



# TOGO

COI Compilation  
August 2016

United Nations High Commissioner for Refugees  
Representation in Ghana  
Regional Representation for West Africa (RSD Unit)



UNHCR Representation in Ghana  
UNHCR Regional Representation for West Africa (RSD Unit)

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COI Compilation  
August 2016

This report collates country of origin information (COI) on Togo up to 25 August 2016 on issues of relevance in refugee status determination for Togolese nationals.

The report is based on publicly available information, studies and commentaries. It is illustrative, but is neither exhaustive of information available in the public domain nor intended to be a general report on human-rights conditions. The report is not conclusive as to the merits of any individual refugee claim.

All sources are cited and fully referenced. Users should refer to the full text of documents cited and assess the credibility, relevance and timeliness of source material with reference to the specific research concerns arising from individual applications.

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## List of Abbreviations

CAP – Combat for Political Change - Combat pour l’alternance politique

CAR – Comité d'Action pour le Renouveau

CNDH – National Human Rights Commission (Commission Nationale des Droits de l'Homme)

CPA – Comprehensive Political Accord

CDPA – Democratic Convention of the African People party (Convention démocratique des peuples africains)

ECOWAS – Economic Community of West African States

GPA – Global Political Agreement

ICCPR – International Covenant on Civil and Political Rights

LGBTI – Lesbian, Gay, Bisexual, Transgender and Intersex

NPM – National Preventive Mechanism

OHCHR – UN Office of the High Commissioner for Human Rights

OPCAT – Optional Protocol to the Convention against Torture

RTP – Rassemblement du peuple togolais

SPT – Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment

TJRC – Truth, Justice, and Reconciliation Commission

UFC – Union des Forces du Changement

UNIR – Union for the Republic (Union pour la République)

## 1 Background Information

The Togolese Republic is a country in Western Africa comprising a long strip of land and bordering Ghana to the west, Burkina Faso to the north, and Benin to the east. With a total area of 56,785 km<sup>2</sup>, the country's population stands at 7,556,937. (CIA, 3 November 2016) According to the US Central Intelligence Agency, World Fact Book:

“Togo's population is estimated to have grown to four times its size between 1960 and 2010. With nearly 60% of its populace under the age of 25 and a high annual growth rate attributed largely to high fertility, Togo's population is likely to continue to expand for the foreseeable future” (CIA, 3 November 2016).

### 1.1 Historical Background

#### 1.1.1 Formation of the State and Gnassingbé Eyadéma Presidency

On April 27, 1960 Togo gained independence. The country was able to retain a close relationship with France and established economic links with other former French colonies (*Minorities at Risk Project, 2004*). In 1961, the former prime minister of Togo, Sylvanus Olympio, became the country's first president under a constitution granting him extensive presidential powers. Togo became a one-party state. (*Encyclopedia Britannica, 2016*).

With regard to Togo's first years following independence, the UK Home Office's Country of Origin Information on Togo refers to the UK Foreign and Commonwealth Office's Country Profile of Togo, which states:

“Olympio was killed in 1963 in a military coup led by then Sergeant Etienne Gnassingbe Eyadema. Eyadema invited Olympio's brother-in-law Nicolas Grunitzky to form a civilian government. However, the military refused to allow a multiparty political system to develop, and Eyadema eventually took full power in 1967, creating a one party state under a new political party, the Rassemblement du Peuple Togolais, (RPT) in 1969.” (*UK Home Office, February 2008, p. 7*)

Still according to the UK Foreign and Commonwealth Office, Eyadema's rule was considered “dictatorial”, and “[a]ll independent political activity was repressed.” (*UK: Home Office, 5 February 2008, p. 7*). At the height of his despotic regime, Reporters Without Borders (RWB) explain, “all criticism of the regime was treated as a crime of state.” (*RWB, 5 January 2010*).

According to Minority Rights Group International (MRG):

“Gnassingbé Eyadéma ruled through an extensive patronage system, financed largely through phosphate mining, and relied on his Kabyé-dominated military to intimidate political opponents. His government relied on an alliance between the Kabyé and southern groups, excluding Éwé. This alliance also excluded such northern groups as the Muslim Kotokoli, the Bassari, and the Konkomba. Eyadéma's ethnic favouritism heightened ethnic tensions. He developed a road network into the country's north and pursued free trade policies that made him palatable to the international community.

Ironically, his foreign backers justified Eyadéma's personal rule as a necessity for national unity." (MRG, 2007)

Reporting on President Eyadéma's thirty eight years of rule, The Guardian provided the following overview in a February 2005 article:

"To consolidate his regime, Eyadema founded a political party, the Rassemblement du Peuple Togolais in 1969, and gave his rule a form of constitutionality as a one-party state. No elections were held until the 1980s. [...]

He also sought an international reputation as a bridge between francophone and anglophone Africa, by helping, in partnership with Nigeria, to build the Economic Community of West African States (Ecowas) in 1975, and by offering Lomé, as the venue of four trade and aid conventions with the EEC from 1975 to 1990." (Guardian, 7 February 2005)

A background note from the United States Department of State (USDS) further discusses President Eyadéma's government throughout the 1980's and 1990's as follows:

"In late 1979, Eyadema declared a third republic and a transition to greater civilian rule with a mixed civilian and military cabinet. He garnered 99.97% of the vote in uncontested presidential elections held in late 1979 and early 1980. A new constitution also provided for a national assembly to serve primarily as a consultative body. On September 23, 1986, a group of some 70 armed Togolese dissidents crossed into Lomé from Ghana in an unsuccessful attempt to overthrow the Eyadema government. However, this failed and in December Eyadema was reelected to a third consecutive 7-year term with 99.5% of the vote in an uncontested election.

In 1989 and 1990, Togo, like many other countries, was affected by the winds of democratic change sweeping eastern Europe and the Soviet Union. On October 5, 1990, the trial of students for distributing antigovernment tracts sparked riots in Lomé. Antigovernment demonstrations and violent clashes with the security forces marked the months that followed. In April 1991, the government began negotiations with newly formed opposition groups and agreed to a general amnesty that permitted exiled political opponents to return to Togo. After a general strike and further demonstrations, on June 12, 1991, the government and opposition signed an agreement to hold a 'national forum'." (USDS, 17 February 2012)

### 1.1.2 Political Turmoil in the 1990s

Regarding Togo's political developments in the 1990's, a State Party report submitted by Togo to the Committee on the Elimination of Racial Discrimination (CERD) notes:

"The early 1990s were marked by social and political unrest and demands for political change based on the introduction of democracy and a multiparty system. These demands resulted in the holding of a national conference in July and August 1991. The National Conference established the transitional bodies responsible for conducting democratic elections and drafted the Constitution of the Fourth Republic, which was adopted by referendum in October 1992. (CERD, 26 September 2007, p. 7)

The same report contains the following information with regard to inter-ethnic tension during that period:

