Human Rights Council
Nineteenth session
Agenda item 6
Universal Periodic Review

Report of the Working Group on the Universal Periodic Review*

Togo

* The annex to the present report is circulated as received.
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Introduction

1. The Working Group on the Universal Periodic Review, established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its twelfth session from 3 to 14 October 2011. The review of Togo was held at the 8th meeting on 6 October 2011. The delegation of Togo was headed by Ms. Léonardina Rita Doris Wilson-de Souza, Minister of Human Rights, Consolidation of Democracy, and Civic Education. At its 12th meeting held on 10 October 2011, the Working Group adopted the report on Togo.

2. On 20 June 2011, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Togo: Botswana, Kuwait, Poland.

3. In accordance with paragraph 15 of the annex to resolution 5/1, the following documents were issued for the review of Togo:
   (a) A national report submitted and a written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/12/TGO/1);
   (b) A compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/12/TGO/2);
   (c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/12/TGO/3).

4. A list of questions prepared in advance by the Netherlands, Slovenia and the United Kingdom of Great Britain and Northern Ireland was transmitted to Togo through the troika. These questions are available on the extranet of the universal periodic review (UPR).

I. Summary of the proceedings of the review process

A. Presentation by the State under review

5. Ms. Wilson-de Souza, Minister for Human Rights, Consolidation of Democracy and Civic Education, said that the universal periodic review process had provided Togo with the opportunity to reaffirm its commitment to human rights and to take stock of its continuing efforts to promote and protect human rights.

6. The process of drafting the national report had been both participatory and inclusive; it had been accompanied by a wide range of awareness-raising and educational activities involving all civil society organizations and had received support in various forms from international partners.

7. The delegation focused on three of the eight points mentioned in the national report. Firstly, the Government gave priority to the promotion and protection of human rights on the ground and based the implementation of all its strategic policies and development programmes on human rights principles. The Government’s endeavours enjoyed the support of civil society organizations and development partners.

8. Togo had ratified the majority of international human rights instruments and incorporated them into its fundamental law. It had recently ratified the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and had abolished the death penalty in 2009. It was preparing to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, the
9. Togo had taken steps to align its legislation with the provisions of the international instruments to which it was a party.

10. The Constitution of Togo guaranteed the right to life, security, physical integrity and privacy, and prohibited torture and other cruel, inhuman or degrading treatment or punishment. Those rights were also the subject of specific legislation.

11. The country’s National Human Rights Commission had been set up in 1987 and had enjoyed “A” status since becoming a constitutional body in 1992. The independence of the Commission was guaranteed by the method used to appoint its members, its multidisciplinary composition and its financial autonomy. The National Assembly voted on the operational budget of the Commission each year.

12. With regard to the fight against impunity, the Truth, Justice and Reconciliation Commission had finished gathering statements and concluded its inquiries, and was currently at the public hearing stage. Once that stage was completed, the Commission would formulate its recommendations. Establishing the Court of Audit had also made a significant contribution to the fight against impunity for bad governance.

13. The Constitution also guaranteed freedom of conscience, religion, opinion, expression and association. The exercise of those freedoms was governed by legislation and regulations, in particular the Press Code, the Act of 1901 and the decree laying down the conditions for cooperation between the Government and NGOs.

14. Freedom of access to the courts and the guarantee of a fair trial were recognized in the Constitution. Furthermore, through its national programme to modernize the justice system, the Government, in collaboration with its development partners, was working to strengthen the independence and capacity of the judiciary. The programme also provided for the construction of courts and detention centres that met international standards.

15. Environmental protection was a major concern of the Government, which had adopted several laws to avert biotechnological risks. Togo had adopted the law establishing the Water Code in 2010 and the population’s access to drinking water in rural, semi-urban and urban areas had been improved.

16. A national strategy to provide decent housing for all had been adopted, together with a sectoral investment schedule that included the National Housing Programme for the period 2009–2013.

17. In addition, the agricultural recovery strategy implemented by Togo since 2008 had generated a surplus of crops in 2010. The National Food Security Agency had been set up to regulate the price of basic foodstuffs.

18. Togo had ratified 18 International Labour Organization (ILO) conventions, including the 8 core conventions, and had just adopted several bills authorizing the ratification of conventions Nos. 102, 187, 122, 81, 129 and 150.

19. The country was firmly committed to combating poverty by promoting employment, providing social protection for workers and strengthening the institutions responsible for employment. A new labour code had been adopted in 2006 and the civil service was in the process of being modernized. Laws establishing the Social Security Code and introducing compulsory health insurance for public servants had been adopted in 2011.

20. A ministry had been established to better promote social and professional integration and inclusion, particularly of young people, and to reduce regional inequalities. Several other initiatives, including the national volunteers’ programme and the Integration and...
Employment Support Programme, were being implemented. Support was also provided for certain income-generating activities, particularly those of women’s groups.

21. Freedom of association was guaranteed through the country’s six trade union confederations and one employers’ organization.

22. The Constitution set out the principle of free and compulsory primary education for children up to the age of 15. The first stage of providing free education had begun in 2008 and had led to a rise in school enrolment rates. In order to meet the challenge of achieving universal primary education by 2015, Togo had adopted a plan and the associated budget for the education sector for 2010–2020. Despite all those efforts, the effective exercise of the right to education was curtailed by certain sociocultural constraints, insufficient funding, inadequate infrastructure and a shortage of qualified teaching staff.

23. Togo had adopted the law establishing the Health Code and was committed to the Millennium Development Goal for health. It had drawn up a health development plan for the period 2009–2013 and theme-based strategies on malaria and HIV/AIDS had been implemented. Moreover, Togo had carried out high-impact interventions in an attempt to reduce maternal, neonatal, infant and child mortality.

24. An expanded programme of immunization was in operation across the country. Antiretroviral treatment had been provided free of charge since 2008, leading to a marked increase in the number of people receiving the treatment. Various measures aimed at preventing the transmission of HIV/AIDS from mother to child had been taken, such as increasing the number of dedicated care centres.

25. Notwithstanding the financial difficulties arising from the suspension of international cooperation for nearly 15 years, Togo had launched numerous initiatives aimed at protecting the rights of specific groups.

