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## Human Rights Council

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### **Compilation prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1**

#### **Togo**

The present report is a compilation of the information contained in the reports of treaty bodies, special procedures, including observations and comments by the State concerned, and other relevant official United Nations documents. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), other than those contained in public reports issued by OHCHR. It follows the structure of the general guidelines adopted by the Human Rights Council. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review. In the absence of recent information, the latest available reports and documents have been taken into consideration, unless they are outdated. Since this report only compiles information contained in official United Nations documents, lack of information or focus on specific issues may be due to non-ratification of a treaty and/or to a low level of interaction or cooperation with international human rights mechanisms.

## I. Background and framework

### A. Scope of international obligations

<i>Core universal human rights treaties<sup>1</sup></i>	<i>Date of ratification, accession or succession</i>	<i>Declarations/reservations</i>	<i>Recognition of specific competences of treaty bodies</i>
ICERD	1 Sept. 1972	None	Individual complaints (art. 14): No
ICESCR	24 May 1984	None	–
ICCPR	24 May 1984	None	Inter-State complaints (art. 41): No
ICCPR-OP 1	30 March 1980	None	–
CEDAW	26 Sept. 1983	None	–
CAT	18 Nov. 1987	None	Inter-State complaints (art. 21): Yes  Individual complaints (art. 22): Yes  Inquiry procedure (art. 20): Yes
OP-CAT	20 July 2010	None	–
CRC	1 Aug. 1990	None	–
OP-CRC-AC	28 Nov. 2005	Binding declaration under art. 3: 18 years	–
OP-CRC-SC	2 July 2004	None	–
CRPD	1 March 2011	None	–
CRPD-OP	1 March 2011	None	Inquiry procedure (arts. 6 and 7): Yes

*Core treaties to which Togo is not a party:* OP-ICESCR, (signature only, 2009), ICCPR-OP 2, OP-CEDAW, ICRMW (signature only, 2001), and CED (signature only, 2010).

<i>Other main relevant international instrument</i>	<i>Ratification, accession or succession</i>
Convention on the Prevention and Punishment of the Crime of Genocide	Yes
Rome Statute of the International Criminal	No

<i>Other main relevant international instrument</i>	<i>Ratification, accession or succession</i>
Court	
Palermo Protocol <sup>2</sup>	Yes
Refugees and stateless persons <sup>3</sup>	Yes, except Stateless Persons Conventions.
Geneva Conventions of 12 August 1949 and Additional Protocols thereto <sup>4</sup>	Yes, except Additional Protocol III
ILO fundamental conventions <sup>5</sup>	Yes
UNESCO Convention against Discrimination in Education	No

1. The Committee on the Elimination of All Forms of Discrimination against Women (CEDAW) encouraged Togo to consider ratifying ICRMW<sup>6</sup>.
2. En 2011, le système des Nations Unies-Togo (SNU-Togo) a recommandé l'adhésion du Togo au Statut de Rome de la Cour pénale internationale et au Protocole facultatif se rapportant au Pacte international relatif aux droits économiques, sociaux et culturels.<sup>7</sup>
3. In 2011, UNESCO recommended that Togo ratify the 1960 UNESCO Convention against Discrimination in Education.<sup>8</sup>

## **B. Constitutional and legislative framework**

4. In 2011, the HR Committee noted with concern that the legislative reforms guaranteeing equal rights for men and women, in particular the adoption of a new Criminal Code and Personal and Family Code, had still not been completed, and that the bills in question still failed to repeal all provisions discriminatory against women, such as those relating to polygamy. Togo should speed up its legislative reforms, to make acts of violence against women such as domestic violence and marital rape offences under the Criminal Code,<sup>9</sup> and to amend any provision of the Personal and Family Code that perpetuates inequality between men and women, such as the stipulation that the man is the “head of the family”.<sup>10</sup>

5. L'UNICEF a indiqué que l'harmonisation de la législation nationale avec la Convention relative aux droits de l'enfant et les autres normes internationales relatives à la protection de l'enfant par le biais de l'adoption du Code de l'enfant constituait une grande avancée dans la mise en œuvre des droits de l'enfant au Togo.<sup>11</sup> CRC recommended that Togo revise the Code de l'enfant through a participatory process in order to ensure full compliance with the Convention; and to undertake a comprehensive review of other existing legislation in order to identify areas where legal reform is required.<sup>12</sup>

## **C. Institutional and human rights infrastructure**

6. In 1999, the National Commission for Human Rights (CNDH) was accredited with A status by the International Coordinating Committee of National Human Rights Institutions for the Promotion and Protection of Human Rights (ICC), as reconfirmed in 2000 and 2007.<sup>13</sup>

7. HR Committee observed that CNDH's limited budget did not permit it to carry out its mandate fully. It was concerned about the lack of follow-up to recommendations made

by the Commission and encouraged Togo to allocate additional funds to the Commission so that it can fulfil its mandate effectively and bring cases before the courts if necessary.<sup>14</sup>

8. CAT recommended that Togo adopt appropriate measures to guarantee the independence and impartiality of the CNDH, and to ensure its ability to deal with complaints and investigate violations of the Convention.<sup>15</sup>

9. CAT welcomed the establishment in 2005 of a general inspectorate of security services entrusted with monitoring the conditions and length of detention.<sup>16</sup>

10. Le SNU-Togo a recommandé l'entrée en fonction effective, dans un délai raisonnable, du Médiateur de la République, conformément aux dispositions de la Constitution.<sup>17</sup>

11. En 2011, l'UNICEF a indiqué que le Comité national des droits de l'enfant (CNE) prévu à l'article 453 du Code de l'enfant n'avait pas encore été mis en place.<sup>18</sup>

## D. Policy measures

12. OHCHR reported that a national human rights plan and programme of action had been adopted in May 2007 and that a human rights-based approach was integrated into the 2008–2012 United Nations Development Assistance Framework (UNDAF).<sup>19</sup>