“During the period of transition to democracy, inter-ethnic strife led to several deaths in Barkoissi, Sotouboua, Bassar, Bodjé and Médjé and to the expulsion of groups in certain areas where they had been living in perfect harmony for decades. In this political violence, houses and public buildings - that is, public and private property - were destroyed. While such behaviour was easily attributed to ethnic intolerance, this was in fact, not often the case, since much of the destruction of property was the result of political intolerance rather than tribal hatred” (*CERD, 26 September 2007, p. 8*)

The Economist Intelligence Unit (EIU) provides extensive coverage of the political unrest:

“Following a spate of violent demonstrations and growing international pressure for democratic change, Mr Eyadema convened a national conference in 1991 to prepare for multiparty democratic elections and the writing of a new constitution. A multiparty transitional government was appointed, and presidential powers were curtailed. However, Mr Eyadema, backed by the army, engaged in a power struggle with the transitional government, and in the ensuing violence 250,000 Togolese fled the country in the first half of 1992. Fresh talks restored calm (and some presidential powers), and the electorate approved a new democratic, multiparty constitution in a referendum in September 1992. However, Mr Eyadema delayed implementing the deal, sparking new protests, before agreeing to hold a presidential election in August 1993. Mr Eyadema was re-elected, but the main opposition parties had refused to participate and turnout was just 36%. Most international observers rejected the result, and the EU suspended its financial assistance.” (*EIU, 2007, p. 4*)

With reference to the electoral process in Togo during the early 1990's, the Consortium for Elections and Political Process Strengthening (CEPPS) notes the following:

“Since the return to multiparty rule in 1991, elections in the country have been characterized by military intimidation and partisan administration of the process. Over the years, opposition parties and civil society groups have repeatedly expressed concerns about issues such as the legal framework, unequal access to the media, the validity of the voters list, the announcement and tabulation of results and efforts to prevent party agents and nonpartisan domestic observers from monitoring and reporting on the process.” (*CEPPS, 2005, p. 6*)

An article published by The Telegraph in February 2005 states that international pressure led the president to call for presidential elections in 1998:

“When international demands forced many African states to observe democratic standards and dictators began to fall, Eyadema called a presidential election in 1998. Many died as he attempted to rig the poll, and when the voting began to go against him he put an abrupt end to the process “in the interests of national security”. Amnesty International reported a persistent pattern of killings, disappearances, torture and arbitrary arrests.” (*Telegraph, 8 February 2005*)



### 1.1.3 Faure Gnassingbé Presidency and Later Developments

After serving thirty eight years in office, President Gnassingbé Eyadéma passed away on 5 February 2005 (*IRIN, 5 February 2005*). According to USDS, “[i]n an unconstitutional move, the military leadership swore in Faure Gnassingbé, the late President Eyadéma's son, as president.” (*USDS, 31 October 2011*). The same source comments the following:

“Immediate condemnation by African leaders followed by sanctions of the Economic Community of West African States and the African Union combined with pressure from the international community led finally to a decision on February 25 for Faure Gnassingbe to step down. Protest efforts by the public included a large demonstration in Lome that was permitted to proceed peacefully. Prior to stepping down, Faure Gnassingbe was selected as leader of the ruling party and named as a candidate in the announced presidential elections to choose a successor to Eyadema. [...]

Deeply flawed elections held in April 2005 were marred by violence and widespread accusations of vote tampering, causing tens of thousands of Togolese to flee to neighboring Benin and Ghana. Faure Gnassingbe was pronounced the winner and was pressed by the international community--including regional heads of state--to form a government of national unity, including key opposition figures.” (*USDS, 31 October 2011*)

BBC News also notes, with regard to the 2005 elections, “[t]he 2005 elections were overshadowed by fraud allegations and violent protests which left at least 400 people dead.” (*BBC News, 23 April 2015*)

Regarding the state of violence that followed the 2005 elections, UNHCR’s position paper published in August 2005 states the following:

“The presidential election took place on 24 April 2005 in relative calm. However, on 26 April 2005, when the results of the election were published declaring Faure Gnassingbé as the winner, thousands of Togolese (mostly the youth of the radical opposition coalition) went to the streets to voice their frustration. The tension increased further on 27 April 2005, when Emmanuel Bob Akitani, the presidential candidate of the opposition proclaimed himself as President of Togo, calling for resistance against the ruling power. As a result, violence escalated in the streets of Togo, particularly in Lomé and other major cities, with deliberate acts of violent repression by the army, targeting the militants and supporters of the opposition. Reliable sources reported that at least one hundred persons were killed and 2,000 injured.” (*UNHCR, 2 August 2005, p. 1*)

In a March 2009 Report of the Special Rapporteur on the Situation of Human Rights Defenders on her mission to Togo to the United Nations General Assembly, 28 July to 4 August 2008, she outlines the engagement of the UN High Commissioner for Human Rights (OHCHR) in Togo:

“In June 2005, the High Commissioner for Human Rights decided to establish a mission of enquiry to look into allegations of human rights violations in Togo committed from 5 February to 5 May 2005. The mission was headed by a Special Envoy appointed by the High Commissioner, who assessed the human rights issues arising from the conduct of the presidential elections of April 2005, verified reports of alleged violations, compiled information on the nature, causes and perpetrators of these violations, and

prepared a report with recommendations aimed at combating impunity for human rights violations and on actions to prevent future violence in general.”

“In September 2005, OHCHR published the mission’s report, which emphasized the need to put an end to the culture of impunity that had prevailed during the 38 years of reign of the former President of Togo. According to the reports, between 400 and 500 people were reportedly killed and thousands wounded in Togo, and State authorities shoulder most of the blame. The mission, *inter alia*, recommended: that the principles of truth, justice and reconciliation must constitute the central foundation of all programmes addressing the crisis in Togo; the total reorganization of the judicial system; the sending of a high level (UN/Economic Community of West African States (ECOWAS)) mission to emphasize the centrality of the human rights issue to the crisis in Togo; and in-depth reform of the army to make it republican and apolitical.”

“In November 2006, OHCHR established a country office to assist the Government in designing policies to implement these recommendations, and more generally, to help build national capacities to protect human rights.” (*HRC, 4 March 2009*)

For further information on the work of the UN High Commissioner for Human Rights in Togo see: *OHCHR in Togo* (2006 – 2007), <http://www.ohchr.org/EN/Countries/AfricaRegion/Pages/TGSummary.aspx>.

For a French version of the UN Report on the Fact Finding mission into the allegations of human rights violations in Togo before, during and after the presidential election of 24 April 2005, see: Report of the Special Envoy, Doudou Diène, endorsed by the High Commissioner (*“La mission d’établissement des faits chargée de faire la lumière sur les violences et les allégations de violations des droits de l’homme survenues au Togo avant, pendant et après l’élection présidentielle du 24 avril 2005”*, 29 August 2005), [http://www.letogolais.com/pdf/Rapport\\_UNU\\_Togo.pdf](http://www.letogolais.com/pdf/Rapport_UNU_Togo.pdf).