26. With regard to women’s rights, in addition to establishing a ministry dealing specifically with women’s affairs in 2010, Togo had adopted a law on female genital mutilation in 1998, and a national policy on gender equality and equity and the related plan of action in 2011. It was expected that a bill to amend the Individuals and Family Code would be adopted in 2011. Furthermore, a national strategy paper on gender mainstreaming in policies and programmes had been drawn up in 2006.

27. With regard to the rights of the child, Togo had adopted a law on the organization of civil registration in Togo and installed a child protection telephone helpline. The 2007 law establishing the Children’s Code incorporated all the provisions of the relevant international instruments to which Togo was a party.

28. With regard to persons with disabilities, Togo had ratified the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto in March 2011. The 2004 law on the social protection of persons with disabilities was currently being revised to bring it into line with the Convention.

29. With regard to refugees, Togo had adopted a law on refugee status in 2000 and set up a national office to coordinate assistance to refugees in 1994. Togo was a safe haven for refugees fleeing the political situation in the subregion but required the assistance of the international community to take care of them.

30. With regard to achievements, best practices, challenges and constraints, Togo had taken action in the political, economic and social spheres to improve the living conditions of its citizens. However, the impact of such action was often dependent on the limited means at the State’s disposal.

31. Lastly, as to what Togo hoped to get out of the process, the delegation had chosen to focus on only a few of many possible items. They included capacity-building to ensure
equal access to justice; support for the establishment of a follow-up mechanism for the recommendations of the Truth, Justice and Reconciliation Commission; support for the implementation of a programme similar to the emergency programme to support the prison sector; support for the Inter-ministerial Commission for the Preparation of Initial and Periodic Reports; support for the harmonization of domestic legislation with international instruments; and support for the inclusion of human rights in school curricula.

32. Togo thanked all its bilateral and multilateral partners for continuing to support its efforts to protect and promote human rights. Togo was aware of the great challenges facing it; of the obligations flowing from its human rights commitments; and of the expectations to which those commitments had given rise, and the difficulties it would face in fulfilling them. However, Togo would do all in its power to ensure that human rights were at the heart of the new vision and direction taken by the Government. Togo therefore renewed its appeal to the international community to match its determination and help create the conditions for true national reconciliation.

B. Interactive dialogue and responses by the State under review

33. During the interactive dialogue, 43 delegations made statements. Recommendations made during the dialogue are to be found in section II of the present report.

34. Cuba highlighted that the protection and promotion of human rights was a priority for Togo, despite the difficulties that it faced. Cuba acknowledged the fact that the right to a healthy environment reached constitutional rank; the several initiatives implemented regarding the right to food; the positive developments regarding education; the plan on sanitation; and the strategy to reduce HIV/AIDS and child and maternal mortality. Cuba made recommendations.

35. Algeria noted with appreciation the adoption of policies on access to safe water, food, housing, education, and health and justice reform, as well as the particular attention devoted to vulnerable groups in that regard. It also noted ongoing challenges, such as violence against women, prison overcrowding, poverty, illiteracy and women’s underrepresentation in decision-making bodies, and urged the international community to lend the necessary support to the country. Algeria made recommendations.

36. France asked Togo whether the National Human Rights Commission had presented any conclusions with regard to the examination of torture claims. Furthermore, it expressed concern with regard to the lack of independence of the judiciary and the lack of respect for rules concerning custody, which was in contradiction with the State’s international commitments and its constitution. France also expressed concern at bad detention conditions, arbitrary detention and prolonged detention without judgment. France made recommendations.

37. The Bolivarian Republic of Venezuela welcomed the efforts deployed by Togo regarding economic, social and cultural rights, despite the economic difficulties it faced. It acknowledged the fact that Togo had increased the school enrolment rate, as well as the budget allocated to education. It noted that the international community should provide Togo with assistance and cooperation to face the current infrastructure needs in the area of education. The Bolivarian Republic of Venezuela made a recommendation.

38. Canada welcomed the decriminalization of press crimes, abolition of the death penalty, law on rape, decreased education fees, awareness-raising on sexual and reproductive health, and the establishment of the Truth, Justice and Reconciliation Commission, recently mandated to investigate allegations of torture. Concern was expressed at domestic violence, the criminalization of consensual sexual relations between adults of the same sex, the limited representation of minorities in civil service, the conduct
of law enforcement personnel, violence against children and child abuse. Canada made recommendations.

39. Spain acknowledged the legal steps taken by Togo to reach a greater equality through the 2005 Law on Equal Treatment. It expressed its belief that the standing invitation to all special procedures would help Togo in improving the protection of human rights. It asked what measures Togo had taken to combat the increasing levels of trafficking in women. Spain made recommendations.

40. The Republic of Moldova commended the adoption of a national human rights action plan and programme and the creation of the National Human Rights Commission, as well as the accession by Togo to several important human rights instruments. However, it expressed concern about discrimination and violence against women owing to cultural or traditional customs, and also urged Togo to step up measures against trafficking. The Republic of Moldova made recommendations.

41. Chad noted with satisfaction that Togo was party to most international and regional human rights instruments and had integrated such instruments into domestic legislation. It thanked Togo for the support provided to overcome the internal tensions of Chad. Chad made a recommendation.

42. Viet Nam acknowledged the remarkable efforts undertaken by Togo in maintaining social stability and security and noted with satisfaction the development in the fields of poverty reduction, education, health care and environmental protection. Viet Nam welcomed the efforts of Togo towards building a State based on the rule of law, and expressed appreciation with regard to the State’s commitments to human rights instruments and its cooperation with United Nations mechanisms. Viet Nam made recommendations.

43. Turkey welcomed that Togo was party to many international human rights instruments; the role of the National Human Rights Commission; the establishment of the Truth, Justice and Reconciliation Commission; the State’s efforts to enhance the rights of women; the 2007 Children’s Code; the measures taken to increase the enrolment rate; and the abolition of the death penalty. Turkey encouraged Togo to continue fighting against child trafficking and to improve equal access to education for children. Turkey made recommendations.

