, ils ont les mêmes droits que ceux reconnus ou garantis aux citoyens burkinabè, notamment :la liberté de religion et de culte ;le droit à la propriété ;le droit d'accès à la justice, y compris l'assistance judiciaire ;le droit au travail; le droit au logement ; le droit à l'éducation, y compris la gratuité de la scolarité dans l'éducation de base et l'accès à l'Université et aux œuvres universitaires ; la liberté de circulation ;le droit au transfert des avoirs ;le droit à l'assistance publique. En outre, ils peuvent jouir, sous les réserves instituées par la réglementation applicable aux étrangers en général, des droits suivants :... le droit d'acquisition de la nationalité burkinabè, conformément à la législation en vigueur ; la liberté</p>	<p>réfugiés au Burkina Faso <u>Article 11</u> : Tous les réfugiés régulièrement installés au Burkina Faso bénéficient du même traitement que les nationaux.... En outre, ils peuvent jouir, sous les réserves instituées par la réglementation applicable aux étrangers en général, des droits suivants :... le droit d'acquisition de la nationalité burkinabè, conformément à la législation en vigueur ; la liberté d'association pour les activités non politiques.</p>	<p>et toute organisation qui s'y engagerait est susceptible d'être dissoute et ses dirigeants poursuivis. Cependant, des actes isolés, notamment d'intolérance religieuse (refus de mariage interreligieux, de fréquenter certains membres de la famille pratiquant un autre culte, divergences d'interprétation des textes religieux...), des conflits liés à l'accès aux ressources naturelles entre agriculteurs et éleveurs, entre agriculteurs résidents et agriculteurs migrants sont rapportés. C'est afin de prévenir de tels conflits que le gouvernement a adopté en 2008 une stratégie nationale de promotion d'une culture de la tolérance et de la paix.</p>		<p>1993, l'année internationale des Nations unies pour la tolérance. Cette stratégie est conforme à la politique du gouvernement en matière de promotion des droits humains au Burkina Faso adoptée en 2001 et est un cadre de référence et d'orientation pour la promotion de la culture de la tolérance et de la paix. 4 axes stratégiques ont été développés pour la mise en oeuvre de ladite stratégie parmi lesquels on peut noter, la construction d'une culture nationale sur la base de la diversité culturelle et l'éducation à la culture de la tolérance et de la paix. Le décret n°2009-787 du 19 novembre 2009 portant organisation du Ministère de la Promotion des droits humains institue par ailleurs une Direction de la Promotion de la culture de la tolérance et du genre qui a entre autres missions la promotion d'une culture de la tolérance, de la paix et des droits humains et la mise en oeuvre de mesures spécifiques tendant à promouvoir et à consolider les droits catégoriels. Un plan d'action de mise en oeuvre de ladite stratégie est en cours d'élaboration. Le Burkina Faso a également entrepris depuis 2002, de célébrer la journée internationale de la tolérance et la deuxième édition en 2003, célébrée sous le thème « DIRE NON A LA VIOLENCE », a permis l'institution d'un prix pour la tolérance destiné à distinguer une personnalité nationale qui incarne la tolérance et qui servira de modèle aux jeunes générations. Depuis six ans, cette journée est célébrée de façon tournante dans différentes provinces du pays. Pour l'année 2009, la journée a été commémorée sous le thème : "L'éducation, instrument de promotion de la tolérance". Elle a été une occasion de</p>
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	<p>d'association pour les activités non politiques. <u>Article 12</u> : "Pour l'exercice d'une activité professionnelle salariée ou non et sans exonération d'impôts et de taxes ainsi qu'en matière d'avantages sociaux liés à l'exercice d'une telle activité, les personnes reconnues comme réfugiés sont assimilées aux nationaux".</p> <p>Loi 43-96 ADP du 13 novembre 1996 portant Code pénal <u>Article 132</u>: "Est puni d'un emprisonnement de un à cinq ans et de l'interdiction de séjour de cinq ans, tout acte de discrimination, toute manifestation contraire à la liberté de conscience et à la liberté de culte susceptible de dresser les personnes les unes contre les autres. Est considéré notamment comme acte de discrimination raciale: toute distinction, exclusion, restriction ou préférence fondée sur la race, la couleur, l'ascendance ou l'origine nationale ou ethnique, qui a pour but ou pour effet de détruire ou de compromettre la reconnaissance, la jouissance ou l'exercice dans des conditions d'égalité, des droits de l'homme et des libertés fondamentales dans les domaines politique, économique, social et culturel ou dans tout autre domaine de la vie publique".</p> <p>Loi n° 56-93 ADP du 30 décembre 1993 portant code de l'information au Burkina Faso <u>Article 18</u>: "Aucune publication spécialisée ou d'information générale ne doit comporter ni illustration, ni récit, ni information ou insertion qui porte atteinte à la vie privée du citoyen ou contraire à la morale publique, aux bonnes moeurs et à l'éthique civique ou faire l'apologie du racisme et du tribalisme....".</p>				<p>sensibilisation des autorités locales, des représentants de sensibilités coutumières, religieuses et associatives ainsi que des élèves aux valeurs de la tolérance par le respect des autres, de leurs opinions et de leurs différences. L'organisation annuelle de la journée des communautés au Burkina Faso est également un mécanisme favorable à la tolérance et à la paix. Des études sont aussi en cours pour l'élaboration de curricula d'enseignement des droits humains pour les élèves, mais il est à relever que actuellement, les programmes d'enseignements (au niveau du primaire) intègrent des modules sur des thèmes dits émergents parmi lesquels figurent les droits de l'homme.</p>