In a bid to improve the political situation in the country and prepare for benchmark legislative elections, President Faure Gnassingbé and opposition leaders signed the Global Political Agreement (GPA) in August 2006 (*USDS, 17 February 2012*).

According to IRIN News, “[t]he agreement calls for the creation of a national unity government that will lead Togo to parliamentary elections next year, the abolition of strict eligibility conditions related to one’s country of residence, revision of electoral rolls and equitable access to public media during campaigns.” (*IRIN, 21 August 2006*)

An article by Africa Up Close dating from March 2016 further discusses the political transition that took place in Togo following President Eyadéma’s death in 2005:

“The political transition in Togo, which began after the death of President Gnassingbé Eyadéma in 2005, was marred by violence related to the election of his son, Faure Gnassingbé. Faure Gnassingbé’s win was rejected by many, and hundreds of Togolese lost their lives in post-election unrest. In the aftermath, a dialogue was initiated between politicians, resulting in a 2006 agreement which prescribed, among other things, the creation of a commission to help the Togolese break the half-century long cycle of violence, revenge, and mistrust that characterized the reign of President Gnassingbé

Eyadéma, as well as the election violence set off by the transition. This proposal became reality in 2009 under President Faure Gnassingbé as the 11-member Truth, Justice and Reconciliation Commission (TJRC). Established as an independent body, the commission's presidency was entrusted to Bishop Nicodemus Barrigah-Bénissan of the National Catholic Episcopal Conference of Togo." (*Africa Up Close*, 16 March 2016)

With regard to the Global Political Agreement (GPA), a background note published in February 2012 by the United States Department of State (USDS) explains:

"The GPA provided for a transitional unity government whose primary purpose would be to prepare for benchmark legislative elections. CAR [Comité d'Action pour le Renouveau] opposition party leader and human rights lawyer Yawovi Agboyibo was appointed Prime Minister of the transitional government in September 2006. Leopold Gnininvi, president of the Democratic Convention of the African People party (CDPA), was appointed Minister of State for Mines and Energy. The third opposition party, UFC, [Union des Forces de Changement] headed by Gilchrist Olympio, declined to join the government, but agreed to participate in the National Electoral Commission and the National Dialogue follow-up committee, chaired by Burkina Faso President Blaise Compaore. The legislative elections held on October 14, 2007, in which all opposition parties participated, were declared free and fair by international and national election observers." (*USDS*, 17 February 2012).

Concerning the Truth, Justice, and Reconciliation Commission (TJRC) in Togo, the same *Africa Up Close* article explains:

"The TJRC's mission was to shed light on grave acts of political violence from 1958 to 2005, study the terms of appeasement and compensation for the victims, and formulate recommendations to the government on the fate of perpetrators of grave violations of human rights, on the measures to be taken to avoid similar acts of violence in the future, and, finally, on initiatives to address impunity and strengthen national reconciliation. Between 2009 and 2012, the committee made inquiries, collected 22,415 statements, held 523 hearings, and drafted a final report containing recommendations to guide the reconciliation process. The report was officially submitted to President Faure in April 2012 and was subsequently made public." (*Africa Up Close*, 16 March 2016)

For more information on the Truth, Justice, and Reconciliation Commission (TJRC), please refer to subsection 2.13.2

*Africa Watch's* article published in June 2013 further describes the relationship between the government and the opposition parties as follows:

"Despite repeated attempts at dialogue, including a promising period of inclusive government from 2006 to 2010 ushered in by the Comprehensive Political Accord (CPA) power-sharing agreement, Gnassingbe and the opposition have had increasingly tense relations since 2010. In the run-up to the 2010 presidential elections many factions of the opposition pulled out of the CPA and subsequently launched regular demonstrations to protest the results of the election and demand reforms." (*Africa Watch*, 21 June 2013, p. 1)

Freedom House's 2015 Freedom in the World Report discusses the legislative elections held in 2013:

"In 2013, after much delay, legislative elections were held and considered to be credible and transparent by international observers, though the opposition disputed the results. UNIR won 62 National Assembly seats and 23 of the country's 28 electoral zones, including some opposition strongholds. The opposition CST won 19 seats, the Rainbow Coalition won 6 seats, the Union of Forces for Change (UFC) won 3, and an independent candidate won a seat." (*Freedom House, 19 June 2015*)

With regard to the aftermath of the 2013 elections, the Economist Intelligence Unit (EIU) describes the following:

"Following the legislative election in July 2013, a 27-member government was formed in September 2013; it was dominated by the ruling Union pour la république (UNIR), but also included representatives from the Union des forces de changement (UFC), marking continuity with the previous government of national unity, in which the UFC, formerly a major opposition party, was also represented. Although the UFC has expressed its interest in continuing to participate in government, it is unclear whether the government of the newly appointed prime minister, Komi Sélom Klassou, will include members of the UFC or of other parties." (*EIU, 1 July 2015*)

In April 2015, Faure Gnassingbé was reelected as president of Togo. According to BBC News, the news came to the dismay of his main opponent, Jean-Pierre Fabre, who described the polls as a fraud. Furthermore, "[t]he European Union, Togo's leading international lender, said the election "went off calmly, confirming the Togolese people's attachment to democracy". The African Union and regional bloc ECOWAS also said the vote was free and transparent." (*BBC News, 3 May 2015*)

An article by Al Jazeera describes the opposition's reaction to the 2015 presidential elections:

"Togo's main opposition party has rejected official presidential election results declaring victory for incumbent Faure Gnassingbe with 58.75 percent of the vote, and instead claimed a win for its candidate Jean-Pierre Fabre. [...]"

Fabre had hoped to oust Gnassingbe, who has been in power since 2005 and was seeking a third term of office, as well as bringing an end to nearly 50 years of rule by the president's family." (*Al Jazeera, 29 April 2015*)

Despite the protests from the opposition, Freedom House's Freedom in the World 2016 report explains the following:

"Gnassingbé's support from the military, disproportionate electoral districts, his unwillingness to step down after repeated opposition attempts to pass term limits, and disunity among the opposition all make it improbable that political power will change hands in any meaningful way in the near future." (*Freedom House, 29 June 2016*)

## 1.2 Geography

### 1.2.1 Map



Source: Vidiani, *Togo administrative map with regions capitals greyscale*. [edited]  
 Available at: <http://www.vidiani.com/togo-administrative-map-with-regions-capitals-greyscale/>

#### 1.1.2 Territorial Divisions

The country is divided into five separate administrative divisions called regions. From north to south the regions are: Savanes, Kara, Centrale, Plateaux, and Maritime. The capital and largest city in the country is Lomé (*CIA, 17 June 2016*).