13. En 2011, l'UNICEF a indiqué que le Document de politique nationale de protection de l'enfant et le Plan stratégique national quinquennal 2009-2013, validés en décembre 2008 par tous les acteurs de la protection de l'enfant, n'avaient pas encore été adoptés par le Gouvernement.<sup>20</sup>

## II. Promotion and protection of human rights on the ground

### A. Cooperation with human rights mechanisms

#### 1. Cooperation with treaty bodies

<i>Treaty body<sup>21</sup></i>	<i>Latest report submitted and considered</i>	<i>Latest concluding observations</i>	<i>Follow-up response</i>	<i>Reporting status</i>
CERD	2007	August 2008.	Submitted in 2009.	Eighteenth to twentieth reports due 2011.
CESCR	–	May 2001.	–	Initial report due 1986, received 2010.
HR Committee	2009	March 2011.	Due in 2012.	Fifth report due 2015.
CEDAW	2004	January 2006.	–	Combined sixth and seventh reports received 2010.
CAT	2004	May 2006.	Overdue since	Second report received in

<i>Treaty body<sup>21</sup></i>	<i>Latest report submitted and considered</i>	<i>Latest concluding observations</i>	<i>Follow-up response</i>	<i>Reporting status</i>
			2007.	2011.
CRC	2003	January 2005.	–	Combined third and fourth reports received 2011.
OP-CRC-AC	–	–	–	Initial report overdue since 2007
OP-CRC-SC	–	–	–	Initial report received 2009.
CRPD	–	–	–	Initial report due 2013.

14. In 2008, the Committee on the Elimination of Racial Discrimination (CERD) welcomed the opportunity to resume dialogue with Togo after a long interruption and invited it to submit its future reports in a regular manner<sup>22</sup>.

15. OHCHR, through its country office in Togo, has been extending assistance to the Government for the submission of overdue reports, including reports to CERD (2008), HR Committee (2009), CESCR (2009), CRC (2010) and CAT (2011).<sup>23</sup>

## 2. Cooperation with special procedures

<i>Standing invitation issued</i>	No
<i>Latest visits or mission reports</i>	Special Rapporteur on the situation of human rights defenders (2008); Special Rapporteur on torture and other cruel, inhuman or degrading treatment (2007).
<i>Visits agreed upon in principle</i>	Special Rapporteur on summary executions.
<i>Visits requested and not yet agreed upon</i>	
<i>Facilitation/cooperation during missions</i>	
<i>Follow-up to visits</i>	
<i>Responses to letters of allegations and urgent appeals</i>	During the period under review, no communications were sent.
<i>Responses to questionnaires on thematic issues</i>	Togo responded to 4 of the 23 questionnaires sent by special procedures mandate holders, <sup>24</sup> within the deadlines.

## 3. Cooperation with the Office of the High Commissioner for Human Rights

16. Cooperation is facilitated through the OHCHR country office in Togo, which was established in 2006 with the aim of strengthening national capacities relating to the human rights promotion and protection, including with regard to implementing the 22

commitments on democracy and human rights made with the European Union in April 2004, the recommendations of OHCHR's fact-finding mission of 2005, and the recommendations of United Nations treaty bodies and other human rights mechanisms.<sup>25</sup>

## **B. Implementation of international human rights obligations, taking into account applicable international humanitarian law**

### **1. Equality and non-discrimination**

17. CEDAW urged the introduction of measures to modify or eliminate customs and practices that discriminate against women, in particular forced and early marriages, discriminatory widowhood practices, as well as levirate, bondage and female genital mutilation. It invited Togo to increase its efforts to implement awareness-raising programmes, in collaboration with civil society organizations, women's non-governmental organizations and community leaders.<sup>26</sup>

18. CEDAW urged Togo to take appropriate measures to eliminate all forms of discrimination against women with respect to the ownership and inheritance of land. It invited Togo to place emphasis on women's human rights in all development cooperation programmes.<sup>27</sup>

19. CEDAW expressed concern that the number of women in decision-making positions in political and public life remained low, including in the Parliament, the civil service and the judiciary.<sup>28</sup> En 2011, le SNU-Togo a constaté que la proportion des femmes siégeant au Parlement était de 11 %. Un avant-projet de loi visant à instituer un quota de représentativité des femmes de 30 % dans les instances de décision était en attente d'adoption.<sup>29</sup>

20. CEDAW noted with appreciation the adoption of special measures in the fields of education and employment, such as the lowering of school fees for girls and the establishment of entry quotas for women in sectors traditionally reserved for men, including the police and the army.<sup>30</sup>

21. CEDAW remained concerned that the law relating to nationality precludes a foreign woman spouse from retaining Togolese nationality upon divorce<sup>31</sup>. CRC was concerned that children born out of wedlock or children with foreign fathers may, in some instances, be denied Togolese citizenship.<sup>32</sup>

22. CERD encouraged Togo to include in its legislation a definition of racial discrimination in line with the Convention<sup>33</sup> and recommended that the Government's activities, including the activities of the Office of the High Commissioner for Reconciliation and Strengthening National Unity, take into account the principle of non-discrimination.<sup>34</sup>

23. CERD noted with concern an ethnic imbalance in the civil service and in the army, where the Kabyè-Tem-Losso group was predominant. Other ethnic groups were underrepresented in the Government, the Assembly, the magistracy and public institutions. It encouraged Togo to continue its efforts to implement the recommendations of the 2005 fact-finding mission by taking urgent and adequate measures to radically transform recruitment in the army and civil service so as to reflect the cultural and ethnic diversity of Togolese society.<sup>35</sup>

24. The HR Committee and CERD were concerned about the failure of Togo to impose penalties on political leaders and journalists who had incited ethnic hatred and tribalism during the 2005 elections, with resulting massacres and population displacements.<sup>36</sup> CERD was concerned that tensions between various ethnic groups could persist and hinder the

reconciliation process. It invited Togo to step up its efforts to promote harmonious relations between the various ethnic and cultural groups.<sup>37</sup>