44. Norway commended progress in key areas, while expressing concern at the discrimination faced by women in the education system, the infant and maternal mortality rates and the conditions of detention centres. Norway commended Togo for implementing the 2007 Children’s Code and for the provision of free primary school. It expressed its satisfaction with reports indicating a decrease in acts of torture, but remained concerned over the reported lack of independent investigations into alleged torture and violence related to the 2005 elections. Norway made recommendations.

45. China was appreciative of the constructive attitude adopted by Togo for the review, and noted with satisfaction that Togo had acceded to most major human rights conventions. China commended the prioritizing by Togo of the advancement of women’s rights and noted with satisfaction the accomplishment in poverty alleviation. China acknowledged the numerous challenges faced by Togo in the protection and promotion of human rights and urged the international community to provide support.

46. Ghana noted with appreciation the increasing efforts by Togo to strengthen its political, economic, administrative and institutional governance; the implementation of the Permanent Framework for Dialogue and Consultation; the “A” status of the National Human Rights Commission, and the special measures adopted in the fields of education and employment. It congratulated Togo for its recent elections. Ghana made recommendations.
47. Australia noted progress in promoting women’s rights and called on Togo to pursue gender equality in all areas of society. It was concerned at reported limitations placed on the freedom of expression and opinion, including on media outlets and journalists. It welcomed recent initiatives aimed at protecting child’s rights, but expressed concern at continued reports of sexual abuse and trafficking. Australia urged Togo to decriminalize homosexuality. Australia made recommendations.

48. The United States of America commended Togo for the establishment of the Truth, Justice and Reconciliation Commission, as well as for having accepted more than 13,000 refugees. It expressed concerns regarding allegations of torture and inquired whether torture would be included in the Criminal Code and whether an independent monitoring system would be established. It also expressed concerns at the prevalence of trafficking in persons. The United States made recommendations.

49. Slovenia commended Togo for establishing the National Human Rights Commission, accredited with “A” status, and for the ratification of the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto. However, it noted that children with disabilities continued to face exclusion and that few of them had access to education. Slovenia welcomed the abolishment of the death penalty. It asked how Togo intended to address the problem of low birth registration rates. Slovenia made recommendations.

50. Uruguay commended measures adopted to reach Millennium Development Goal 7 with regard to safe drinking water and sanitation, especially the recognition of access to water as a human right, as well as to promote gender equality and child rights protection, in particular the creation of a national commission for the care and social reintegration of child victims of trafficking. Uruguay recognized that Togo was party to a large number of international human rights instruments. Uruguay made recommendations.

51. Chile acknowledged the challenges of Togo and the past political instability, which had had a negative impact on human rights. It welcomed the 2006 General Political Agreement and congratulated Togo for its commitments set out in paragraph 110 of its national report. Chile encouraged Togo to continue combating illiteracy, poverty and the unemployment rate, and to promote good governance. Chile made recommendations.

52. Argentina applauded the abolition of the death penalty and the adoption of a national human rights action plan. Argentina made recommendations.

53. Hungary commended the abolition of the death penalty and the accreditation of the National Commission for Human Rights by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights. With regard to discrimination against girls, Hungary noted that Togo had yet to ratify the United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention against Discrimination in Education. While welcoming the adoption of the 2007 Children’s Code, Hungary noted that a national committee on child’s rights had yet to be realized. Hungary made recommendations.

54. The United Kingdom urged Togo to take all necessary steps to implement as soon as possible the outstanding recommendations of the 2005 fact-finding mission report and of treaty bodies related to the General Peace Agreement, as well as to consolidate democratic institutions, ensuring that human rights were in line with corresponding international obligations, in particular with regard to the rights to freedom of expression and assembly. The United Kingdom made recommendations.

55. Latvia commended Togo for the inclusive approach taken during the preparation of its national report. Latvia welcomed the recent cooperation of Togo with special procedures by receiving visits from the Special Rapporteur on torture and other cruel, inhuman or

56. The delegation of Togo said that the country had taken steps to modernize its justice system, notably by training justice officials and drafting modern legislation to afford those officials the best possible working conditions and to improve their performance.

57. A department had been set up to ensure access to legal assistance in order to make it easier to file a complaint. There were plans to submit a proposal on legal aid to the Council of Ministers in the near future. Togo had also taken steps to strengthen the independence of the justice system, including by providing magistrates with training in professional ethics. A bill intended to guarantee them better financial conditions was currently being finalized.

58. Togo had ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and its Criminal Code was currently being revised with a view to making torture a criminal offence. The delegation refuted the claim that torture was practised systematically in Togo, citing the small number of complaints of alleged torture. Nevertheless, the allegations brought before the Supreme Court had prompted the Government to refer the matter to the National Human Rights Commission for an inquiry to be conducted. The Commission had heard all the individuals concerned. Togo would take all measures necessary to ensure compliance with the Commission’s recommendations and urged everyone who witnessed a case of torture to report it.

59. Togo had taken steps to shorten the duration of pretrial detention. Decisions were handed down as soon as the accused confessed to the acts in question, so as to relieve congestion in prisons. A programme aimed at improving conditions in prisons and a prison renovation project were currently being implemented. Women, men and minors were held separately. There were plans to open a remand prison in the near future.

60. The conditions governing police custody were well respected on the whole. In November 2010, Togo had called on all justice officials to undertake publicly to improve the quality of justice. Togo was prepared to act on reports of any act that had not been brought to the attention of the authorities, so that the situation could be remedied.

61. With regard to the ratification of new instruments, Togo was making an effort to incorporate their provisions into domestic law even before it ratified them, which explained why the ratification process was slow. That had been the case in 2009 when the death penalty — now a distant memory — had been abolished.

62. It was the exercise of freedom of expression that had given rise to the democratic process in Togo. Therefore, that freedom was respected. Furthermore, the State supported the private media and would continue to do so in order to protect that freedom. A law to protect the right to demonstrate had been adopted.

63. The National Intelligence Agency did not serve as a detention centre. Individuals were only detained there under exceptional circumstances. Every effort was being made to shed light on allegations that the Agency used torture.

64. Togo was not prepared to legislate on the question of homosexuality, given that homosexuals were not subject to any form of discrimination. Such legislation might in fact be counterproductive, given the attitude of the population.