An overview of the regions is provided by the African Union Extraordinary Summit on Maritime Security and Safety and Development in Africa's (AUES) website as follows:

“The Maritime region extends along the coast with its sandy beaches and coconut trees. [...] The western region of the plateaus is known for its outstanding natural environment, characterised by exuberant forests that are like botanical museums of tropical species. [...] The Central region covers an area of about 13,500 km<sup>2</sup>, over 20% of which is protected reserves and forests, including the Fazao National Park Reserve, which covers almost 2,000 km<sup>2</sup>. The city of Sokodé (predominantly Muslim) is the country's second largest city in terms of the number of inhabitants. The central region is home to TEM traditional culture (traditional chieftainships, fire dances and knife dances). [...] The Kara region is of indisputable touristic interest, with stunning areas such as the Koutammakou landscape, listed as a World Heritage Site by UNESCO, authentic communities, diverse landscapes (Kabye Mountains, Cliffs of Défalé) and a remarkably rich folklore among the people who have kept their traditions intact and alive. [...] The far north of Togo consists of exceptionally dull savannah vegetation curiously interspersed with rich green mountains and hyraxes rocks. The area contains rich agricultural assets including palm trees, livestock cattle, and animal traction for the harvesting of crops.” (AUES, 2016)

### 1.3 Government Structure

The United States Department of State (USDS) describes Togo as “a republic governed by President Faure Gnassingbe, whom voters re-elected during the year in a process international observers characterized as generally free and fair.” (USDS, 13 April 2016) According to the same document, during the last parliamentary elections, which took place in July 2013, the ruling UNIR (Unity) party won 62 of 91 seats in the National Assembly. (USDS, 13 April 2016)

A State Party report submitted by Togo to the Committee on the Elimination of Racial Discrimination (CERD) describes the country's Fourth Republic institutions as follows:

“The Constitution establishes a republican form of Government and provides for the separation of the executive, legislative and judicial branches. It also guarantees the independence of the republican and human rights institutions.

Under the Constitution, legislative authority is exercised by a unicameral national assembly. The deputies of the National Assembly are elected by direct and secret universal suffrage. The National Assembly is the country's legislative body and monitors the activities of the Government. The legislative branch is governed by title III of the Constitution.

[The executive] body implements Togo's domestic and foreign policy. The 1992 Constitution of Togo established a semi-parliamentary democracy with a bicephalous executive. The Executive comprises the President of the Republic, elected by direct universal suffrage, and the Prime Minister, appointed by the parliamentary majority. Title IV of the Constitution deals with executive power and title V with relations between the executive and the legislative branches.

The judiciary is independent of the legislative and executive branches (Constitution, art. 113). It is governed by title VIII of the Constitution. It is the body that implements laws

and regulations. In the performance of their duties, judges are subject only to the authority of the law.” (CERD, 26 September 2007, p. 8)

Furthermore, according to a report by the Bertelsmann Stiftung (BTI) published in 2016:

“The prime minister is nominated by the majority group in the unicameral parliament and appointed by the president. However, great deal of power vested in the office of the president makes it difficult for the other sections of government to serve as a counterbalance. The legislature in particular needs much more technical and constitutional authority and capacity if it is to successfully act as a check on the president’s power. In addition, the corrupt judiciary has yet to live up to its constitutional role.” (BTI, 2016, p. 10)

## 1.4 Electoral Process

With regard to Togo’s electoral process, Freedom House’s 2016 Freedom in the World report provides the following overview:

“The president is elected to a five-year term and appoints the prime minister. Despite numerous failed attempts at constitutional reform in 2014, Togo is one of only two countries in the Economic Community of West African States (ECOWAS) without presidential term limits. In April 2015, Gnassingbé won reelection with 59 percent of the vote, a slightly smaller percentage than he received in the 2010 polls. At 61 percent, voter turnout was lower than at any time since Gnassingbé was first elected.

The election was considered largely free and fair by the African Union observer mission. However, opposition critique of the new electronic vote tabulation system and delays in appointing the electoral commission’s vice president – a post that by law must be held by a member of the opposition – until the eve of the vote itself reinforced a lack of public faith in the electoral process. The vote was postponed by 10 days to accommodate voter list revisions called for by ECOWAS. While all presidential candidates were given equal airtime on public media during the election period, Fabre was reportedly prohibited from broadcasting a message viewed as critical of the government.

The 91 members of the unicameral National Assembly are elected to five-year terms. Legislative elections were held in 2013 after much delay. International observers considered them to be credible and transparent, though the opposition disputed the results. Gnassingbé’s Union for the Republic (UNIR) won 62 seats and 23 of the country’s 28 electoral zones, including some opposition strongholds. This result was bolstered by district gerrymandering that heavily favors UNIR. The opposition Save Togo Collective (CST) won 19 seats, the Rainbow Coalition won 6 seats, the Union of Forces for Change (UFC) won 3, and an independent candidate won one seat.” (Freedom House, 29 June 2016)

Freedom House’s 2015 Freedom of the World Report also states that “[a] number of proposed electoral reforms—including changing politically tailored electoral district allocations, instituting a presidential term limit, and increasing the independence of the Constitutional Court—were the focus of negotiations between political parties in the first half of 2014.” (Freedom House, 19 June 2015)

With regard to the political reforms, a report published on the activities of the United Nations Office for West Africa and the Sahel notes:

“In Togo, political, constitutional and institutional reforms have not advanced. However, a road map on decentralization and local elections has been adopted by the Government and is awaiting parliamentary review.” (*UNSC, 23 June 2016, p. 4*)

### 1.4.1 Party System

A 2016 country report by the Bertelsmann Stiftung (BTI) describes the party system in Togo as follows:

“The multi-party system was introduced in 1991. Togo is actually heading towards a two-party system split between the ruling UNIR and the ANC (l’Alliance Nationale pour le Changement). The ANC had itself split from the UFC (l’Union des Forces de Changement) following the lost presidential election of 2010. Meanwhile the UNIR replaced the dissolved of the ruling RPT, the former socialist unity party founded in 1969, in April 2012. [...]

The opposition is split between ‘radical’ and ‘moderate’ wings, descriptive labels which were originally attributed to opposition parties by the government in the 1990s according to their willingness to cooperate with the government. The radical wing, a broad alliance called the Collectif Sauvons le Togo (CST) founded in April 2012, is composed of both political parties and civil society organizations. It is led by the ANC and won 19 seats in the July 2013 legislative elections. In August 2012, a confederation was formed between smaller, more moderate opposition parties. These parties included the Parti Démocratique Panafricain (PDP) led by Bassabi Kagbara, the Convergence Patriotique Panafricaine (CPP) led by the RPT founding member and former Prime Minister Edem Kodjo, the Parti pour la Démocratie et le Renouveau (PDR) led by Zarifou Ayéva and the Nouvel Engagement Togolais (NET) led by Gerry Taama. The formation of this rainbow coalition, called the Arc-en-Ciel, was originally meant to complement the CST. [...] The national uprising against president Compaoré in neighboring Burkina Faso in early November 2014 has encouraged the radical and moderate opposition wings in Togo to unite. After quarreling for a month, the different opposition parties have agreed to back Fabre as the opposition candidate for the upcoming presidential elections. Furthermore, the opposition parties have formed a new, common alliance called the Combat pour l’Alternative Politique en 2015 (CAP).