25. CRC noted with concern that societal discrimination persisted against vulnerable groups of children, in particular girls and children with disabilities. It expressed concern about continuing discrimination against girls with respect to access to education, employment and inheritance. It urged Togo to undertake an in-depth review of its legislation, including the Individuals and Family Code and the Nationality Code of 1998, in order to fully guarantee the application of the principle of non-discrimination, and to adopt a comprehensive strategy to eliminate discrimination on any grounds and against all vulnerable groups<sup>38</sup>. En 2011, l'UNICEF a indiqué que malgré la signature en 2008 de la Convention relative aux droits des personnes handicapées, les enfants handicapés au Togo continuaient de faire face à une forte exclusion, tant au niveau de la famille que de la communauté.<sup>39</sup> CRC was concerned that only very few children with disabilities have access to education and employment services<sup>40</sup>.

## 2. Right to life, liberty and security of the person

26. In 2011, HR Committee expressed satisfaction that Togo had adopted legislation abolishing the death penalty (2009).<sup>41</sup>

27. The HR Committee remained concerned at the allegations of torture and ill-treatment in detention facilities, particularly those of the National Intelligence Agency (ANR), and by deaths alleged to have resulted from abuse in prison. Togo should take steps to investigate all allegations of torture and ill treatment and all deaths in detention in order to bring the perpetrators to justice and provide effective compensation to victims.<sup>42</sup> The UNCT made similar observations.<sup>43</sup>

28. CAT was concerned by allegations, in particular following the April 2005 elections, of the widespread practice of torture, enforced disappearances, arbitrary arrests and secret detentions, as well as the frequent rape of women by military personnel, and the apparent impunity enjoyed by the perpetrators of such acts. Togo should ensure that military personnel are under no circumstances involved in the arrest and detention of civilians. Togo should take urgent steps to bring all detention facilities under judicial control, and to prevent arbitrary detentions and torture. Togo should carry out prompt, impartial and exhaustive investigations, try the perpetrators of torture and ill-treatment and, if found guilty, impose sentences commensurate with the gravity of the offences.<sup>44</sup>

29. The Special Rapporteur on the question of torture, while noting the overall commitment of the Government to combat torture, found evidence of torture and ill-treatment in most police commissariats and gendarmerie posts that he visited in 2007, as well as allegations and evidence of beatings by prison guards as a means of punishment. The Special Rapporteur noted that this situation was caused by almost total impunity and the lack of an explicit prohibition of torture or an independent monitoring system, in addition to deficiencies in the criminal justice system, involvement of the military in law enforcement, corruption and the lack of resources.<sup>45</sup>

30. CAT and the HR Committee recommended that Togo include in its Criminal Code a definition of torture on the basis of international standards and legislation.<sup>46</sup>

31. HR Committee was concerned about the large number of persons arbitrarily detained and the lack of an immediate remedy to challenge the legality of detention. It was also concerned about the lack of training for judges, who apparently consent to the use of detention for debt. Togo should put an end to all arbitrary detention, including of persons detained for debt.<sup>47</sup> En 2011, le SNU-Togo a relevé que la Commission de recouvrement persistait à recourir à la contrainte par corps pour le recouvrement des créances civiles en application du décret 2001-11/PR (2001).<sup>48</sup>

32. CAT noted the worrying detention conditions, in particular in Lomé and Kara prisons. The most widespread problems were overcrowding, a shortage of food and poor hygiene. The treatment of prisoners, including corporal punishment, remained a matter of concern. Often women and children were not held separately from men and adults, and persons awaiting trial were not separated from those serving sentence. Togo should comply with the Standard Minimum Rules for the Treatment of Prisoners.<sup>49</sup> The HR Committee was similarly concerned at prison overcrowding, which was partly attributable to the persistent phenomenon of arbitrary detention.<sup>50</sup>

33. In 2011, the Working Group on Enforced or Involuntary Disappearances noted that there were 10 outstanding cases of disappearances and that no response had been received from the Government in relation thereto.<sup>51</sup>

34. CRC was deeply concerned about reports of killing, in certain areas, of children born with disabilities, malformations, skin discoloration (albinos), as well as of children born with teeth, or from mothers who died during delivery. It urged Togo to prevent the occurrence of such killings, to prosecute those responsible and to raise awareness among the population of the need to eradicate such practices<sup>52</sup>.

35. CEDAW urged Togo to accord priority to addressing violence against women and girls and enacting legislation on domestic violence, including marital rape, and on sexual abuse and harassment. Such legislation should ensure that victims have access to immediate means of redress and protection and that perpetrators are prosecuted and punished.<sup>53</sup>

36. HR Committee and CAT noted with regret that female genital mutilation (FGM) continued to be widely practised.<sup>54</sup> Selon le SNU-Togo, une étude sur les mutilations génitales féminines en 2008 révélait que 6,9 % des femmes et des filles en étaient encore victimes dans le pays.<sup>55</sup> CRC recommended that Togo work with traditional and religious leaders to ensure that harmful traditional practices are effectively banned; and raise awareness of the harmful impact of FGM and other harmful traditional practices on the girl child.<sup>56</sup>

37. While noting the adoption in 2005 of legislation relating to trafficking in children, CAT was concerned by information that the problem persists, in particular in the north and centre of the country.<sup>57</sup> L'UNICEF a indiqué que la traite des enfants prenait une proportion inquiétante<sup>58</sup> en raison de l'absence d'un système national de protection sociale capable d'apporter une réponse holistique à la pauvreté et à la vulnérabilité des enfants. UNODC indicated that in 2007, six men had been convicted of trafficking in persons, but had received a sentence of less than one year in prison.<sup>59</sup> In 2011, the ILO Committee of Experts requested Togo to ensure that thorough investigations and robust prosecutions of persons engaged in the sale and trafficking of children under 18 years of age were carried out and that sufficiently dissuasive penalties were imposed.<sup>60</sup> CRC recommended that Togo ensure effective programmes for child protection, repatriation and recovery; strengthen law enforcement, intensify efforts to raise awareness, and prosecute the perpetrators<sup>61</sup>.