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	<p><u>Article 112 alinéa 2</u>: "La diffamation commise par les mêmes moyens envers un groupe de personnes non visées aux articles 104 et 105 de la présente loi, mais du fait de leur appartenance à une race, une région, une religion sera punie d'un emprisonnement d'un mois à un an et d'une amende de 100 000 à 1 000 000 de francs lorsqu'elle aura pour but d'inciter à la haine entre les citoyens ou habitants".</p> <p>Loi 028-2008 du 13 mai 2008 portant Code du travail au Burkina Faso</p> <p><u>Article 4</u>: "Toute discrimination en matière d'emploi et de profession est interdite. Par discrimination, on entend : 1) toute distinction, exclusion ou préférence fondée notamment sur la race, la couleur, le sexe, la religion, l'opinion politique, le handicap, l'état de grossesse, l'ascendance nationale ou l'origine sociale, qui a pour effet de détruire, d'altérer l'égalité de chance ou de traitement en matière d'emploi ou de profession ; 2) toute autre distinction, exclusion ou préférence ayant pour effet de détruire, d'altérer l'égalité de chance ou de traitement en matière d'emploi ou de profession".</p> <p><u>Article 38</u> : " L'employeur doit s'interdire toute discrimination de quelque nature que ce soit en matière d'accès à l'emploi, de conditions de travail, de formation professionnelle, de maintien dans l'emploi ou de licenciement, notamment par rapport au statut sérologique de l'infection à VIH réel ou apparent".</p> <p>Loi n° 013-98/AN du 28 avril 1998 portant régime juridique applicable aux emplois et aux agents de la Fonction publique</p> <p><u>Article 11</u>: "...l'Administration</p>				
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	<p>Publique peut, lorsque les circonstances le justifient, recruter comme contractuels...b) des candidats de nationalité étrangère".</p> <p>Zatu (ordonnance) an VII 13 du 16 novembre 1989 portant institution et application d'un code des personnes et de la famille au Burkina Faso</p> <p><u>Article 5:</u> "Les étrangers jouissent, au Burkina Faso, des droits civils, au même titre que les nationaux. Toutefois, la jouissance d'un droit peut leur être expressément refusée par la loi ou être subordonnée à la réciprocité, sous réserve des dispositions des conventions internationales".</p> <p><u>Article 234 :</u> "Le mariage résulte de la volonté libre et consciente de l'homme et de la femme, de se prendre pour époux. En conséquence sont interdits les empêchements et les oppositions à mariage en raison de la race, de la caste, de la couleur ou de la religion".</p> <p>Loi n° 013-2007 du 30 juillet 2007 portant loi d'orientation de l'éducation</p> <p><u>Article 3:</u> "Toute personne vivant au Burkina Faso a droit à l'éducation, sans discrimination aucune, notamment celle fondée sur le sexe, l'origine sociale, la race, la religion, les opinions politiques, la nationalité ou l'état de santé....".</p>				
Cote d'Ivoire	<p>La constitution de la cote d'Ivoire 23 juillet 2000</p> <p><u>Article 10:</u> Chacun a le droit d'exprimer et de diffuser librement ses idées. Toute propagande ayant pour but ou pour effet de faite prévaloir un groupe social sur un autre, ou d'encourager la haine raciale ou religieuse est interdite.</p> <p><u>Article 13:</u> Les Partis et Groupements politiques se</p>	<p>Constitution de la cote d'Ivoire 23 juillet 2000</p> <p><u>Article 1:</u>L'Etat de Côte d'Ivoire reconnaît les libertés, les droits et devoirs fondamentaux énoncés dans la présente Constitution et s'engage à prendre des mesures législatives ou réglementaires pour en assurer l'application effective.</p> <p><u>Article 9:</u> La liberté de pensée et d'expression, notamment la</p>	Les medias se plaignent de plusieurs atteintes à la liberté de la presse.		

	<p>forment et exercent leurs activités librement sous la condition de respecter les lois de la République les principes de la souveraineté nationale et de la démocratie. Ils sont égaux en droits et soumis aux mêmes obligations. Sont interdits les Partis ou Groupements politiques créés sur des bases régionales, confessionnelles, tribales, ethniques ou raciales.</p> <p>Loi N° 2008-222 du 04 Août 2008 modifiant et complétant les dispositions du code pénal relatives à la repression du racisme, de la xénophobie, du tribalisme et des discriminations raciales et religieuses.</p> <p>Article 1 : Les articles 199, 200 et 201 du code pénal sont modifiés et complétés ainsi qu'il suit: Article 199 (nouveau) : Pour l'application des dispositions ci-dessous, est qualifiée de :</p> <p>1. Racisme : toute forme d'hostilité physique, morale ou intellectuelle ou toute manifestation de haine à l'égard d'un être humain ou d'une communauté en raison de son origine raciale ou de la couleur de sa peau, tous actes, propos ou écrits visant à établir ou à instaurer une hiérarchisation des races, la préservation ou l'exaltation d'une race dite supérieure.</p> <p>2. Xénophobie: toute manifestation d'hostilité ou de haine à l'égard d'une personne ou d'un groupe de personnes en raison de sa nationalité ou de son origine étrangère.</p> <p>3. Tribalisme: toute manifestation d'hostilité ou de haine à l'égard d'une personne ou d'un groupe de personnes, fondée exclusivement sur l'Origine ethnique ou tribale, toutes faveurs accordées à une personne ou à un groupe de personnes sur la</p>	<p>liberté de conscience, d'opinion religieuse ou philosophique sont garanties à tous, sous la réserve du respect de la loi, des droits d'autrui, de la sécurité nationale et de l'ordre public.</p> <p>Article 10: Chacun a le droit d'exprimer et de diffuser librement ses idées. Toute propagande ayant pour but ou pour effet de faire prévaloir un groupe social sur un autre, ou d'encourager la haine raciale ou religieuse est interdite.</p> <p>Loi N° 2004-643 du 14 décembre 2004 portant régime juridique de la presse Article 1: " La parution de tout journal ou écrit périodique est libre, sous réserve du respect des conditions prescrites à l'article 6."</p> <p>Loi N° 2004-644 du 14 décembre 2004 portant régime juridique de la communication audiovisuelle</p> <p>Article 1: "La communication audiovisuelle est libre. L'exercice de cette liberté ne peut être limité que dans les cas suivants..."; Déontologie ou droits et devoirs du journaliste ivoirien: préambule "Le droit à information, à la libre expression et à la critique est l'une des libertés fondamentales de tout être humain..."</p>			