The party system still mirrors to a considerable extent regional and ethnic divisions. Political parties tend to have readily identifiable ethnic and regional bases.” (BTI, 2016, pp. 13-14)

Freedom House’s 2016 Freedom in the World report contains the following information concerning opposition parties:

“Although opposition parties are free to operate, the structure of the electoral system, including districting and the single round of elections, have helped Gnassingbé and his party remain in power. Internal divisions, as well as district allocations dramatically favoring UNIR, are sources of weakness for the opposition. The results of the 2015 poll added another five years to the Gnassingbé family’s 48-year hold on power.” (*Freedom House, 29 June 2016*)



With regard to the common opposition alliance, CAP, the Immigration and Refugee Board of Canada (IRB) explains:

“In a news report published in October 2014, the Nouvelle Agence de presse (NAP) Afrique-Monde, a news agency based in Lomé (Go Africa Online n.d.), stated that CAP 2015 is an [translation] “alliance of forces of change” established as part of a “conclave” between the Save Togo Collective (Collectif sauvons le Togo, CST) and the Rainbow Coalition (Coalition arc-en-ciel) (NAP Afrique-Monde 31 Oct. 2014). The CST and the Rainbow Coalition are [translation] “two Togolese opposition groups” (Koaci 31 Oct. 2014). A joint statement from the CST and the Rainbow Coalition dated 31 October 2014 states that a “conclave” between political opposition parties was held from 1 August to 31 October 2014 in order to build an alliance and [translation] “find solutions to Togo’s problems” (CST and Rainbow Coalition 31 Oct. 2014). According to this same statement, at the end of these meetings, on 31 October 2014, participants chose Jean-Pierre Fabre as the sole candidate for the 2015 presidential election.” (IRB, 28 July 2015)

## 1.5 Judicial System

Togo’s initial and second, third, fourth and fifth periodic reports to the Committee on the Elimination of All Forms of Discrimination against Women (CEDAW), prepared in 2004, include the following overview of the Togo’s judicial system:

“Togo’s judiciary, independent as it is of the executive and legislative powers, safeguards the individual freedoms and fundamental rights of the country’s citizens. In the exercise of their duties, judges are subject only to the authority of the law (article 113 of the Constitution).

The structure of the judiciary comprises the trial courts, two Courts of Appeal (Lomé and Kara), and the Supreme Court. The judicial power is represented in the prefectures by the ordinary courts. There are 18 of these throughout the country, including one Category I court, six Category II courts and eleven Category III courts.

The Supreme Court is the highest jurisdiction of the State. It comprises two chambers, the Judicial Chamber and the Administrative Chamber. The Judicial Chamber hears appeals from decisions rendered in the last instance by lower courts in civil, commercial and criminal cases. The Administrative Chamber, for its part, hears appeals from decisions rendered in administrative cases and cases arising from local elections. This chamber is not yet operational.

The Constitutional Court rules on the constitutionality of laws and hears cases arising in connection with legislative and presidential elections.

Despite efforts to decentralize the judiciary, in practice many people have no access to justice owing to such factors as distance, lack of means and ignorance.” (*Republic of Togo, 18 March 2004, p. 30*)

Concerning the independence of the judiciary, the 2016 Togo country report by Bertelsmann Stiftung (BTI) states that:

“An independent judiciary exists mainly on paper. The Supreme Court and Constitutional Court, the latter inaugurated only in 1997, are dominated by members loyal to the Gnassingbé clan and the ruling party. Various decisions, including decisions on the outcome of elections and the exclusion of nine ANC MPs from parliament in November 2010, have demonstrated a biased tendency within the courts to favor the president, his clan and ruling party. In September 2014, the president and the UNIR majority in parliament, boycotted by the opposition, re-elected most of the incumbent Constitutional Court judges, including its president Abdou Assouma. [...]

There is a serious discrepancy between constitutional law in theory and in practice. A separation of powers between the judicial and executive branches (attorney and police) of the law is basic. The president of Togo’s Judges’ Professional Association (APMT) complained, at the association’s plenary at the end of 2008, that the Togolese people have to suffer a two-tier judicial system. One for the poor and one for those who are able to buy the judges’ conscience. A World Bank survey of businesses (2010) revealed that 60% of respondents believed that the courts were neither impartial nor free from corruption. Moreover, it is still necessary to belong to influential networks, dominated by the ruling party, in order to be nominated for an influential judicial position. It is even difficult for an independent lawyer to run a law firm, because his chances of winning a court case are much lower than for a lawyer associated to the ruling party.” (*BTI, 2016, p. 11*)

The Special Rapporteur on the situation of human rights defenders also reported on Togo’s judicial system:

“In 2008, the Special Rapporteur underlined the efforts made by the authorities to strengthen the judicial system through the five-year reform programme, which was intended to address major shortcomings, including the lack of independence of the judiciary, access to justice and capacity of magistrates. She expressed her concern at reports of indirect and direct intimidation of magistrates in rural areas and nepotism in the nomination and promotion of magistrates.

During the follow-up visit, the Special Rapporteur observed that important challenges remained before the judicial system, including the above-mentioned issues. She took note of the information provided by the authorities about the adoption of the Statute of Magistrates, the law on legal aid, the setting-up of a training centre for justice professionals (centre de formation des professions de justice (CFPJ)), the construction of new prisons, and the creation of new jurisdictions. She welcomes the information, which indicated that a study on access to justice was being conducted.

With regard to the independence of the judiciary, the Special Rapporteur noted the creation of the Superior Judicial Council and the General Inspectorate of Judicial Services. She was pleased to learn about initiatives to improve the working conditions of judges at the Supreme Court level, and to strengthen their capacities and access to necessary resources.” (*HRC, 26 February 2014, p. 5*)

The same CEDAW report also explains that “Togo has a number of non-judicial mechanisms for the protection and promotion of human rights”, including the National Human Rights Commission (CNDH), the General Directorate for Human Rights, and a number of NGOs and associations concerned with the promotion of human rights. (*CEDAW, 18 March 2004, pp. 31-32*)

For more information on access to justice, please refer to subsection 2.11.3 of this compilation.