38. CRC was concerned at the large number of child victims of violence, abuse and neglect, including sexual abuse, in schools, detention centres, public places and the family<sup>62</sup>. En 2011, l'UNICEF a indiqué que les violences, les abus et l'exploitation sexuelle des enfants augmentaient de façon inquiétante.<sup>63</sup>

39. In 2010, the ILO Committee of Experts requested Togo to take urgent measures to bring an end to the exploitation experienced by certain children in domestic service and apprenticeship, which were similar to forced labour within the meaning of the ILO Forced Labour Convention (No. 29).<sup>64</sup> En 2011, le SNU-Togo a constaté que bien que le Code de l'enfant fixe l'âge minimum du travail à 15 ans, 29 % des enfants âgés entre 5 et 14 ans étaient occupés à un travail considéré comme dangereux pour leur développement.<sup>65</sup> CRC recommended that Togo focus on addressing the root causes of child labour through



poverty eradication and access to quality education, and by developing a comprehensive child labour monitoring system in collaboration with NGOs, community-based organizations, law enforcement personnel, labour inspectors and the ILO Programme on the Elimination of Child Labour (ILO-IPEC).<sup>66</sup>

40. En 2011, le SNU-Togo a fait observer que le Code de l'enfant consacrait l'interdiction des châtimets corporels et des violences faites aux enfants en milieu familial et scolaire. Or, dans la pratique, l'école restait bien souvent un lieu où les élèves se retrouvaient en butte aux violences.<sup>67</sup> CRC recommended that Togo adopt a law effectively prohibiting all forms of corporal punishment of children, undertake public-awareness campaigns on the negative impact of corporal punishment on children, and provide teachers and parents with training on non-violent forms of discipline as an alternative to corporal punishment<sup>68</sup>.

41. CRC was concerned at the large number of children living and working on the streets, the vulnerability of these children to various forms of violence, including sexual abuse and economic exploitation, the lack of a systematic and comprehensive strategy to address the situation and protect these children, and the poor registration and tracing of missing children by the police.<sup>69</sup>

### 3. Administration of justice, including impunity, and the rule of law

42. In 2008, OHCHR reported that national consultations had preceded the adoption of a Presidential Decree creating the Truth, Justice and Reconciliation Commission (TJRC).<sup>70</sup>

43. In 2011, HR Committee noted with regret that the serious human rights violations committed during and after the presidential elections of 2005 had yet to be investigated, that the perpetrators had not been prosecuted and that compensation had not been granted to the victims. Togo should continue its efforts to bring the work of the TJRC to an early conclusion. However, the establishment of a transitional system of justice could not serve to dispense with the criminal prosecution of serious human rights violations<sup>71</sup>. Le SNU-Togo a recommandé l'accélération du processus de justice transitionnelle et la mise en œuvre par le Gouvernement des recommandations issues des travaux de la Commission vérité, justice et réconciliation (CVJR).<sup>72</sup>

44. En 2011, le SNU-Togo a indiqué que le Programme national de modernisation de la justice (PNMJ), mis en place entre 2005 et 2010, avait piloté une réforme du droit judiciaire et abouti à 23 projets de loi et règlements relatifs à l'organisation judiciaire, aux statuts des magistrats et des autres professions judiciaires et à la mise en conformité du droit pénal par rapport aux conventions internationales ratifiées par le Togo. Ces projets de texte validés en atelier technique en novembre 2008 attendaient toujours d'être transmis au parlement.<sup>73</sup>

45. CAT noted with concern that the Code of Criminal Procedure relating to police custody did not provide for the notification of rights or the presence of a lawyer, that the 48-hour time limit for police custody was rarely observed in practice, and that some people were held without charge or were awaiting trial for several years<sup>74</sup>.

46. Le SNU-Togo a indiqué que l'immixtion de l'exécutif dans le fonctionnement du pouvoir judiciaire, même si elle semblait en diminution par rapport à 2006, restait une préoccupation majeure.<sup>75</sup> CAT recommended effective steps to guarantee the independence of the judiciary.<sup>76</sup>

47. Le SNU-Togo a constaté qu'il était rare, dans la pratique, que des poursuites judiciaires soient engagées contre certains auteurs d'actes répréhensibles, en particulier les forces de défense et de sécurité. En effet, celles-ci semblaient bénéficier parfois d'une «quasi-immunité» de juridiction.<sup>77</sup>

48. HR Committee was concerned that the principle of presumption of innocence was flouted by judges and that the practice of pretrial detention had become the norm. It was also concerned about detainees' lack of access to counsel and delays in the adoption of legislation on legal aid. Public defenders were only assigned in the final stages of criminal proceedings.<sup>78</sup> In 2009, the Togolese Bar Association, with OHCHR support, launched a project aimed at helping the poorest with access to justice by providing them with free legal counseling.<sup>79</sup>

49. HR Committee recommended that Togo provide further training for judges, lawyers and court officers concerning the content of the Covenant to ensure that it is enforced by judicial authorities<sup>80</sup>. En 2011, le SNU-Togo a indiqué que le nombre insuffisant de magistrats concourait à la lenteur des procédures judiciaires.<sup>81</sup>

50. CAT recommended that Togo adopt effective legislative, administrative and judicial measures to ensure that all allegations of torture and cruel, inhuman or degrading treatment are swiftly followed up by inquiries and prosecution. Suspects should be suspended from their duties when appropriate.<sup>82</sup> CAT was concerned by the absence in the Code of Criminal Procedure of provisions requiring the invalidation of statements obtained under torture.<sup>83</sup> CAT recommended measures to ensure that all persons who report cases of torture or ill-treatment are protected against any resulting act of intimidation.<sup>84</sup>