65. Much had been done to improve access to the army, which was now free.

66. With regard to the fight against impunity, it was important to strengthen the national courts.

67. Togo had carried out a study on female genital mutilation. A law adopted in 1998 penalized the perpetrators of such mutilations. Awareness-raising activities were being
carried out and the practice had become less widespread. A number of women who performed excisions had found new occupations thanks to the financial assistance they had received.

68. A law was currently being revised with a view to combating gender-based violence. In addition, the national strategy had paved the way for a nationwide study on gender and the establishment of a centre offering psychological, social and legal support. Training sessions had been organized for judges, police officers and teachers. The State was also cooperating with civil society in that area.

69. With regard to the protection of children with disabilities, the Children’s Code protected all children, including those with disabilities. The Act of 2004, which was currently being revised, would incorporate the provisions of the Convention. The Government, with the support of civil society organizations, was taking steps to improve the care provided to that group of children. Togo called on the international community to support it in that endeavour.

70. Togo was in the process of finalizing a preliminary bill on gender-based quotas, and a consensus was emerging in favour of submitting the document to the Council of Ministers.

71. Sweden welcomed the abolition of the death penalty and the Government’s commitment to reduce child marriages. It was concerned about arbitrary arrests and detention, long-term detentions without trial, credible allegations of inhuman and degrading treatment in prisons, and the lack of independence of the judiciary. Sweden made a recommendation.

72. Morocco expressed satisfaction with the ongoing transitional justice process and the fight against impunity, commending the efforts of Togo to protect the rights of refugees despite its scarce resources. Morocco wished to have further information on the outcome of the work of the Truth, Justice and Reconciliation Commission and whether the new Economic and Social Council would duplicate the work of the National Development Commission. Morocco made recommendations.

73. Mexico congratulated Togo for its efforts and achievements, such as the enactment of the law abolishing the death penalty and other laws related to social security; the care and attention provided to around 20,000 refugees; the approval of the Education Sector Plan for 2010-2020, as well as the creation of institutions such as the National Commission on Sustainable Development and the National Commission for Refugees. Mexico made recommendations.

74. The Islamic Republic of Iran noted that Togo had taken concrete steps in the promotion and protection of human rights. The Islamic Republic of Iran made recommendations.

75. The Democratic Republic of the Congo saluted measures taken by Togo that had considerably increased the enrolment rate at the primary school level, as well as measures in the field of agricultural policy that had resulted in an increase in access to basic alimentation. Efforts to the benefit of people with HIV/AIDS merited acknowledgement. The Democratic Republic of the Congo considered that certain insufficiencies were attributable to a lack of resources due to economic sanctions. The Democratic Republic of the Congo made a recommendation.

76. Slovakia commended Togo for abolishing the death penalty. It also positively noted the accreditation of the National Commission for Human Rights with “A” status and acknowledged the Children’s Code as a significant step. Slovakia also acknowledged that Togo was a party to most of the international human rights instruments. Slovakia made recommendations.
77. Bahrain noted the positive approach of Togo to the universal periodic review and its cooperation with human rights mechanisms. Bahrain particularly commended the State’s promotion of the rights of women and its accession to the Convention on the Elimination of All Forms of Discrimination against Women, as well as the efforts made to combat trafficking. Bahrain noted the efforts of Togo to disseminate a human rights culture, and asked what further efforts were being made to better raise awareness of the human rights. Bahrain made a recommendation.

78. Brazil commended Togo for being party to many international human rights instruments and for its affirmative actions regarding women. However, it expressed concern at the persistence of discriminatory customs and practices. Brazil welcomed the abolishment of the death penalty; the adoption of child legislation and developments regarding security services. It noted that additional efforts are required to face poverty and health challenges. It encouraged Togo to increase its efforts to implement inclusive awareness-raising campaigns. Brazil made recommendations.

79. Uganda noted with appreciation the adoption of the Global Political Agreement, the establishment of the Permanent Framework for Dialogue and Consultation, and the Truth, Justice and Reconciliation Commission, as well as developments towards the return to democratic rule. Uganda commended legislative reforms, and encouraged Togo to pursue its efforts for the protection of children’s rights, including funding the National Commission for the Care and Social Reintegration of Child Victims of Trafficking. Uganda made a recommendation.

80. The Congo noted with appreciation measures adopted and initiatives taken in the fields of administration of justice, prison administration and health and regarding the promotion of women’s rights, and encouraged Togo to continue its efforts with a view to allowing its population to exercise and fully enjoy political, civil, economic, social and cultural rights. The Congo made a recommendation.

81. Bangladesh noted achievements made by Togo regarding access to water; social protection, and the health sector, as well as the establishment of the National Human Rights Commission. It also noted with appreciation the adoption of special measures for women in the fields of education and employment. Bangladesh noted that international cooperation and assistance was crucial for Togo regarding the challenges imposed by poverty and the lack of adequate resources.

82. Benin welcomed the decriminalization of press crimes, the abolishment of the death penalty, and the ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. It noted with satisfaction the 2005 creation of the Inspectorate-General of Security Services. Benin also welcomed efforts towards women’s representation in decision-making bodies, in relation to gender-related violence and for the review of the Family Code. It encouraged the international community to lend assistance to Togo. Benin made recommendations.

83. Angola noted the efforts made by Togo towards improving the human rights situation, in particular with regard to children; to persons with disabilities; and to health, notably the fight against HIV/AIDS, including the provision of free anti-HIV medicines. Angola noted with satisfaction that Togo had abolished the death penalty. It stated further that the suspension of international aid to Togo still had consequences. Angola made a recommendation.

84. Burkina Faso noted the good practices in Togo regarding human rights and the relatively complete human rights normative framework further to the accession to core international instruments and the adoption of domestic legislation. It saluted the fact that legislative measures, including with regard to education, health and protection of vulnerable groups, were being effectively implemented, and observed that the remaining issues were
due to the lack of resources. Burkina Faso asked how Togo intended to realize human rights education. Burkina Faso made a recommendation.