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	<p>base de considérations exclusivement tribales ou ethniques.</p> <p>4. Discrimination raciale: toute distinction, exclusion, restriction ou préférence, fondée sur la race, la couleur, l'ascendance ou l'origine nationale ou ethnique, qui a pour but ou pour effet de détruire ou de compromettre, la reconnaissance, la jouissance ou l'exercice, dans les conditions d'égalité, des droits de l'homme et des libertés fondamentales, dans les domaines politique, économique, social et culture¹ ou dans tout autre domaine de la vie publique;</p> <p>5. Discrimination religieuse toute discrimination, exclusion, restriction ou préférence fondée sur la religion qui a pour but ou pour effet de détruire ou de compromettre la reconnaissance, la jouissance ou l'exercice, dans les conditions d'égalité, des droits de l'homme et des libertés fondamentales, dans les domaines politique, économique, social et culturel ou dans tout autre domaine de la vie publique.</p> <p><u>Article 200 (nouveau):</u> Quiconque se rend coupable de racisme, de xénophobie, de tribalisme ou de discrimination raciale ou religieuse, est puni d'un emprisonnement de cinq (5) à dix (10) ans et d'une amende de 500.000 à 5.000.000 F CFA. La peine est portée au double si : - l'infraction a été commise par voie de presse écrite ou de tout autre écrit, de radio de télévision, ou de tous autres instruments des nouvelles technologies de l'information et de la communication permettant une diffusion à grande échelle; - l'infraction a été commise à l'occasion ou au cours d'une manifestation publique ou d'un rassemblement à caractère politique ;</p> <p>Article 200-1 (nouveau): La</p>				
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	<p>diffamation, l'injure ou la menace faite dans les conditions prévues par l'article 174 envers un groupe de personnes qui appartiennent par leur origine à une race, à une ethnie ou à une religion déterminée; est punie d'un emprisonnement de cinq (5) à dix (10) ans et d'une amende de 500.000 à 5.000.000 F CFA. Ces peines sont portées au double, si l'infraction a été commise par la voie de presse, de la radio ou de la télévision. Est puni des mêmes peines, quiconque refuse à autrui l'accès, soit aux lieux ouverts au public, soit à un emploi, soit à un logement en invoquant uniquement sa race, son ethnie ou sa religion.</p> <p>Article 200-3 (nouveau): Quiconque se rend coupable de diffusion d'informations ou de rumeurs mensongères à relent raciste ou tribaliste, dans l'intention de soulever une communauté contre une autre même si le soulèvement n'a pu avoir lieu, est puni d'un emprisonnement de cinq (5) à dix (10) ans et d'une amende de 500.000 à 5.000.000 F CFA Est puni des mêmes peines, quiconque sans fondement porte dans la presse Etrangère, sur les radios et télévisions étrangères, au moyen des nouvelles technologies de l'information et de la communication permettant, une diffusion à grande échelle, à l'occasion de rencontres internationales, de réunions ou de forums tenus sur le territoire d'un Etat étranger, des accusations de racisme, de xénophobie ou de discrimination raciale ou religieuse.</p>				
<p>Gambia</p>	<p>Constitution (1997) <u>Chapter IV – Protection of Fundamental Rights and Freedoms</u> Subsection (17) (2): "Every person in The Gambia, whatever</p>	<p>Constitution <u>Chapter IV - Protection of Fundamental Rights and Freedoms</u> Subsection 25)(1)(a): "Every person shall have the right to-</p>	<p>Within the past years, The Gambia was found wanting in a number of its human rights obligations and freedoms. According to the United States Department reports, the</p>	<p>The Republic of The Gambia does not possess such jurisprudence on racial discrimination. On the contrary, as regards the freedom of press, journalists are subject to</p>	<p>There are no relevant policies in place to that effect, however, in practice, various human rights abuses as mentioned have been noted and freedom of speech in the Gambia is greatly restricted</p>

	<p>his or her race, colour, gender, language, religion, political or other opinion, national or social origin, property, birth or other status, shall be entitled to the fundamental human rights and freedoms of the individual contained in this chapter, but subject to respect for the rights and freedoms of others and for the public interest".</p> <p><u>Subsection 25(1)(c):</u> "Every person shall have the- (c) freedom to practise any religion and to manifest such practice;</p> <p>Criminal Code <u>Chapter 10 (117):</u> "Any person who destroys, damages or defiles any place of worship or any object which is held sacred by any class of persons with the intention of thereby insulting the religion of any class of persons or with the knowledge that any class of persons is likely to consider such destruction, damage or defilement as an insult to their religion, is guilty of a misdemeanor. <u>Chapter 10 (118):</u> "Any person who voluntarily causes disturbance to any assembly lawfully engaged in the performance of religions worship or religious ceremony, is guilty of a misdemeanour". <u>Chapter 10 (119):</u> "Any person who, with the intention of wounding the feelings of any person or of insulting the religion of any person, or with the knowledge that the feelings of any person are likely to be wounded, or that the religion of any person is likely to be insulted thereby, commits any trespass in any place of worship or in any place of sepulture, or in any place set apart for the performance of funeral rites or as a depository for the remains of the dead, or to any persons assembled for the purpose of funeral ceremonies, is guilty of a misdemeanor".</p>	<p>(a) freedom of speech and expression, which shall include freedom of the press and other media;</p> <p>(b) freedom of thought, conscience and belief, which shall include academic freedom;</p> <p>(c) freedom to practise any religion and to manifest such practice;</p> <p>(d) freedom to assemble and demonstrate peaceably and without arms;</p> <p>(e) freedom of association, which shall include freedom to form and join associations and unions, including political parties and trade unions;</p> <p>(f) freedom to petition the Executive for redress of grievances and to resort to the Courts for the protection of his or her rights.</p> <p>(a) freedom of speech and expression, which shall include freedom of the press and other media;</p> <p>(b) freedom of thought, conscience and belief, which shall include academic freedom;</p> <p>(c) freedom to practise any religion and to manifest such practice;</p> <p>(d) freedom to assemble and demonstrate peaceably and without arms;</p> <p>(e) freedom of association, which shall include freedom to form and join associations and unions, including political parties and trade unions;</p> <p>(f) freedom to petition the Executive for redress of grievances and to resort to the Courts for the protection of his or her rights.