51. CAT recommended that Togo set up an effective mechanism for dealing with complaints of sexual violence, including within the prison system, and provide victims with protection and assistance. Togo should ensure that women prisoners are guarded by female prison warders only.<sup>85</sup> It should also consider establishing a national system to monitor detention facilities.<sup>86</sup>

52. CRC was concerned about the absence of a juvenile justice system compatible with the Convention, and in particular about the very limited number of qualified judges for juveniles; the lack of alternatives to detention for persons under 18 in conflict with the law; and the fact that persons under 18 are often detained with adults and in very poor conditions and for long periods.<sup>87</sup> En 2011, le SNU-Togo a indiqué que le Code de l'enfant de 2007 mettait l'accent désormais non pas sur l'emprisonnement mais plutôt sur les mesures d'une justice restauratrice. La mise en place de structures de réinsertion des mineurs en nombre suffisant, la nomination de juges des mineurs dans chaque juridiction et l'institution de services sociaux spécialisés dans la prise en charge psychologique des enfants restaient à parachever.<sup>88</sup>

53. En 2011, le SNU-Togo a estimé que la carence fondamentale du système judiciaire restait l'absence complète d'un contentieux administratif.<sup>89</sup>

#### **4. Right to privacy, marriage and family life**

54. The HR Committee remained concerned about the criminalization of sexual relations between consenting adults of the same sex, punishable by one to three years of imprisonment and a fine under article 88 of the current Criminal Code. Togo should bring its legislation into line with the Covenant through decriminalization, and take steps to put an end to the social stigmatization of homosexuality.<sup>90</sup>

55. CRC recommended that Togo take all necessary measures to protect adopted children, including by establishing a system to monitor and supervise effectively the system of adoption.<sup>91</sup>

**5. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life**

56. In 2007, OHCHR reported that, for the first time in almost 20 years, the legislative elections held in October 2007 had included participation by the opposition party, and that observers had declared the election fair and free.<sup>92</sup>

57. The HR Committee noted with concern unjustified restrictions on freedom of expression, in particular the censorship of certain media by the High Audio-visual and Communications Authority (HAAC), whose independence and operating procedures had been called into question. It was similarly concerned about restrictions on the freedom to demonstrate peacefully, and about threats against certain journalists and human rights defenders. Togo should take steps to ensure that the new Act ensuring the freedom to demonstrate will be in conformity with the Covenant. Togo should also review the statutes and operating procedures of the High Audio-visual and Communications Authority in order to guarantee its independence and impartiality.<sup>93</sup>

58. In 2011, UNESCO recommended that Togo introduce provisions in the existing legislation to guarantee freedom of expression, media freedom and the right to access information and to guarantee the independence of its media self-regulatory body.<sup>94</sup>

59. The Special Rapporteur on the situation of human rights defenders, following a visit to Togo from 28 July to 4 August 2008, noted that human rights defenders continued to face challenges impeding their legitimate activities, including stigmatization by the authorities who see them as belonging to the political opposition, unjustified delays in delivering registration certificates to NGOs, illegitimate restrictions on the exercise of freedoms of assembly, opinion and expression, and impunity for past abuses against human rights defenders.<sup>95</sup>

60. En 2011, le SNU-Togo a constaté que des procès en diffamation avaient été intentés par les autorités de la police nationale contre trois organes de presse pour la parution d'informations concordantes dans leurs colonnes. D'autres procédures étaient en cours.<sup>96</sup>

61. Le SNU-Togo a indiqué que l'exercice de la liberté de manifestation se heurtait parfois à des difficultés dans la mesure où, hormis dans la Constitution, aucune disposition légale n'en précisait les contours. Un projet de loi sur les conditions d'exercice de la liberté de réunion et de manifestation sur la voie publique ou dans les lieux publics était à l'étude.<sup>97</sup>

**6. Right to work and to just and favourable conditions of work**

62. CEDAW expressed concern at the discrimination faced by women in the field of work, as reflected in hiring processes, salary inequality and occupational segregation. It urged Togo to ensure equal opportunities for, and equal treatment of, women and men in the labour market, as well as the full implementation of the Labour Code, including with regard to maternity protection.<sup>98</sup>

**7. Right to social security and to an adequate standard of living**

63. In 2005, CRC was concerned at the sharp decrease in public expenditure on education and health, and at the lack of funds available for children living in poverty<sup>99</sup>.

64. En 2011, le SNU-Togo a indiqué que 61,7 % des Togolais vivaient en 2007 au-dessous du seuil de pauvreté, contre 30% en 1990.<sup>100</sup> CEDAW was concerned that widespread poverty among women contributed to the violation of women's human rights. It was especially concerned about the situation of rural women, in view of their precarious living conditions and lack of access to justice, health care, education, credit facilities and

community services. It urged Togo to make the promotion of gender equality an explicit component of its national development plans and policies.<sup>101</sup>

65. CEDAW urged Togo to continue its efforts to improve the country's health infrastructure and improve women's access to health care and health-related services and information, including in rural areas.<sup>102</sup> CRC recommended that Togo strengthen its efforts to raise awareness of HIV/AIDS among adolescents.<sup>103</sup>

66. CRC was also concerned at the increasing infant mortality rate, the high child and maternal mortality rates, low birth weight, child malnutrition, the low breastfeeding rate, the low rate of immunization, the prevalence of infectious diseases, mosquito-borne diseases, including malaria, and the lack of access to safe drinking water and sanitation. It was further concerned about the disparity between the number of health centres in rural and urban areas<sup>104</sup>.

#### **8. Right to education and to participate in the cultural life of the community**

67. En 2011, le SNU-Togo a indiqué que des efforts restaient à faire, notamment pour assurer la qualité de l'enseignement, alléger les classes pléthoriques dans les écoles publiques et mieux encadrer l'exercice de la profession d'enseignant.<sup>105</sup>

68. CRC recommended that Togo ensure, as a matter of priority, that at least primary education is compulsory and free; that girls and boys, from urban and rural areas, all have equal access to educational opportunities, without any financial obstacles; and that teachers are adequately trained and paid. Togo should also take measures to prevent and punish the abuse of school pupils by teachers, including sexual harassment and economic exploitation, and introduce human rights into the school curricula<sup>106</sup>.