85. Djibouti encouraged Togo to pursue reforms in the administration of justice and in economic and social sectors. It also requested the international community to assist Togo in implementing recommendations stemming from the universal periodic review. Djibouti made recommendations.

86. Senegal noted with satisfaction that Togo was a party to most international and regional human rights instruments, had set up the National Human Rights Commission and a mediator, and that various initiatives had been taken to the benefit of vulnerable groups, notably women. Senegal observed that challenges remained due to the long period of instability and the scarcity of resources, and asked whether Togo intended to put in place national legislation concerning trafficking. Senegal made recommendations.

87. Nigeria welcomed the various bills to modernize the legal framework of Togo, in order to strengthen citizens’ guarantees before the courts. While noting the establishment of the National Human Rights Commission, whose members benefit from immunity while performing their duties, Nigeria also highlighted its underfunding. Nigeria congratulated Togo for the measures taken regarding the right to food and encouraged it to continue promoting and protecting human rights. Nigeria made recommendations.

88. South Africa noted the acknowledgement by Togo that traditional customs and practices impeded gender equality, and inquired about the timeline for reviewing the General Civil Service Regulation so as to contribute to a better protection of women. It also inquired about measures to increase child protection, and accountability measures for politicians and press alleged to have incited ethnic hatred and tribalism in 2005. South Africa called on the international community to provide Togo with technical assistance and capacity-building. South Africa made recommendations.

89. Niger expressed satisfaction with the efforts of Togo towards consolidating the democracy, reinforcing the rule of law and combating corruption. It noted that Togo was party to most international and regional human rights instruments and that there was a will at the highest level to incorporate these norms into domestic legislation. Niger commended the abolition of the death penalty and the reinforcement of the National Human Rights Commission. Niger made recommendations.

90. Cape Verde acknowledged that positive changes had taken place in Togo, and that it was party to many human rights instruments. Cape Verde noted the significant advances in the realization of human rights, such as the abolition of the death penalty; strengthening of the capacity of the judicial system, and efforts made by Togo in the areas of health and education, and the freedoms of expression and religion. Cape Verde made recommendations.

91. Germany congratulated Togo for the active involvement of the civil society in the preparation of its national report. Germany asked about steps taken to strengthen the independence and neutrality of the justice system and to avoid arbitrary judgements in the light of the recommendations made by the Human Rights Committee. Germany made recommendations.

92. The delegation of Togo pointed out that school curricula included civic education modules which would be modified to cover human rights.

93. The Truth, Justice and Reconciliation Commission had received more than 20,000 petitions and would issue its recommendations before the end of October 2011. The violence of 2005 was covered by the Commission’s terms of reference.
94. Togo had instituted a wide-ranging reform of its domestic legislation with a view to incorporating all the provisions of the conventions it had ratified. Furthermore, judges and justice officials had received training on international instruments.

95. The National Human Rights Commission enjoyed total autonomy. The only outstanding question concerned funding, which had proved to be problematic at times. However, the Commission’s resources would be increased once it was designated the national mechanism for the prevention of torture.

96. The delegation pointed out that the mandate of the Togolese Economic and Social Council was broader than that of the National Commission for Development and that there was therefore no risk of overlap in their work.

97. The delegation recalled that social protection had existed in the private sector before being introduced in the public sector. It was in the informal sector that the problem persisted.

98. The delegation mentioned a development programme related to sanitation.

99. In conclusion, the head of delegation thanked everyone who had participated in the interactive dialogue.

II. Conclusions and/or recommendations**

100. The recommendations formulated during the interactive dialogue listed below enjoy the support of Togo:

100.1. Ratify the International Convention for the Protection of All Persons from Enforced Disappearance (Spain);

100.2. Ratify or accede to, where appropriate, the International Convention for the Protection of All Persons from Enforced Disappearance (Uruguay);

100.3. Study the possibility to ratify the International Convention for the Protection of All Persons from Enforced Disappearance (Argentina);

100.4. Ratify the International Convention for the Protection of All Persons from Enforced Disappearance and ensure that international conventions to which Togo is a party are effectively integrated into domestic law (France);

100.5. Consider aligning national laws, including customary laws with the provisions of international human rights instruments to which Togo is a party (South Africa);

100.6. Sign and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (Spain);

100.7. Pursue its efforts in order to complement its commitments towards the promotion and protection of human rights by ratifying the relevant international instruments and, in particular, the Second Optional Protocol to the International Covenant on Civil and Political Rights (Republic of Moldova);

100.8. Ratify or accede to, where appropriate, the Second Optional Protocol to the International Covenant on Civil and Political Rights (Uruguay);

** Conclusions and recommendations have not been edited.
100.9. Study the possibility to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (Argentina);

100.10. Strengthen efforts to fulfil its obligations under the Convention on the Rights of the Child (Australia);

100.11. Expedite actions on draft bills under consideration, aimed at modernizing its legal framework in order to strengthen citizens’ guarantees in courts of law, remove provisions that conflict with international commitments, reorganise the justice system to bring it closer to citizens and redefine the courts’ jurisdictions and promote gender equality in access to electoral mandates, elected office and appointments to State institutions and Government departments (Nigeria);

100.12. Amend its domestic legislation relating to the rights of women, children and persons with disabilities, in line with its international obligations (United Kingdom of Great Britain and Northern Ireland);

100.13. Seek technical assistance with a view to harmonizing national legislation with ratified international human rights instruments (Algeria);

100.14. Strengthen its National Human Rights Commission through greater allocation of funds and staff and adopt measures to guarantee its independence and impartiality, in conformity with the Paris Principles (Spain);

100.15. Bolster the National Human Rights Commission to enable it to carry out its mandate (Republic of Moldova);

100.16. Adopt appropriate measures to guarantee the independence and impartiality of the National Human Rights Commission, and ensure its ability to deal with complaints and investigate violations (Ghana);

100.17. Allocate additional funds to the National Human Rights Commission so that it can fulfil its mandate effectively (Slovenia);

100.18. Allocate additional funds to the National Human Rights Commission in order for it to effectively fulfil its mandate (Hungary);