</p>	<p>Gambia's human rights problems revolve around government complicity in the abduction of citizens, torture and abuse Gambian flag of detainees and prisoners, including political prisoners. It also cited poor prison conditions, arbitrary arrest and detention of citizens, including incommunicado detention, denial of due process and prolonged pretrial detention. The Gambian government was also found wanting in limiting the rights of freedom of speech and of the press by intimidation, detention, and restrictive legislation. The President of the Gambia in a radio interview was clearly quoted to have stated on 22 July 2010, that journalists who tarnished the country's image would be "severely dealt with." Although the independent press practiced self-censorship, opposition views regularly appeared in the independent press, and that there was frequent criticism of the government in the private media. It was noted that the Gambia Radio and Television Services (GRTS)' biasness in giving limited coverage to opposition activities.</p> <p>The US state department report noted "The deterioration of the country's media environment continued during the year. The government harassed journalists who wrote articles it considered inaccurate and investigated cases it considered sensitive. Several journalists reportedly went into hiding from fear of government retaliation," the report said.</p> <p>Frequent arrest and detention of journalists by the security forces also featured, with well known example being the 15 June arrest of seven journalists and the subsequent conviction of six of them.</p>	<p>harassment and even imprisonment.</p> <p>Ndey Tapah Sosseh has taken advantage of the opening ceremony of the training workshop for journalists on "the union of journalists and other media workers", to make a summary presentation of her organisation. She stated that the goal of this structure is the defence of the freedom and rights of journalists.</p> <p>According to her, her association has had a problem with the president, Yayah Jameh, after its members had asked the president to organise a survey to shed light on the truth about the assassination of journalists, among them Deida Haidara. This survey not being permitted, the members of her association have criticised a declaration by the president after six journalists were arrested and put in prison. Their penalties were severe; two years of imprisonment with a fine of 20.000 dollars.</p>	<p>despite constitutional freedom of speech. Having said this, certain cultural and traditional relationships exist between various tribes in the Gambia that would serve as a tool for the prevention and resolution of conflict. For example, certain tribes would never harm a member of another tribe. This exists quite commonly among many tribes in the Gambia and hence, racial hatred is quite greatly restricted or even prevented.</p>
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	<p><u>Chapter 10 (120):</u> “Any person who, with the deliberate intention of wounding the religious feelings of any person, utters or writes any word, or makes any sound in the hearing of that person, or makes any gesture in the sight of that person, or places any object in the sight of that person, is guilty of a misdemeanor, and is liable to imprisonment for a term of one year”.</p>		<p>The report also referenced the 6 August arrest of Jollof News’ Gambia Affairs editor, Abdoulie John, who was then Deputy Editor-in-chief and French language columnist at the pro-government Daily Observer newspaper, on charges of refusing to recognize the appointment of a new managing director of the paper. Although the independent press practiced self-censorship, opposition views regularly appeared in the independent press, and that there was frequent criticism of the government in the private media. It cited GRTS’ biasness in giving limited coverage to opposition activities.</p> <p>“The deterioration of the country’s media environment continued during the years. The government harassed journalists who wrote articles it considered inaccurate and investigated cases it considered sensitive. Several journalists reportedly went into hiding from fear of government retaliation,” the report said.</p> <p>Frequent arrest and detention of journalists by the security forces also featured, with well known example being the 15 June arrest of seven journalists and the subsequent conviction of six of them. There exist certain legal provisions which give certain privileges to the Executive that may empower them from this authority to incite racial/religious hatred. The provision may be construed to give them certain powers to express racial/religious hatred.</p> <p>Chapter XVII of the Criminal Code (Chapter 10) DEFAMATION states that: <u>Section 178:</u> Any person who, by print, writing, painting effigy or by any means otherwise then solely by gestures, spoken words or other sounds, unlawfully</p>		
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			<p>publishes any defamatory matter concerning another person with the intent to defame that other person, is guilty of the misdemeanor termed "libel". <u>Section 182 (1)</u> then states that "The publication of defamatory matter is absolutely privileged and no person shall under any circumstances be liable to punishment under this Code in respect thereof, in any of the following cases: (a) if the matter is published by the President or by the Cabinet or the House of Representative, in any official document or proceeding". The subsequent sections further go on to exempt the cabinet or the House of Parliament from libel etc. Section (2) of the same chapter then goes on to say that "Where a publication is absolutely privileged, it is immaterial for the purposes of this Chapter whether the matter be true or false, and whether it be or be not known or believed to be false, and whether it be or be not published in good faith. The preceding section allows that publication of defamatory matter is privileged if it is published in good faith.</p>		