69. CEDAW recommended that Togo implement measures to ensure equal access of girls and women to all levels of education, retain girls in school and abolish circular No. 8478/MEN-RS which prohibits pregnant girls or students from attending school.<sup>107</sup>

70. En 2011, l'UNICEF a indiqué que seuls 51% des nouveaux nés étaient enregistrés à leur naissance. Cette situation pénalisait considérablement les enfants car ceux qui n'avaient pas de certificat de naissance n'étaient pas autorisés à se présenter aux examens nationaux de passage d'un cycle à l'autre au sein de l'enseignement primaire.<sup>108</sup>

#### **9. Migrants, refugees and asylum-seekers**

71. CAT recommended that Togo take steps, as a matter of urgency, to ensure the peaceful return of Togolese refugees from neighbouring countries, and to guarantee full respect for their physical and mental integrity.<sup>109</sup>

72. CAT recommended that Togo adopt measures to prohibit the expulsion, return or extradition of a person to another State where there are substantial grounds for believing that he or she would be in danger of being subjected to torture.<sup>110</sup>

### **III. Achievements, best practices, challenges and constraints**

73. CRC noted that Togo was among the group of least developed countries and that a large part of the population lived below the poverty line.<sup>111</sup> CRC was concerned at reports of widespread corruption, which had a negative impact on the level of resources available for the implementation of the Convention.<sup>112</sup>

74. CERD welcomed the process of reconciliation which had resulted in the signing of the Global Political Accord on 20 August 2006, and the peaceful conduct of the legislative elections in October 2007.<sup>113</sup>

75. En 2011, l'UNICEF a indiqué que la mise en place de la ligne verte «ALLO 111» avait permis de lever le tabou sur les violations des droits de l'enfant en général, et plus particulièrement sur les violences, les abus et les exploitations graves.<sup>114</sup>

#### IV. Key national priorities, initiatives and commitments

##### Specific recommendations for follow-up

76. In 2011, the HR Committee requested Togo to provide, within a year, the information requested on implementation of the Committee's recommendations contained in paragraphs 10 (presidential elections April 2005), 15 (criminalization of torture) and 16 (torture in detention).<sup>115</sup>

77. In 2008, CERD requested Togo to provide information, by 15 August 2009, on its follow-up to the recommendations in paragraphs 13 (incitement to hatred), 17 (property and indigenous peoples) and 18 (ethnic representation in public office).<sup>116</sup> A response was received in 2009.

78. In 2006, CAT requested that Togo provide, within a year, information on its response to the Committee's recommendations in paragraphs 21 (visits to detention facilities), 25 (human rights defenders), 29 (situation of a woman allegedly detained since 1998) and 30 (system of military justice)<sup>117</sup>. No response has been received to date.

#### V. Capacity-building and technical assistance

79. CRC recommended that Togo seek further assistance concerning children with disabilities from UNICEF and the World Health Organization (WHO)<sup>118</sup>; concerning HIV/AIDS from, UNICEF, WHO and UNAIDS<sup>119</sup> and concerning juvenile justice from OHCHR and UNICEF.<sup>120</sup>

80. CRC recommended that Togo continue and strengthen its cooperation with UNICEF and the Division for the Advancement of Women in order to counter the practice of FGM.<sup>121</sup>

81. CRC recommended that Togo strengthen cooperation with UNESCO, UNICEF and other partners in improving the education sector.<sup>122</sup>

#### Notes

<sup>1</sup> The following abbreviations have been used for this document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT

CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to CRPD
CED	International Convention for the Protection of All Persons from Enforced Disappearance.

- <sup>2</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.
- <sup>3</sup> 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.
- <sup>4</sup> Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Geneva Convention relative to the Treatment of Prisoners of War (Third Convention); Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at [www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html](http://www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html).
- <sup>5</sup> International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour; Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise; Convention No. 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.
- <sup>6</sup> Concluding observations of the Committee on the Elimination of Discrimination against Women (CEDAW/C/TGO/CO/5), para. 35.
- <sup>7</sup> Rapport de l'Équipe-pays du système des Nations Unies au Togo dans le cadre de l'Examen périodique universel (EPU), par. 55.
- <sup>8</sup> UNESCO submission to the UPR on Togo, para. 21.
- <sup>9</sup> Concluding observations of the Human Rights Committee (CCPR/C/TGO/CO/4), para. 11.
- <sup>10</sup> CCPR/C/TGO/CO/4, para. 12.
- <sup>11</sup> Rapport de l'UNICEF-Togo pour l'évaluation périodique universelle, p. 9.
- <sup>12</sup> Concluding observations of the Committee on the rights of the Child (CRC/C/15/Add.255), , paras. 8-9.
- <sup>13</sup> For the list of national human rights institutions with accreditation status granted by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), see A/HRC/16/77 of 3 February 2011, annex.
- <sup>14</sup> CCPR/C/TGO/CO/4, para. 8.
- <sup>15</sup> Concluding observations of the Committee against Torture (CAT/C/TGO/CO/1), para. 23.
- <sup>16</sup> CAT/C/TGO/CO/1, para. 4.
- <sup>17</sup> Rapport de l'Équipe-pays du système des Nations Unies au Togo dans le cadre de l'Examen périodique universel (EPU), par. 57.
- <sup>18</sup> Rapport de l'UNICEF-Togo pour l'évaluation périodique universelle, p. 2.
- <sup>19</sup> OHCHR 2007 Annual Reports, Activities and Results, p. 66.
- <sup>20</sup> Rapport de l'UNICEF-Togo pour l'évaluation périodique universelle, p. 3.