100.19. Adopt measures to guarantee appropriate financial resources, full independence, and impartiality of the National Commission for Human Rights and the Truth, Justice and Reconciliation Commission to ensure their abilities to deal with complaints and conduct credible, transparent investigations (United States of America);

100.20. Explore means to improving funding to the National Human Rights Commission in order to allow it to fully carry out its mandate (Nigeria);

100.21. Establish a national independent preventive mechanism as provided for by the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which Togo is a party since July 2010 (France);

100.22. Strengthen the Truth, Justice and Reconciliation Commission, as well as other institutions supporting democratic governance (South Africa);

100.23. Complete the process for the establishment of a national preventive mechanism on torture (Benin);

100.24. Take all necessary measures to establish a national committee on the rights of the child at the earliest possible date (Hungary);
100.25. Perseverate in its efforts to ensure that the population fully exercise and enjoy its political, civil, economic, social and cultural rights (Republic of the Congo);

100.26. Strengthen the process toward building the state with the rule of law and good governance for facilitating the political stability and sustainable social and economic development (Vietnam);

100.27. Develop a national human rights strategy and action plan, while also intensifying its public awareness campaign to the general public and other interested stakeholders (South Africa);

100.28. Adopt the text on national policy to protect children, completed in 2008, and intensify the fight against trafficking in children and labour affecting children (Cape Verde);

100.29. Develop a national plan of action for the implementation of children’s rights and to adopt a holistic child rights approach (Islamic Republic of Iran);

100.30. Adopt appropriate measures for the protection of women (Bahrain);

100.31. Include human rights and citizenship rights in the curriculum of schools and the training courses of law enforcement officials (Islamic Republic of Iran);

100.32. Pursue fruitful collaboration with international mechanisms for the protection and promotion of human rights to continually improve the human rights situation on its territory (Burkina Faso);

100.33. Draft a concrete strategy to ensure that it will eventually submit all pending reports to treaty bodies (Senegal);

100.34. Improve its regularity in submitting reports to Treaty Bodies (Niger);

100.35. Accelerate its programme to eliminate discrimination against women (Democratic Republic of the Congo);

100.36. Take policies and legal measures to ensure equality between men and women (Brazil);

100.37. Adopt and implement efficient measures with a view to eliminate the discrimination against women, including pursuing appropriate public awareness-raising campaigns against the customary social stereotypes (Slovakia);

100.38. Pay attention to the recommendations made by the Human Rights Committee in 2011, on the legislative reforms to be adopted to guarantee legal equality between men and women, in particular the new Criminal Code, and the Code of the Person and Family (Chile);

100.39. Increase efforts to incorporate into domestic law international legal norms aimed at eliminating cultural or traditional gender-based discrimination, as indicated in the national report (Niger);

100.40. Take measures to amend or to eliminate cultural or traditional customs and practices, which discriminate against women. (Republic of Moldova);

100.41. Strengthen efforts to fulfil its obligations under the Convention on the Elimination of all Forms of Discrimination against Women, including by
adopting and implementing legislation prohibiting female genital mutilation (Australia);

100.42. Develop policies and actions aimed at modifying or eliminating customs and practices that promote violence and/or discrimination against women, covering family, marital, social and working areas (Mexico);

100.43. Adopt all necessary measures to eradicate and eliminate practices and customs that discriminate against women, in particular forced and early marriage, discriminatory practices in the area of widowhood, the levirate, slavery and female genital mutilation. At the same time, develop awareness and education programmes on the harmful effects of such practices (Uruguay);

100.44. Deepen the efforts, including through international cooperation, aimed at eradicating all practices that violate the rights of women, with a particular emphasis on female genital mutilation and any form of gender based violence, and continue to implement measures, which tend to provide the legal recognition of civil, political, economic and social rights among women and men (Argentina);

100.45. Address the exclusion of persons with disabilities at the family and community levels through public education and through targeted and concrete measures, in consultation with organizations of persons with disabilities (Slovenia);

100.46. Create favourable conditions to facilitate the access of persons with disabilities to education and to employment (Djibouti);

100.47. Take appropriate measures to better protect vulnerable groups such as older persons, women and children (Djibouti);

100.48. Pursue its efforts aimed at implementing the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as well as its Optional Protocol (Morocco);

100.49. Take all necessary steps to ensure that torture and other inhumane and degrading treatment of civilians does not occur (Sweden);

100.50. Draw a plan of action against torture and ill-treatment with a view to their eradication, and bring to justice all suspected perpetrators of these acts (Slovenia);

100.51. Adopt and implement appropriate, efficient measures to prevent torture and other forms of ill-treatment, to ensure prompt and credible investigations of all allegations of torture and ill-treatment, in particular deaths in custody, providing for redress and rehabilitation to victims (Slovakia);

100.52. Adopt the draft revised criminal code, which defines and criminalizes torture (Cape Verde);

100.53. Consider the views of the Committee against Torture, according to which the existing provisions of the Code of Criminal Procedure relating to police custody do not provide for the notification of rights or the presence of a lawyer, and that some people are held without charge or awaiting trial for several years (Chile);

100.54. Pursue its efforts aimed at supplying food to detainees (Benin);
100.55. Take the necessary steps to ensure that all persons in prison or detention centers are treated according to Togolese laws and international obligations (Norway);

100.56. Adopt the draft bill on the criminal code, which includes and sanctions gender-based violence (Algeria);

100.57. Conduct appropriate public awareness-raising campaigns with a view to eliminate female genital mutilation and other harmful traditional practices (Slovakia);

100.58. Adopt a law prohibiting domestic violence and adopt the necessary measures to ensure its implementation, including inter alia through an information and awareness-raising campaign amongst the population (Canada);

100.59. Take necessary measures to effectively combat violence against women and girls and enact legislation on domestic violence. (Republic of Moldova);

100.60. Complete necessary legislative reforms towards the criminalization of domestic violence (Slovakia);

100.61. Speed up legislative reforms to make acts of violence against women such as domestic violence and marital rape offenses under the criminal code (Brazil);

100.62. Adopt the revised Persons and Family Code; criminalize domestic violence and intensify the fight against traditional practices, which discriminate against women or are detrimental to them (Cape Verde);