<p>Ghana</p>	<p>Constitution (1992) <u>Article 17:</u> (1) All persons shall be equal before the law (2) A person shall not be discriminated against on grounds of gender, race, colour, ethnic origin, religion, creed or social or economic status. <u>Article 21(c):</u> All persons shall have the right to freedom to practise any religion and to manifest such practice; <u>Article 33(5):</u> The rights, duties, declarations and guarantees relating to the fundamental human rights and freedoms specifically mentioned in this</p>	<p>Constitution (1992) <u>Article 21(1)(a):</u> All persons shall have the right to freedom of speech and expression, which shall include freedom of the press and other media.</p>	<p>Although the promotion of freedom of speech in Ghana serves a worthy cause, it has some negative aspects; the liberalisation of the airwaves has resulted in the lack of politeness and civility that should characterize public debates. This leads to lacking objectivity in the discussion of issues. Ghanaian society is generally welcoming and Ghana has been a haven to persons irrespective of their racial and religious differences. The Constitution provides for freedom of religion, and the Government respects this right in practice.</p>	<p>In 2001, the country's criminal libel and sedition laws were repealed. This was an important development in the promotion of freedom of speech. The Amendment Bill repealed that part of the Ghana Criminal Code 1960 (Act 29) which deals with criminal libel and also abrogated the sections that gave the President the power to ban organisations at his discretion and that deal with the offence of sedition, defamation of the President and the criminalisation of communication of false news. The removal of these laws from the statute books and the passing of the Whistleblowers Act are</p>	<p>See the National Media Policy: http://www.ict.gov.gh/pdf/NMC-MEDIA-POLICY.pdf According to BBC news, Ghana enjoys a high degree of media freedom and the private press and broadcasters operate without significant restrictions. The Commonwealth Press Union has described Ghana's media as "one of the most unfettered" on the continent. The private press is lively, and often carries criticism of government policy. Animated phone-in programmes are staple fare on many radio stations. Radio is Ghana's most popular</p>

	<p>Chapter shall not be regarded as excluding others not specifically mentioned which are considered to be inherent in a democracy and intended to secure the freedom and dignity of man.</p> <p>The Avoidance of Discrimination Act, 1957</p>			<p>unusually progressive in Ghana.</p>	<p>medium, although it is being challenged by increased access to TV.</p> <p>Scores of private FM stations crowd the dial; many of them are based in the main towns and cities. Most of them are chasing a limited amount of advertising revenue. State-run Ghana Broadcasting Corporation (GBC) runs national TV and radio networks.</p> <p>Nearly one third of Ghanaians have access to the internet, and mobile telephones are becoming a significant source of news.</p> <p>(http://news.bbc.co.uk/2/hi/africa/country_profiles/1023355.stm#media)</p>
<p>Guinea Bissau</p>	<p>Constitution of 1996: <u>Article 4(4):</u> It shall be prohibited to create [political] parties that are regional or local in nature, which encourage racism or tribalism, or which support violent means in pursuing their goals.</p> <p><u>Article 55 (3)</u> - Armed associations are not allowed, nor organisations that promote racism or tribalism.</p> <p>Criminal code (1993) Article 102 – Racial Discrimination: Anyone Who: a) founds an organization or engages in organized propaganda that incites discrimination, hatred or racial violence, or that encourages it, or b) participates in the organization or the activities mentioned in the paragraph above, or provides them with assistance including financing; is punishable with imprisonment from one to eight years Who in public meeting, in writing, announcement or by any means of social communication, with the intent to incite or encourage racial</p>	<p>Constitution of 1996 <u>Article 56 (3)</u> The State guarantees a press, radio and television, regardless of economic and political interests, to ensure the freedom of expression and confrontation of different points of view.</p>			<p>See <i>Amnesty International: Guinea Bissau Submission to the UN Universal Periodic Review Eighth session of the UPR Working Group of the Human Rights Council</i>, May 2010. http://lib.ohchr.org/HRBodies/UPR/Documents/Session8/GW/AI_UPR_GNB_S08_2010_AmnestyInternational.pdf</p>

	discrimination cause acts of violence against a person or group of persons because of their race or ethnic origin is punishable by imprisonment of one to five years				
Guinea Conakry	<p>Loi Fondamentale (Constitution) Title I – Article 1: La guinée est une République unitaire, indivisible, laïque, démocratique et sociale. Elle assure l'égalité devant la loi de tous les citoyens sans distinction d'origine, de race, d'ethnie, de sexe, de religion et d'opinion. Elle respecte toutes les croyances ...</p> <p>The Guinean law (Penal Code, Art 136 & 139) forbids any act qualified as racism, religionism, or even all propaganda with racial, tribal or subversive character. Punishment: 1 to 10 years imprisonment, including prosecutions for material or moral loss.</p>	<p>Loi Fondamentale (Constitution) Title II - Article 7: Every one is free to believe, think and profess his religious faith, political belief or philosophy. Every one is free to express, to manifest and disseminate his ideas and opinions through speech, writing and image. Every one is free to learn and learn to accessible sources.</p> <p>Art 7, al.3: Freedom of press is guaranteed and protected. The creation of a press organ or the media for public, economic, social, cultural, sportive, recreative or scientific information is free. Freedom of expression is guaranteed by the law to all citizens.</p>	In Guinea, the law often falls into disuse due to its incorrect application. For what concerns the freedom of religion, there are no concrete elements that could impede the freedom of worship. However, in practice, and especially in the southern part of the country, different religions are not readily tolerated and accepted. Measures to counter this behaviour are however not adequately taken by the authorities.	The Republic of Guinea does not possess jurisprudence that could serve as a source of inspiration for national or international courts. Judgements are often based on the French jurisprudence.	The freedom of press or expression is confronted with serious problems: i.e. arbitrary arrests or provisional suspensions of agents or press organs, incorrect diffusion of information to the population, misinformation practices of the population. Some Human Rights workers have been arbitrarily arrested for having denounced illegal practices by the Government.