- <sup>21</sup> The following abbreviations have been used for this document:
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|--------------|--|
| CERD         | Committee on the Elimination of Racial Discrimination        |
| CESCR        | Committee on Economic, Social and Cultural Rights            |
| HR Committee | Human Rights Committee                                       |
| CEDAW        | Committee on the Elimination of Discrimination against Women |
| CAT          | Committee against Torture                                    |
| CRC          | Committee on the Rights of the Child                         |
| CRPD         | Committee on the Rights of Persons with Disabilities.        |
- <sup>22</sup> Concluding observations of the Committee on the Elimination of Racial Discrimination (CERD/C/TGO/CO/17), para. 3.
- <sup>23</sup> See <http://tb.ohchr.org/default.aspx?country=tg>
- <sup>24</sup> .The questionnaires referred to are those reflected in an official report by a special-procedure mandate holder issued between 1 January 2007 and 1 June 2011. Responses counted for the purposes of this section are those received within the relevant deadlines, and referred to in the following documents: (a) A/HRC/6/15, para. 7; (b) A/HRC/7/6, annex; (c) A/HRC/7/8, para. 35; (d) A/HRC/8/10, para. 120, footnote 48; (e) A/62/301, paras. 27, 32, 38, 44 and 51; (f) A/HRC/10/16 and Corr.1, footnote 29; (g) A/HRC/11/6, annex; (h) A/HRC/11/8, para. 56; (i) A/HRC/11/9, para. 8, footnote 1; (j) A/HRC/12/21, para. 2, footnote 1; (k) A/HRC/12/23, para. 12; (l) A/HRC/12/31, para. 1, footnote 2; (m) A/HRC/13/22/Add.4; (n) A/HRC/13/30, para. 49; (o) A/HRC/13/42, annex I; (p) A/HRC/14/25, para. 6, footnote 1; (q) A/HRC/14/31, para. 5, footnote 2; (r) A/HRC/14/46/Add.1; (s) A/HRC/15/31/Add.1, para. 6 – for list of responding States, see <http://www.ohchr.org/EN/Issues/WaterAndSanitation/SRWater/Pages/ContributionsPSP.aspx>; (t) A/HRC/15/32, para. 5; (u) A/HRC/16/44/Add.3; (v) A/HRC/16/48/Add.3, para. 5 endnote 2; (w) A/HRC/16/51/ Add.4; (x) A/HRC/17/38, see annex I
- <sup>25</sup> OHCHR press release, 10 July 2006 available at: <http://www.ohchr.org/FR/NewsEvents/Pages/DisplayNews.aspx?NewsID=5549&LangID=F> ; OHCHR 2009 Annual Report, Activities and Results, pp. 77–79; OHCHR 2008 Annual Report, Activities and Results, p. 75; OHCHR 2007 Annual report, Activities and Results, pp. 66–67; OHCHR 2006 Annual Report, p. 42.
- <sup>26</sup> CEDAW/C/TGO/CO/5, para. 15.
- <sup>27</sup> Ibid., paras. 30–31.
- <sup>28</sup> Ibid., para. 20.
- <sup>29</sup> Rapport de l'Équipe-pays du système des Nations Unies au Togo dans le cadre de l'Examen périodique universel (EPU), par. 14.
- <sup>30</sup> CEDAW/C/TGO/CO/5, para. 5.
- <sup>31</sup> Ibid. para. 22.
- <sup>32</sup> CRC/C/15/Add.255, para. 34.,
- <sup>33</sup> CERD/C/TGO/CO/17, para. 11.
- <sup>34</sup> Ibid., para. 14.
- <sup>35</sup> Ibid., para. 18.
- <sup>36</sup> CCPR/C/TGO/CO/4, para. 9; CERD/C/TGO/CO/17, para. 13.
- <sup>37</sup> CERD/C/TGO/CO/17, para. 15.
- <sup>38</sup> CRC/C/15/Add.255, paras. 25–26.
- <sup>39</sup> Rapport de l'UNICEF-Togo pour l'évaluation périodique universelle, p. 7.
- <sup>40</sup> CRC/C/15/Add.255, para. 48.
- <sup>41</sup> CCPR/C/TGO/CO/4, para. 5.
- <sup>42</sup> Ibid., para. 16.
- <sup>43</sup> UNCT submission to the UPR on Togo, para. 18.
- <sup>44</sup> CAT/C/TGO/CO/1, para. 12.
- <sup>45</sup> A/HRC/7/3/Add.5, summary, p. 2.
- <sup>46</sup> CCPR/C/TGO/CO/4, para. 15; CAT/C/TGO/CO/1, para. 10.
- <sup>47</sup> CCPR/C/TGO/CO/4, para. 17.
- <sup>48</sup> Rapport de l'Équipe-pays du système des Nations Unies au Togo dans le cadre de l'Examen périodique universel (EPU), par. 17.
- <sup>49</sup> CAT/C/TGO/CO/1, para. 19.
- <sup>50</sup> CCPR/C/TGO/CO/4, para. 18.