### 1.5.1 National Human Rights Commission

Human Rights Watch (HRW) describes the creation of the National Human Rights Commission (CNDH) as follows:

“The Commission Nationale des Droits de l'Homme [National Human Rights Commission] (CNDH) began inauspiciously. It was launched by two lawyers who were closely allied with the President - Aboudou Assouma, a prosecuting magistrate in Lomé who is now a Constitutional Court judge, and Yao Agboyibor, then president of the bar association and now a member of the political opposition. Since 1985, Yao Agboyibor had defended Togo internationally against accusations of human rights abuses. In 1987, Yao Agboyibor and Aboudou Assouma represented Togo at the U.N. Commission on Human Rights. On their return from Geneva, they proposed the human rights commission to President Eyadema, largely as a means of "responding to the wishes of the international community," according to Aboudou Assouma. President Eyadema responded positively. "I'm a soldier," he reportedly told Assouma, "you tell me what to do." Aboudou Assouma returned to Geneva to gather necessary documents while Yao Agboyibor began the task of drafting the law. On June 9, 1987, the law was promulgated. The CNDH was officially inaugurated with Yao Agboyibor as its president and Aboudou Assouma as the vice-president on October 21, 1987.” (*HRW, 1 January 2001*)

Amnesty International's (AI) 2016 submission to the UN Universal Period Review discusses the independence of the commission following the enactment of a new law in March 2016:

“Togo accepted recommendations aimed at strengthening the National Human Rights Commission. Yet, in March 2016, the National Assembly adopted a law to enable the President of the Republic to appoint members of the Commission without parliamentary oversight, which raises serious concerns about its independence. In 2012, the government falsified the report prepared by the Commission following its investigation into torture claims made by Kpatcha Gnassingbé and his co-detainees. In February 2012, Koffi Kounté, President of the Commission, received threats from the entourage of the Head of State after he refused to endorse the falsified report.” (*AI, 4 May 2016a, p. 4*)

A 2016 report on the activities of the United Nations Office for West Africa and the Sahel also notes, “[i]n Togo, on 11 March, the National Assembly adopted a bill on the composition and functioning of the National Human Rights Commission.” (*UNSC, 23 June 2016, p. 8*)

### 1.6 Law-enforcement Agencies

The United States Department of State's (USDS) 2015 Country Report provides information on the Togolese national police and gendarmerie:

“The national police and the gendarmerie are responsible for law enforcement and maintenance of order within the country, and the gendarmerie is responsible for migration and border enforcement. The National Intelligence Agency provided intelligence to police and gendarmes but, in contrast with previous years, did not have internal security or detention facility responsibilities. Police are under the direction of the Ministry of Security and Civil Protection (MSPC), which reports to the prime minister. The gendarmerie falls

under the Ministry of Defense but also reports to the MSPC on many matters involving law enforcement and security. The Ministry of Defense, which reports directly to the president, oversees the military.” (USDS, 13 April 2016)

A 2016 country report by the Overseas Security Advisory Council (OSAC) also describes the national police force and the gendarmerie as follows:

“Policing is based on the French system. There is a national gendarmerie, which is part of the armed forces and is directed by the Minister of Defense; a national police force under the authority of the Minister of Interior Security and Civil Protection; and the police of Lomé, responsible for policing the neighborhoods of the capital. All units play a role and share loosely defined responsibilities for internal security of the country, and police and gendarmes often work together. Military personnel are sometimes assigned to work in or with police and gendarme personnel for security matters.” (OSAC, 2 May 2016)

The 2016 report by the Bertelsmann Stiftung (BTI) further explains:

“The army, gendarmerie and police are loyal to the incumbent government, though internal rivalries are not unknown. This loyalty goes back to historically strong ethnic (Kabyè) and interpersonal links between the army leadership and the extended presidential family. The power struggle within the Gnassingbé clan and between hardliners and modernizers in the security forces as well as in the ruling party (RPT) was temporarily decided in favor of the president.” (BTI, 2016, p. 5)

## 1.7 Language, Culture and Religion

The main languages spoken in Togo are French (official), Ewe and Kabye [sometimes spelled Kabiye] (*Minority Rights Group International, 2007*). Other languages spoken in Togo include: Mina and Dagoma. (CIA, 3 November 2016) There are 37 main tribes in the country, the largest and most important of which are the Ewe, Mina, and the Kabre. Europeans and Syrian-Lebanese correspond to less than 1% of the population. (CIA, 3 November 2016)

Minority Rights Group International’s (MRG) World Directory of Minorities and Indigenous Peoples briefly states with regard to the ethnic groups in Togo:

“There are between 20 and 40 different ethnic groups in Togo, depending on differing classifications. No group has a numerical majority. A northern group, the Kabyé, has dominated the country’s politics, and is the second largest group in Togo (after the Éwé), with some 12 per cent of the population. Northern Togo, where Kabyé are concentrated, is more ethnically diverse than the south. Other northern groups include the Moba, Kotokoli, Bassari, Hausa and Konkomba. One of Togo’s most homogeneous ethnic groups, Moba inhabit rich agricultural lands in north Dapaong area and speak a dialect influenced by the More language of the Mossi of Burkina Faso.” (MRG, 2007)

The Immigration and Refugee Board of Canada (IRB) describes Togo’s major ethnic groups, the Kabiye and the Ewe, as follows:

“The Kabiye [spelt "Kabile" or "Kabye" in other sources] and Ewe are Togo’s major ethnic groups [...]. Comprising over 20 per cent of Togo’s population, the Ewe are the largest ethnic group in the south, whereas President Eyadema’s Kabye group, which

forms over 10 per cent of the population, is the largest ethnic group in the north (Country Reports 2001, 2002). The Ewe and the Ewe/Mina and Kabiye languages are the only two used in the educational system.” (*IRB*, 22 March 2002)

Reporting on the north-south divide phenomenon in Togo, an article published by the Center for Democracy and Development (CDD) explains:

“Togo’s population comprises 37 different ethnic groups, but is primarily characterised by a north-south divide. The southern population is dominated by the Ewé, making up some 45% of the total Togolese population. [...]

The north is populated by various ethnic groups, foremost of which are the Kotokoli and the Kabré, [also referred to as Kabiye or Kabye in other sources] making up around 30% of the total population. Most of them are poor peasants inhabiting the Sokode, Baffilo and Kara region. The north is also home to the Lamba, the Losso and the Tchokossi (Muslim migrants from Cote d’Ivoire during the 18th century).” (*CDD*, 28 November 2000)

For more information on ethnic tensions, please refer to subsection 2.8 of this compilation.

As regards, Christians form 29% of the population, Muslims 20%, and the remaining 51% follow indigenous beliefs 51%. (*CIA*, 3 November 2016). Information available in the African Union Extraordinary Summit on Maritime Security and Safety and Development in Africa’s (AUES) website summarizes the following:

“Togo is a melting pot for all kinds of beliefs: Christianity, Islam, Animism and Voodoo. Despite the ingress of Christianity and Islam, the population remains deeply attached to their animistic beliefs and their ancestral customs. Almost all of the ethnic groups in Togo believe in the existence of a Higher Being as well as of intermediate deities, who act as intermediaries between humankind and the Divinity. These intermediate deities can have their own followers and even convents or monasteries dedicated to them. Families often have altars in their homes, and make regular sacrifices for them to ensure the protection of the deities over the family.” (*AUES*, 2016)

Concerning the geographical distribution of religious groups, the 2015 United States Department of State’s (USDS) report on religious freedom states that:

“Most Muslims live in the central and northern regions. Christians live mainly in the southern part of the country. The Muslim Union of Togo reports a large surge in immigrants from Muslim countries every year, but the government does not collect the statistics that would verify such reports.” (*USDS*, 14 October 2015)

For more information on freedom of religion, please refer to subsection 2.14 of this compilation.