Liberia	<p>Constitution Article 11:</p> <p>a) All persons are born equally free and independent and have certain natural, inherent and inalienable rights, among which are the right of enjoying and defending life and liberty, of pursuing and maintaining the security of the person and of acquiring, possessing and protecting property, subject to such qualifications as provided for in this Constitution.</p> <p>b) All persons, irrespective of ethnic background, race, sex, creed, place of origin or political opinion, are entitled to the fundamental rights and freedoms of the individual, subject to such qualifications as provided for in this Constitution.</p> <p>c) All persons are equal before the law and are therefore entitled to the equal protection of the law.</p>	<p>Constitution Article 14: All persons shall be entitled to freedom of thought, conscience and religion and no person shall be hindered in the enjoyment thereof except as may be required by law to protect public safety, order, health or morals or the fundamental rights and freedoms of others. All persons who, in their practice of their religion, conduct themselves peaceably, not obstructing others and conforming to the standards set out herein, shall be entitled to the protection of the law. No religious denomination or sect shall have any exclusive privilege or preference over any other, but all shall be treated alike; any no religious test shall be required for any civil or military office or for the exercise of any civil right. Consistent with the principle of separation of religion and state, the Republic shall establish no</p>	Freedom of expression, including of the press, both print and electronic, is commonly practiced through several radio talk shows and proliferation of newspapers.		

	<p><u>Art. 27b:</u> In order to preserve, foster and maintain the positive Liberian culture, values and character, only persons who are Negroes or of Negroe descent shall qualify by birth or naturalization to be citizens of Liberia.</p>	<p>state religion. <u>Art. 15(a):</u> Every person shall have the right to freedom of expression, being fully responsible for the abuse thereof. This right shall not be curtailed, restricted, or enjoined by government safe during an emergency declared in accordance with this Constitution. (b) the right encompasses the right to hold opinions without interference and the right to knowledge. It includes freedom of speech and of the press, academic freedom, to receive and impart knowledge and information and the right of libraries to make such knowledge available. It includes non-interference with the use of the mail, telephone and telegraph. It likewise includes the right to remain silent. (c) In pursuant of this right, there shall be no limitation on the public right to be informed without the government and its functionaries. (d) Access to state-owned media shall not be denied because of any disagreement with or dislike of the ideas expressed. Denial of such access may be challenged in a court of competent jurisdiction. (e) This freedom may be limited only by judicial action in proceedings grounded in defamation or evasion of the right of privacy and publicity or in the commercial aspect of expression in deception, false advertising and copy right infringement.</p>			
<p>Mali</p>	<p>Constitution of 1992 <u>Article 2:</u> All Malians are born and remain free and equal in rights and duties. Discrimination based on social origin, color, language, race, sex, religion and political opinion is prohibited</p>	<p>Constitution of 1992 <u>Article 7:</u> Freedom of press is recognized and guaranteed. This is expressed according to the conditions defined by law. Equal access for all to the media of the State is assured by an independent organization; that organization shall define the laws which assure such access.</p>	<p>Le Mali est cite comme l'un des états africains qui malgré sa situation de pauvreté, a réalisé le plus d'avancées démocratiques et de respect des droits humains. L' application des lois Concernant la liberté religieuse exerce librement. Dans le domaine des droits humains, des efforts significatifs ont été consentis. Au nombre de ces</p>	<p>Le Droit Malien s'inspire beaucoup du droit français de ce fait, les jugements sont souvent basés sur la jurisprudence française.</p>	<p>L'application des lois concernant le respect de la liberté d'expression est effective. Beaucoup de radios libre et de presses s'expriment librement. Espace d'interpellation démocratique (EID) est organise chaque année, ce forum permet aux citoyens d'interpeller le gouvernement sur les questions de droits humains</p>

			<p>progrès, ont peut retenir entre autres :</p> <ul style="list-style-type: none"> • La relecture en cours du Code des personnes et de la famille par l'Assemblée Nationale et les concertations engagées avec la société civile y compris les organisations religieuses; • L'adoption d'une loi portant création de la Commission Nationale des Droits Humains ; • L'adoption du document de politique nationale de droits humains et du plan d'action par Gouvernement ; • L'adoption par le gouvernement de l'étude sur l'état d'harmonisation de la législation nationale avec les instruments juridiques internationaux et régionaux des Droits Humains ratifiés par le Mali <p>Cependant il existe une absence de renseignements sur les plaintes, les poursuites et les jugements intervenus pour des faits de discrimination raciale malgré l'existence de l'institution du Médiateur de la République.</p>		
<p>Niger</p>	<p>Constitution of 1999 <u>Article 8:</u> The Republic of Niger shall be a state founded on law. Equality shall be assured to everyone under the law without distinctions as to sex or social, ethnic or religious background. All beliefs shall be respected and protected. No religion or belief shall claim political power or interfere in affairs of the state. The dispensation of any divisive propaganda of a regional, racist or ethnic character, and any display of racial, ethnic, political or religious discrimination shall be punishable by law. While within the territory of the Republic, foreigners shall benefit from the same rights and liberties as citizens of Niger, according to conditions determined by law.</p>	<p>Constitution of 1999 <u>Article 23:</u> Each person shall have the right to freedom of thought, opinion, expression, conscience, religion, and worship. The state shall guarantee the free exercise of worship and expression of beliefs. These rights shall be applicable in regard to public order, social tranquillity, and national unity.</p>	<p>See: ETUDE SUR L'ETAT DE LA LIBERTE D'EXPRESSION AU NIGER. Rapport d'Article 19, Octobre 2007. http://www.article19.org/pdfs/publications/niger-state-of-foe-french.pdf</p>		<p>See: ETUDE SUR L'ETAT DE LA LIBERTE D'EXPRESSION AU NIGER. Rapport d'Article 19, Octobre 2007. http://www.article19.org/pdfs/publications/niger-state-of-foe-french.pdf</p>

	<p>Penal Code of 1961 <u>Art. 102:</u> Any act of racial or ethnic discrimination, and any regionalist propaganda, any event contrary to the freedom of conscience and freedom of worship, likely to pit against each other, will be punished with one to five years of imprisonment and banishment. When racial discrimination or ethnic or a regionalist propaganda event contrary to the freedom of conscience or religion has had the purpose or effect of the crimes or offenses detrimental to the security of the state or the territorial integrity of the Republic, its author or instigator will continue as co-author or accomplice as appropriate.</p>				