- <sup>51</sup> A/HRC/16/48, paras. 495–496. See also E/CN.4/2006/56 and Corr. 1.
- <sup>52</sup> CRC/C/15/Add.255, paras. 30–31.
- <sup>53</sup> CEDAW/C/TGO/CO/5, para. 19.
- <sup>54</sup> CCPR/C/TGO/CO/4, para. 13; CAT/C/TGO/CO/1, para. 27.
- <sup>55</sup> Rapport de l'Équipe-pays du système des Nations Unies au Togo dans le cadre de l'Examen périodique universel (EPU), par. 15.
- <sup>56</sup> CRC/C/15/Add.255, para. 57.
- <sup>57</sup> CAT/C/TGO/CO/1, para. 26.
- <sup>58</sup> Rapport de l'UNICEF-Togo pour l'évaluation périodique universelle, p. 9.
- <sup>59</sup> UNODC, Global Report on Trafficking in Persons, February 2009, p. 109, available at [http://www.unodc.org/documents/human-trafficking/Global\\_Report\\_on\\_TIP.pdf](http://www.unodc.org/documents/human-trafficking/Global_Report_on_TIP.pdf).
- <sup>60</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning ILO Worst Forms of Child Labour Convention, 1999 (No. 182), 2011, Geneva, doc. No. (ILOLEX) 062011TGO182, fifth paragraph.
- <sup>61</sup> CRC/C/15/Add.255, 31 March 2005, para. 73.
- <sup>62</sup> Ibid., para. 46.
- <sup>63</sup> Rapport de l'UNICEF-Togo pour l'évaluation périodique universelle, p. 8.
- <sup>64</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning ILO Forced Labour Convention, 1930 (No. 29), 2010, Geneva, doc. No. (ILOLEX) 062010TGO029, second to fourth paragraphs.
- <sup>65</sup> Rapport de l'Équipe-pays du système des Nations Unies au Togo dans le cadre de l'Examen périodique universel (EPU), par. 42.
- <sup>66</sup> CRC/C/15/Add.255, 31 March 2005, para. 65.
- <sup>67</sup> Rapport de l'Équipe-pays du système des Nations Unies au Togo dans le cadre de l'Examen périodique universel (EPU), par. 22.
- <sup>68</sup> CRC/C/15/Add.255, 31 March 2005, para. 39.
- <sup>69</sup> Ibid., para. 68.
- <sup>70</sup> OHCHR 2008 Annual Report, Activities and Results, p. 76.
- <sup>71</sup> CCPR/C/TGO/CO/4, para. 10.
- <sup>72</sup> Rapport de l'Équipe-pays du système des Nations Unies au Togo dans le cadre de l'Examen périodique universel (EPU), par. 67.
- <sup>73</sup> Ibid., par. 23.
- <sup>74</sup> CAT/C/TGO/CO/1, para. 11.
- <sup>75</sup> Rapport de l'Équipe-pays du système des Nations Unies au Togo dans le cadre de l'Examen périodique universel (EPU), par. 27.
- <sup>76</sup> CAT/C/TGO/CO/1, para. 12.
- <sup>77</sup> Rapport de l'Équipe-pays du système des Nations Unies au Togo dans le cadre de l'Examen périodique universel (EPU), par. 28.
- <sup>78</sup> CCPR/C/TGO/CO/4, para. 19.
- <sup>79</sup> OHCHR 2009 Annual Report, Activities and Results, p. 77.
- <sup>80</sup> CCPR/C/TGO/CO/4, para. 7.
- <sup>81</sup> Rapport de l'Équipe-pays du système des Nations Unies au Togo dans le cadre de l'Examen périodique universel (EPU), par. 25.
- <sup>82</sup> CAT/C/TGO/CO/1, para. 22.
- <sup>83</sup> Ibid., para. 24.
- <sup>84</sup> Ibid., para. 25.
- <sup>85</sup> Ibid., para. 20.
- <sup>86</sup> Ibid., para. 21.
- <sup>87</sup> CRC/C/15/Add.255, para. 74.
- <sup>88</sup> Rapport de l'Équipe-pays du système des Nations Unies au Togo dans le cadre de l'Examen périodique universel (EPU), par. 20.
- <sup>89</sup> Ibid., para. 26.
- <sup>90</sup> CCPR/C/TGO/CO/4, para. 14.
- <sup>91</sup> CRC/C/15/Add.255, para. 43.
- <sup>92</sup> OHCHR 2007 Annual Report, Activities and Results, p. 66.
- <sup>93</sup> CCPR/C/TGO/CO/4, para. 20.



- <sup>94</sup> UNESCO submission to the UPR on Togo, para. 24.
- <sup>95</sup> A/HRC/10/12/Add.2, para. 93.
- <sup>96</sup> Rapport de l'Équipe-pays du système des Nations Unies au Togo dans le cadre de l'Examen périodique universel (EPU), par. 30.
- <sup>97</sup> Ibid., para. 31.
- <sup>98</sup> CEDAW/C/TGO/CO/5, paras. 26–27.
- <sup>99</sup> CRC/C/15/Add.255, para. 17.
- <sup>100</sup> Rapport de l'Équipe-pays du système des Nations Unies au Togo dans le cadre de l'Examen périodique universel (EPU), par. 44.
- <sup>101</sup> CEDAW/C/TGO/CO/5, paras. 30–31.
- <sup>102</sup> Ibid., para. 29.
- <sup>103</sup> CRC/C/15/Add.255, para. 53.
- <sup>104</sup> Ibid., para. 50.
- <sup>105</sup> Rapport de l'Équipe-pays du système des Nations Unies au Togo dans le cadre de l'Examen périodique universel (EPU), par. 38.
- <sup>106</sup> CRC/C/15/Add.255, para. 61.
- <sup>107</sup> CEDAW/C/TGO/CO/5, para. 25.
- <sup>108</sup> Rapport de l'UNICEF-Togo pour l'évaluation périodique universelle, p. 5.
- <sup>109</sup> CAT/C/TGO/CO/1, para. 12.
- <sup>110</sup> Ibid., para. 13.
- <sup>111</sup> CRC/C/15/Add.255, para. 5.
- <sup>112</sup> Ibid., para. 17.
- <sup>113</sup> CERD/C/TGO/CO/17, para. 5.
- <sup>114</sup> Rapport de l'UNICEF-Togo pour l'évaluation périodique universelle, p. 9.
- <sup>115</sup> CCPR/C/TGO/CO/4, para. 23.
- <sup>116</sup> CERD/C/TGO/CO/17, para. 27.
- <sup>117</sup> CAT/C/TGO/CO/1, para. 34.
- <sup>118</sup> CRC/C/15/Add.255, para. 49.
- <sup>119</sup> Ibid., para. 53.
- <sup>120</sup> Ibid., para. 75.
- <sup>121</sup> Ibid., para. 57.
- <sup>122</sup> Ibid., para. 61.
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