100.63. Take additional measures to prevent and combat trafficking in women in an appropriate way (Republic of Moldova);

100.64. Continue to effectively fight against child trafficking and access to education of children with disabilities, and especially girls (Turkey);

100.65. Increase efforts to convict and punish trafficking offenders, with sufficiently stringent penalties, under existing legislation and complete and enact draft legislation prohibiting the forced labour and forced prostitution of adults (United States of America);

100.66. Adopt all necessary measures to eradicate child abuse, labour and sexual exploitation of children, as well as violence against children, paying particular attention to cases of children who are killed because they were born with disabilities, malformation, without pigmentation or because their mother died during childbirth (Uruguay);

100.67. Continue the national programme for the modernization of the judicial system (Islamic Republic of Iran);

100.68. Speed up the adoption process of the draft bill setting up a 30 per cent quota for the representation of women in decision-making bodies (Algeria);

100.69. Strengthen efforts to combat extreme poverty (Brazil);

100.70. Continue implementing socio-economic development strategies and plans in the country, in particular to reduce poverty (Cuba);

100.71. Further provide support and cooperation with regional and international organizations, financial institutions in Africa, the United Nations
system and other development partners for utilizing all its advantages to turn Togo into a major economic and trade centre in West Africa (Vietnam);

100.72. Take all necessary measures to remove the discrepancy which still exists in the level of the enjoyment of the right to food by the Togolese people, so that this important right can be enjoyed by all the Togolese People (Nigeria);

100.73. Set priorities to ensure the basic social and economic rights, particularly in the fields of employment, poverty reduction, education and healthcare. At the same time, priority policies and measures should also be provided to support the social vulnerable groups, like women, children and the poor people (Vietnam);

100.74. Review the current maternity health care policies and introduce the necessary changes to ensure access to medical facilities for pregnant women throughout the country (Norway);

100.75. Continue implementing programmes and measures to ensure the enjoyment of quality health and education services for all its population (Cuba);

100.76. Take effective measures to ensure access to safe drinking water, adequate sanitation facilities and healthcare, particularly in remote and rural areas (Islamic Republic of Iran);

100.77. Continue to work for taking the necessary steps to achieve universal primary education by 2015 (Turkey);

100.78. Implement measures to ensure girls’ and women’s access to all levels of education and to ensure a higher level of women’s participation in public life (Norway);

100.79. Inform children with disabilities that they have the right to education on an equal basis with other children, and build capacity with organizations of persons with disabilities (Slovenia);

100.80. Improve the access for persons with disabilities to education and healthcare, with particular focus on children (Slovakia);

100.81. Implement necessary measures to reduce the relative high drop-out rate in primary schools (Norway);

100.82. Continue consolidating further an education system in accordance with its population’s needs as the only way to move toward a true development with a human face, for which the international community should provide its assistance and cooperation without condition to address the teacher shortage and the current infrastructure needs in the area of education (Venezuela, Bolivarian Republic of);

100.83. Continue to give special emphasis to address the issue of women’s illiteracy (Turkey);

100.84. Strengthen its efforts to combat illiteracy (Islamic Republic of Iran);

100.85. Seek technical and financial assistance from the international community in order to build the capacity of those working in the field of human rights towards the improvement of their activities for the benefit of the population; to achieve envisaged objectives in the field of administration of justice, construction and/or rehabilitation of prisons in accordance with international standards; to implement the recommendations by the
Commission on Truth, Justice and Reconciliation; to introduce human rights in school curricula and; to harmonize national legislation with international instruments (Chad);

100.86. Pursue cooperation with international partners and ensure efficient allocation of resources in its endeavour to enhance human rights (Turkey);

100.87. Seek the necessary assistance in accordance with national priorities (Uganda);

100.88. Seek the necessary assistance from the international community that would enable Togo to meet the multiple challenges that it faces, with a view to improving the general living conditions of its population (Angola);

100.89. Seek financial support and technical assistance from the international community, in order to bolster its efforts as part of the national on-going process to achieve the Millennium Development Goals (Senegal).

101. The following recommendations enjoy the support of Togo, which considers that they are already implemented or in the process of implementation:

101.1. Modify practices for the recruitment and retention of public civil servants and army personnel in order to guarantee equal opportunities, representativeness of the ethnic and cultural composition of the country, and to facilitate the employment of women in traditionally male-dominated sectors (Canada);

101.2. Take further measures to facilitate the entry into the army and civil service of under-represented ethnic groups in order to better reflect the cultural and ethnic diversity of the Togolese society and enhance the reconciliation process (Ghana);

101.3. In line with the Committee on the Rights of the Child recommendations regarding discrimination against vulnerable children, in particular girls and children with disabilities, envisage reviewing the legislation to guarantee the application of the non-discrimination principle (Chile);

101.4. Initiate a bill to reform of the Criminal Code in order to incorporate as soon as possible the criminalization of torture in line with the definition set forth in Article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Mexico);

101.5. Take steps to combat impunity in alleged cases of torture and acts of violence related to the 2005 elections and to ensure that legal protection is guaranteed (Norway);

101.6. Investigate all allegations of torture, especially those made in the context of the process against Kpatcha Gnassingbé and his followers (Germany);

101.7. Ensure respect of the constitutional and legislative provisions regulating custody; compensate for the shortcomings in the texts, whenever necessary; ensure that conditions of arrest, custody and detention are respected and; provide the judiciary with the means to guarantee its independence (France);

101.8. Implement a strategy aimed at improving detention conditions by reducing prison overcrowding and ensuring that female detainees can be guarded by female correctional officers (Canada);
101.9. Accelerate the adoption of a draft bill on alternative measures to detention as a solution to prison overcrowding (Benin);

101.10. Take steps to ensure that female prisoners are guarded by female prison officers exclusively (Norway);

101.11. Improve the detention conditions in prisons and modernize these detention facilities (Germany);

101.12. Include sale and abduction of children in the data collection system of the National Commission for the Care and Social Reintegration of Child Victims of Trafficking with a view to guarantee the operational continuity and effectiveness of the commitments undertaken through the cooperation agreements to combat trafficking in children (Mexico);