Nigeria	<p>1999 Constitution <u>Section 38 (1):</u> every person has the right to freedom of thought, conscience and religion including the freedom to change religion or beliefs; and freedom to manifest and propagate his religion or belief in worship, teaching, practice and observance. There are no restrictions or exceptions stated therein.</p>	<p>1999 Constitution <u>Section 39 (1):</u> "every person" shall be entitled to freedom of expression, including freedom to hold opinions and to receive and impart ideas and information without interference.</p>	<p>Many Northern states have adopted Sharia Law as a state religion which in some instances have resulted in the restrictions of rights of other citizens who are not subject to sharia Law. However since the adoption by these states there has been a restraint on the part of the Federal Government to take any definitive position on the legality or otherwise, possibly in order to avoid religious violence.</p>	<p>Unfortunately despite the many incidence of religious violence in the country, arrest and prosecution of perpetrators/sponsors have been almost impossible due mainly to a lack of political will. This lack of accountability has greatly contributed to a continued cycle of violence.</p>	<p>Incitement to violence through religious and tribal sentiments has been a problem in Nigeria and basis for many conflicts in the country. Politicians in particular have continued to use religious and tribal divides to ensure access or continued control of political positions and power. The position of the Federal government is generally to maintain neutrality on religion in order to avoid taking a position that would further aggravate the polity.</p>
Sierra Leone	<p>1991 Constitution <u>Section 6:</u> (1) The motto of the Republic of Sierra Leone shall be Unity, Freedom and Justice. (2) Accordingly, the State shall promote national integration and unity and discourage discrimination on the grounds of place of origin, circumstance of birth, sex, religion, status, ethnic or linguistic association or ties. <u>Section 13, e):</u> every citizen shall respect the dignity and religion of other individuals, and the rights and interests of others. <u>Section 27:</u> 27. (1) Subject to the</p>	<p>1991 Constitution <u>Section 25(1):</u> "except with one's consent, no person shall be hindered in the enjoyment of his freedom of expression and for the purpose of this section, the said freedom includes, the freedom to hold opinions and to receive and impart ideas and information without interference, freedom from interference with correspondence, freedom to own, establish, operate any medium for the dissemination of information, ideas and opinions and academic freedom in</p>	<p>Notwithstanding the constitutional provisions against discrimination, the 1973 Citizenship Act provides that only persons who are Negroes or of Negro African Descent shall qualify by birth or naturalisation as Sierra Leonean.</p> <p>In Sierra Leone freedom of expression is respected. It is manifested through the television and various radio and newspaper networks.</p>		

	<p>provisions of subsection (4), (5), and (7), no law shall make provision which is discriminatory either of itself or in its effect.</p> <p>(2) Subject to the provisions of subsections (6), (7), and (8), no person shall be treated in a discriminatory manner by any person acting by virtue of any law or in the performance of the function of any public office or any public authority.</p> <p>(3) In this section the expression "discriminatory" means affording different treatment to different persons attributable wholly or mainly to their respective descriptions by race, tribe, sex, place of origin, political opinions, colour or creed whereby persons of one such description are subjected to disabilities or restrictions to which persons of another such description are not made subject, or are accorded privileges or advantages which are not accorded to persons of another such description.</p> <p>(4) Subsection (1) shall not apply to any law so far as that law makes provision—</p> <ul style="list-style-type: none"> a. for the appropriation of revenues or other funds of Sierra Leone or for the imposition of taxation (including the levying of fees for the grant of licenses); or b. with respect to persons who are not citizens of Sierra Leone; or c. with respect to persons who acquire citizenship of Sierra Leone by registration or by naturalization or by resolution of Parliament; or d. with respect to adoption, marriage, divorce, burial, devolution of property on death or other interests of personal law; or e. for the application in the case of members of a particular race or tribe or customary law with respect to any matter to the exclusion of any law with respect to that matter which is applicable 	<p>institutions of learning. Furthermore, Section 11 states that "the press, radio and other agencies of the mass media shall at all times be free to uphold the fundamental objectives contained in this constitution and highlight the responsibility and accountability of government to the people".</p>			
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	<p>in the case of other persons; or</p> <p>f. for authorising the taking during a period of public emergency of measures that are reasonably justifiable for the purpose of dealing with the situation that exists during that period of public emergency; or</p> <p>g. whereby persons of any such description as mentioned in subsection (3) may be subjected to any disability or restriction or may be accorded any privilege or advantage which, having regard to its nature and to special circumstances pertaining to those persons or to persons of any other such description, is reasonably justifiable in a democratic society; or</p> <p>h. for the limitation of citizenship or relating to national registration or to the collection of demographic statistics.</p> <p>(5) Nothing contained in any law shall be held to be inconsistent with or in contravention of subsection (1) to the extent that it makes provision with respect to qualifications for service as a public officer or as a member of a defence force or for the service of a local government authority or a body corporate established directly by any law or of membership of Parliament.</p> <p>(6) Subsection (2) shall not apply to anything which is expressly or by necessary implication authorised to be done by any such provisions of law as is referred to in subsection (4) or (5).</p> <p>(7) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision whereby persons of any such description as is mentioned in subsection (3) may be subjected to any restriction of the rights and freedoms guaranteed by sections</p>				
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	<p>18, 22, 24, 25 and 26 being such a restriction as is authorised by subsection (3) of section 18, subsection (2) of section 22, subsection (5) of section 24, subsection (2) of section 25 or subsection (2) of section 26, as the case may be.</p> <p>(8) The exercise of any discretion relating to the institution, conduct or discontinuance of civil or criminal proceedings in any court that is vested in any person under or by this Constitution or any other law shall not be enquired into by any Court on the grounds that it contravenes the provision of subsection (2).</p>				