101.13. Take adequate measures to counter the worrying increase of violence against, abuse and sexual exploitation of children, by ensuring the implementation of applicable laws including through awareness and education programmes targeting more particularly parents, teachers, correctional officers and other relevant professionals (Canada);

101.14. Strengthen the judiciary by improving its functioning, capacity and in particular the election system of the courts and by promoting its full independence from the other State’s powers and, proceed without delay to comprehensively implement the programme for the modernization of the judicial system (Spain);

101.15. Take steps to guarantee the enjoyment of freedom of expression and freedom to demonstrate (Ghana);

101.16. Take further steps to protect freedom of expression and opinion, in line with its obligations under the International Covenant on Civil and Political Rights (Australia);

101.17. Ensure the full enjoyment of freedom of expression for all and protect the freedom of the media (Slovenia);

101.18. Take steps to create an environment conducive to a free and independent media which allows freedom of expression (United Kingdom of Great Britain and Northern Ireland);

101.19. Incorporate human rights consideration into poverty alleviation projects (Islamic Republic of Iran);

101.20. Envisage extending the mandatory health insurance for civil servants, as necessary, to employees of the private sector (Morocco);

101.21. Ensure that HIV education is systematically included in technical training courses (Islamic Republic of Iran);

101.22. Take measures to ensure free and compulsory primary education (Brazil);

101.23. Codify existing policies regulating the granting of asylum and refugee status (United States of America).

102. The following recommendations will be examined by Togo, which will provide responses in due time, but no later than the nineteenth session of the Human Rights Council in March 2012:
102.1. Consider acceding to the optional Protocol to the Convention on the Elimination of all Forms of Discrimination against Women (Brazil);

102.2. Ratify or accede to, where appropriate, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women (Uruguay);

102.3. Ratify the Optional Protocol to the Convention on the Elimination of all Forms of Discrimination against Women (United Kingdom of Great Britain and Northern Ireland);

102.4. Ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women (Hungary);

102.5. Pursue its efforts in order to complement its commitments towards the promotion and protection of human rights by ratifying the relevant international instruments and, in particular, the 1960 UNESCO Convention Against Discrimination in Education (Republic of Moldova);

102.6. Ratify the UNESCO Convention Against Discrimination in Education (Hungary);

102.7. Study the possibility to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Argentina);

102.8. Extend an open and standing invitation to all Special Procedures (Spain);

102.9. Extend a standing invitation to all Special Procedures of the Human Rights Council (Uruguay);

102.10. Consider extending a standing invitation to all Special Procedures of the Human Rights Council (Latvia).

103. The recommendations below did not enjoy the support of Togo:

103.1. Sign and ratify at the earliest the Rome Statute of the International Criminal Court (France);

103.2. Ratify or accede to, where appropriate, the Rome Statute of the International Criminal Court (Uruguay);

103.3. Ratify the Statute of Rome on the International Criminal Court (United Kingdom of Great Britain and Northern Ireland);

103.4. Consider acceding to the Rome Statute of the International Criminal Court (Brazil);

103.5. Ratify the Rome Statute of the International Criminal Court, including the accession the Agreement on the Privileges and Immunities (Slovakia);

103.6. Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (Spain);

103.7. Amend legislation to ensure that sexual orientation and gender identity are included as prohibited grounds for discrimination (Canada);

103.8. Strengthen the measures aimed at prohibiting discrimination based on sexual orientation (Argentina);

103.9. Repeal legislation criminalising homosexuality, and introduce policies aimed at ending discrimination against homosexuals (Australia);
103.10. Consider decriminalizing sexual relations between consented adults of the same sex (Brazil);

103.11. With respect to the situation of the rights of Lesbian, Gay, Bisexual and Transgender people, adopt policy and legislative measures to establish a specific framework for the protection against discrimination based on sexual orientation, together with the suppression of penal provisions which criminalize sexual relations between consented adults of the same sex and; launch public awareness-raising campaigns on this issue (Spain).

104. All conclusions and recommendations contained in the present report reflect the position of the submitting States and the State under review. They should not be construed as endorsed by the Working Group as a whole.
Annex

Composition of the delegation

The delegation of Togo was headed by Mme Léonardina Rita Doris WILSON-de SOUZA, Ministre des Droits de l'Homme, de la Consolidation de la Démocratie et de la Formation Civique, and composed of the following members:

- Maître Tchitchao TCHALIM, Garde des Sceaux, Ministre de la Justice, Chargé des relations avec les Institutions de la République, membre;
- M. Kwesi Séyégodji AHOOMEY-ZUNU, Ministre du Commerce et de la Promotion du Secteur Privé, membre;
- Maître Yacoubou Koumadjo HAMADOU, Ministre des Arts et de la Culture, membre;
- M. Caliste Batossi MADJOUHBA, Ambassadeur du Togo en France, membre;
- Mme Nakpa POLO, Directrice Générale des Droits de l’Homme au Ministère des Droits de l’Homme, de la Consolidation de la Démocratie et de la Formation Civique, Membre de la Commission Interministérielle de Rédaction des rapports Initiaux et Périodiques (CIRR), membre;
- Mme Badabossia AZAMBO-AQUITEME, Directrice Générale de la Promotion de l’Enfant au Ministère de l’Action Sociale et de la Solidarité Nationale, Membre de la Commission Interministérielle de Rédaction des rapports Initiaux et Périodiques (CIRR), membre;
- M. Garba Gnambi KODJO, Directeur de l’Administration Pénitentiaire et de la Réinsertion au Ministère de la Justice, Chargé des relations avec les Institutions de la République, Membre de la Commission Interministérielle de Rédaction des rapports Initiaux et Périodiques (CIRR), membre;
- M. Kokou MINEKPOR, Directeur de la législation et de la protection des droits de l’Homme au Ministère des Droits de l’Homme, de la consolidation de la Démocratie et de la Formation Civique, Membre de la Commission Interministérielle de Rédaction des rapports Initiaux et Périodiques (CIRR), membre;
- Commandant Bamana BARAGOU, Conseiller au Ministère de la Sécurité et de la Protection Civile, Membre de la Commission Interministérielle de Rédaction des rapports Initiaux et Périodiques (CIRR), membre;