<p>Senegal</p>	<p>Constitution (2001) <u>Article 5:</u> Any act of racial, ethnic or religious discrimination as well as any regionalist propaganda capable of interfering with the internal security of the state or the territorial integrity of the Republic, shall be punished by law.</p> <p>Penal Code <u>Article 166bis:</u> Any officer of the administrative and judicial order, any officer invested with elective office, or local public officer, agent or servant of the state, public institutions, national companies, corporations or mixed economic legal entities receiving financial assistance from the public, who has refused without just cause to an individual or corporation, the benefit of a right due to ethnic, shall be punished by imprisonment for three months to two years and a fine of 10 000 to 2 000 000 francs.</p> <p>law 81-77 of 10 December 1981 concerning the repression of acts of racial, ethnic or religious discrimination; laws 79-02, 79-03 and 81-17, that are all related to the legal framework of associations and political groups</p>	<p>Constitution (2001) The Republic of Senegal guarantees to all citizens their individual fundamental freedoms, economic and social rights as well as group rights. These freedoms and rights are: Civil and political liberties, freedom of opinion, freedom of expression, press freedom, freedom of association, freedom to hold meetings, freedom of movement, freedom to protest, cultural freedoms, religious freedoms, philosophical freedoms, union freedoms, freedom of enterprise, the right to education, the right to literacy, the right to property, the right to work, the right to health, the right to a healthy environment, and the right to a variety of information. These freedoms and rights shall be exercised under the conditions provided by law.</p>	<p>Regarding freedom of expression, the report of the National Organization of Human Rights in Senegal (2009) reported increasing violations of the freedom of expression by the Senegalese authorities. The report added that these violations occur repeatedly through untimely notification of the Division of Criminal Investigations (DIC), threats against journalists and opposition politicians, seizures of newspapers, pressure on publishers to stop printing or publishing books or newspapers. The report of the U.S. State Department on human rights (2009) reports the following "The constitution and law provide for freedom of speech and of the press. However, the Government limits these rights in practice, and security forces and politicians intimidated of harassed journalists during the year...." The world ranking of freedom of the press in 2009 was published on 20 October by the Association of Journalists, "Reporters Without Frontiers". This report points out again the undermining of freedom of the press. Senegal lost three places from the 86th to the 89th place in the ranking, in</p>	<p>No cases have yet been reported either in the press or the courts concerning racial discrimination. However, as regards to freedom of expression, several journalists have been dragged to court for spreading false news, defamation, and publishing information prejudicial to national security in Senegal. With regard to racial and ethnic discrimination, there have not yet been reported cases of complaints in the courts. In addition, no cases have been reported either by the national press (which has a reputation to be free) nor by the international press.</p>	<p>The State of Senegal has adopted, as part of the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination of 1969, a number of legislative provisions to the effect of strengthening the legal framework to fight against all forms of discrimination based on race. Legislation has also been significantly enhanced to better protect vulnerable groups against all forms of discrimination. Example: Law 99-05 of 29 January 1999 to protect the vulnerable against abuse, Law 2005-02 of 29 April 2005 on the fight against trafficking in persons and related practices. Concrete initiatives have been taken with the establishment of institutional mechanisms, including the High Commissioner for Human Rights promotion and Peace, the Senegalese Committee for Human Rights, and the Ombudsman of the Republic. Senegal also has good practices in the fight against racial discrimination, xenophobia and intolerance. Concerning the freedom of the press; on 12 July 2010, the</p>

			comparison to last year.		newspaper published an article on the new press law, intended to provide more protection for information professionals. It deploys an arsenal of repressive sanctions against any offenders and thus poses a constant threat. For example, Article 277 of the draft code states "all professional communication ... that broadcasts false news, falsified or untruthfully attributed to others, shall be punished by a fine of 10 million to 30 million CFA francs when the publication, dissemination, disclosure, or reproduction, not made in bad faith, has caused violation of the laws of the country or has undermined the morale of the population or discredited public institutions and their functioning.
Togo		<p>Constitution <u>Article 25:</u> Everyone has the right to freedom of thought, conscience, religion, worship, opinion and expression. The exercise of these rights and freedoms is in compliance with the freedoms of others, public order and standards established by law and regulations. The organization and practice of religious beliefs are freely practiced in compliance with the law. The same applies to philosophical orders. The exercise of religion and beliefs in expression are in compliance with the secularism of the state. Religious denominations have the right to organize and operate freely in accordance with the law.</p> <p><u>Article 26:</u> Freedom of press is recognized and guaranteed by the state. Everyone has the freedom to express and disseminate by word, writing or other means, the opinions or information it holds, in the limits defined by law. The press may not be subject to prior</p>	In practice, these freedoms are often not respected. Demonstrations of the opposition parties are repressed by the police.	There is no case law. The absence of complaints and lawsuits from victims of racial discrimination may be due to the absence of relevant specific legislation, ignorance of available remedies, fear of social disapproval or lack of willingness of authorities to prosecute.	There are no policies related to incitement of hatred. However recruitment into the army and civil service does not yet reflect the cultural and ethnic diversity of Togolese society. The ethnic imbalances persist or appear in public service and the group Kabye-Tem-Losso is dominant in the army. This situation of discrimination against other ethnic groups causes discontent and even hatred among the disadvantaged groups and those who are not taken into account.

		authorization, censorship or other restrictions. The integration of dissemination of any publication may be imposed only under a court order.			
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