## 1.8 Socio-economic Situation

### 1.8.1 Economic Development

Economic indicators		2005	2010	2013	2014
GDP	\$ M	2115.2	3172.9	4338.6	<b>4518.4</b>
GDP growth	%	1.2	4.0	5.1	<b>5.7</b>
Inflation (CPI)	%	6.8	1.8	1.8	<b>0.2</b>
Unemployment	%	7.1	7.0	6.9	-
Foreign direct investment	% of GDP	4.5	3.9	1.9	-
Export growth	%	9.4	6.7	7.1	<b>41.0</b>
Import growth	%	-10.1	0.3	18.8	<b>21.4</b>
Current account balance	\$ M	-203.9	-199.7	-	-
Public debt	% of GDP	91.7	50.0	50.1	<b>58.7</b>
External debt	\$ M	1686.9	1284.6	903.4	-
Total debt service	\$ M	21.3	37.0	54.2	-
Cash surplus or deficit	% of GDP	-5.7	0.6	-	-
Tax revenue	% of GDP	13.9	15.7	-	-
Government consumption	% of GDP	11.5	9.0	14.6	<b>14.6</b>
Public expnd. on education	% of GDP	3.4	4.4	4.4	-
Public expnd. on health	% of GDP	1.9	3.8	4.5	-
R&D expenditure	% of GDP	-	0.25	-	-
Military expenditure	% of GDP	1.6	1.8	-	-

Source: Bertelsmann Stiftung (BTI): *BTI 2016 – Togo Country Profile*, 2016, p. 18, available at: [https://www.bti-project.org/fileadmin/files/BTI/Downloads/Reports/2016/pdf/BTI\\_2016\\_Togo.pdf](https://www.bti-project.org/fileadmin/files/BTI/Downloads/Reports/2016/pdf/BTI_2016_Togo.pdf)

The Center for Democracy and Development (CDD) summarizing Togo's economic development is provided by a November 2010 article:

“The Togolese economy has gone through three distinct development phases since the start of the colonial period in 1884. The first expansive period came under the German colonial era (from 1884-1914) during which basic infrastructure was developed and some industrialisation introduced. The Germans aspired to develop Togo as a showcase self-sufficient colony. A plantation economy was developed in the south leading to exports of coffee, cocoa, palm products and cotton. Transportation for shipment was facilitated by the construction of Togo's first three railway lines. [...] The Anglo-French partition of the colony after World War I and the global economic recession of the 1930s led to stagnation of economic development.

The second period of economic growth came after World War II when the western part of Togo was attached to the administration of the prosperous British Gold Coast, and the eastern part was boosted by French development assistance.

The third expansive phase started with the sudden boom in phosphate prices in 1974 in which world market price for phosphates increased Togo's earning from phosphate exports fivefold. Both France and Germany increased their development aid to Togo in the 1970s, and fuelled by the short-term boom in the export price of phosphate in 1974, the Togolese economy witnessed a period of growth in the late 1970s. New state and private businesses were started and, despite the authoritarian military regime, liberal economic conditions allowed cross-border trade and smuggling to continue unchecked, which spurred new economic activity and made it possible to initiate a development policy in the north for the first time. The economic boom resulting from the high phosphate prices between 1974 and 1976 paradoxically led to economic decline following the nationalisation of major industries in Togo." (*CDD, 28 November 2000*)

Concerning Togo's level of socioeconomic development, a 2016 report by the Bertelsmann Stiftung (BTI) states that:

"The current socioeconomic situation in Togo is precarious. According to the HDI 2013, Togo scored 2.8 out of 10 for overall life satisfaction, the lowest score of any of the 149 countries measured. Overall, Togo ranked 159 out of 187 for 2012, an increase of one place on 2011. Although GNI per capita improved to \$530 for 2013, 59% of the population lived in conditions of poverty in 2011, a slight decrease on the 62% in 2006.

[...]

The distribution of regional and inter-household income inequality is increasing, with a current Gini coefficient of 34.4% (HDI 2013). The adult literacy rate for the period 2005 to 2010 was 57.1%, with about 30% of the adult population having received secondary education by 2010" (*BTI, 2016, p. 17*)

A 2012 report by the World Bank notes that 73 percent of Togo's rural population and 91 percent of the northern Savanes region live below the poverty line." (*World Bank, 29 June 2012, paras. 28, 30*).

The Committee on Economic, Social and Cultural Rights (CESCR) provides the following information with respect to the minimum wage in Togo:

"The Committee notes with concern the very low level of the minimum wage and of the wages paid in the public sector. It considers to be a matter of even greater concern the fact that the minimum wage does not apply to rural workers, domestic workers or workers in the informal sector (art. 7)." (*CESCR, 2 June 2013, p. 4*)

Togo has relatively few resources and relies heavily on the mining of phosphates, backed by small cocoa, coffee and cotton crops (*Telegraph, 8 February 2005*). A fourth of Togolese land is farmed and agriculture employs about two thirds of the work force. (*CIESIN, n.d.*)

According to the CIA World Factbook, "Cocoa, coffee, and cotton generate about 40% of export earnings with cotton being the most important cash crop. Togo is among the world's

largest producers of phosphate and seeks to develop its carbonate phosphate reserves.” (CIA, 16 June 2016)

The same source provides the following information regarding the government’s effort to implement economic reforms:

“The government's decade-long effort, supported by the World Bank and the IMF, to implement economic reform measures, encourage foreign investment, and bring revenues in line with expenditures has moved slowly. Togo completed its IMF Extended Credit Facility in 2011 and reached a Heavily Indebted Poor Country debt relief completion point in 2010 at which 95% of the country's debt was forgiven. Togo continues to work with the IMF on structural reforms. Progress depends on follow through on privatization, increased openness in government financial operations, progress toward legislative elections, and continued support from foreign donors.

Togo's 2015 economic growth remained steady at 5.4%, largely driven by infusions of foreign aid, infrastructure investment in the port and mineral sectors, and improvements in the business climate. Foreign direct investment inflows have slowed in recent years.” (CIA, 16 June 2016)

A 2012 United States Department of State (USDS) background note on Togo further notes:

“Togo is one of 16 members of the Economic Community of West African States (ECOWAS). The ECOWAS development fund is based in Lome. Togo also is a member of the West African Economic and Monetary Union (UEMOA), which groups eight West African countries using the CFA franc; the eight countries are Benin, Burkina Faso, Cote d'Ivoire, Guinea-Bissau, Mali, Niger, Senegal, and Togo. The West African Development Bank (BOAD), which is associated with UEMOA, is based in Lome. ECOBANK, a pan-African private bank, also has its headquarters in Lome. Togo long served as a regional banking center, but that position has been eroded by the political instability and economic downturn of the early 1990s. Historically, France has been Togo's principal trading partner, although other European Union countries are important to Togo's economy.” (USDS, 17 February 2012)

### 1.8.2 Urban Violence, Banditry, Criminality

The United States Department of State’s (USDS) 2015 Country Report on Togo discusses the police’s efforts to respond to societal violence:

“Police often failed to respond to societal violence. During the second half of the year, the media reported several killings of suspected thieves by lynch mobs in Lome. Security forces either were not aware of these incidents or did not arrive in time to stop them. This included the killing of a suspected motorbike thief outside the national stadium in December.” (USDS, 13 April 2016)

A 2016 country report by the United States Department of State’s Overseas Security Advisory Council (OSAC), describes the issue of criminality in Togo as follows:



“A majority of the crimes are crimes of opportunity (petty theft, residential/commercial burglaries, snatch-and-run theft of purses/bags). In recent years, Togo has seen high levels of violent crime, including the use of machetes/knives, firearms, and makeshift weapons, and the use of ruses or trickery to lure in a victim. Foreigners are targeted for robbery. There have been sophisticated armed robberies, often committed by organized transnational criminal groups. Criminals themselves are sometimes targeted for vigilante justice or lynching. There are incidents of carjackings and other violent crime on the roads. Theft while riding in taxis is common, as thieves steal bags, wallets, and passports. Crime at the public beaches includes thefts and robberies, and foreigners are targeted quickly, even at daytime. Pickpocketing incidents and theft are common, especially along the beach and in the market areas of Lomé.” (OSAC, 2 May 2016)

## 2 Human Rights Situation

Discussing the main human rights issues in Togo, the United States Department of State's (USDS) 2015 Country Report on Human Rights Practices states the following:

“The main human rights problems included overcrowded, harsh, and life-threatening conditions in prisons, lengthy pretrial detention, and official corruption and impunity.

Other human rights abuses included executive influence on the judiciary; government restrictions on freedom of press and assembly; rape, violence, and discrimination against women; child abuse, including female genital mutilation/cutting (FGM/C) and sexual exploitation; and trafficking in persons. Official and societal discrimination persisted against persons with disabilities, regional and ethnic groups, and lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons. Child labor, including forced child labor, was a problem.

The government took limited steps to prosecute or punish officials who committed abuses.” (USDS, 13 April 2016)

A July 2015 article by the Human Security Centre (HSC) discusses Togo's ratification of relevant international human-rights instruments:

“In the last decade Togo has become a party to several major human rights conventions, including the International Covenant on Civil and Political Rights (ICCPR), and the Convention against Torture, which has represented a huge step forward in terms of Togo's respect for international human rights obligations.

The Constitution of Togo illustrates, at a national level, Togo's respect for its peoples' human rights. Article 50 states that the rights and duties enshrined in the Universal Declaration of Human Rights and under other international human rights instruments ratified by Togo are deemed to be part of the Constitution. All international instruments ratified by Togo receive immediate validity, according to Article 140, and international instruments take precedence in the event of a conflict with national law.” (HSC, 17 July 2015)

Also concerning Togo's adherence to international human rights treaties, Amnesty International's (AI) 2016 submission to the UN Universal Periodic Review (UPR) contains the following information:

"In response to recommendations accepted in 2011, Togo ratified the International Convention for the Protection of All Persons from Enforced Disappearance in July 2014 and the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty in July 2015. In October 2015 it also ratified the Arms Trade Treaty. However, it has failed to ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, despite committing to do so in 2011. During its first UPR, Togo rejected the recommendations to ratify the Rome Statute of the International Criminal Court and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. Togo has not ratified other important regional human rights treaties such as the African Charter on Democracy, Elections and Governance." (AI, 4 May 2016a, p. 3)

The same report describes Togo's cooperation with treaty bodies and special procedures:

"The government submitted its overdue report to the Committee on the Elimination of Racial Discrimination in 2015. However, despite the commitments made in 2011, it has failed to submit other overdue reports, including to the Human Rights Committee, the Committee on the Rights of the Child, the Committee on the Rights of Persons with Disabilities, and the African Commission on Human and Peoples' Rights. Togo has not extended a standing invitation to the Special Procedures as it committed to do in its last review. Togo facilitated a visit by the Special Rapporteur on the situation of human rights defenders in 2013. However, requests for visits by the Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on contemporary forms of slavery, and the Special Rapporteur on extreme poverty and human rights, have not been accepted. Despite its commitment to cooperate fully with UN Special Procedures, the government has failed to act on their opinions and recommendations." (AI, 4 May 2016a, p. 3)

## 2.1 *Arbitrary or unlawful deprivation of life / Disappearance*

With regard to the right to life and security, a national report submitted by the Togolese government to the Human Rights Council (HRC) explained the following:

"Article 13 of the Constitution specifies that "the State shall guarantee the life, security, and physical and mental integrity of all persons living on its territory. No one shall be arbitrarily detained or deprived of his or her life." The right to life is also written into the Criminal Code, which seeks to protect life by providing for the criminal offences of intentional homicide (arts. 44 and 45), involuntary manslaughter (arts. 51 to 53), and for threats of these, even when they are not carried out (art. 50). [...]

The death penalty was abolished in 2009 and all such sentences which had been handed down but not yet enforced were commuted into life imprisonment." (HRC, 19 July 2011, p. 7)

According to the United States Department of State's (USDS) 2015 Togo Country Report on Human Rights, "there were no reports the government or its agents committed arbitrary or

unlawful killings.” The same report also added that “[t]here were no reports of politically motivated disappearances.” (*USDS, 13 April 2016*)

However, Amnesty International (AI) reports on the use of excessive force by Togolese authorities as follows:

“The security forces killed seven people and wounded at least 117 others, including pregnant women and children, in Mango in northern Togo, during demonstrations against the creation of a nature reserve in the area in November. One policeman was killed on 26 November in clashes with protesters who resorted to violence after security forces opened fire on peaceful demonstrators. Gendarmes and the military fired live bullets at protesters on 25 March at a rally in the city of Gleï, 160km north of Lomé, the capital. At least 30 people, including a woman and a child, were wounded. Gendarmes and soldiers charged at a crowd of 100 students, shooting real bullets and hitting them with batons. Students had gathered spontaneously to protest against exams being held despite the academic curriculum having been disrupted by social movements throughout the year. The gendarmes and soldiers who used excessive force have not been brought to justice.” (*AI, 24 February 2016*)

### 2.1.1 Death Penalty

The death penalty was formally abolished in Togo in 2009. The 2016 report by the Bertelsmann Stiftung (BTI) further notes:

“On 23 June 2009 parliament voted unanimously for the abolition of the death penalty. Togo thus became the 15th member state of the AU and the 94th country worldwide to renounce the death penalty for all crimes. However, the bill was rather symbolic since in practice legal executions had ceased 30 years earlier. The thorny problem that remained was the extra-legal killings either committed or condoned by the state in the course of past political persecutions and continued impunity enjoyed by the perpetrators, as shown by the final report of the CVJR published in April 2012.” (*BTI, 2016, p. 12*)

After acceding to the International Covenant on Civil and Political Rights in 1984, Togo acceded to the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming to the abolition of the death penalty on the 14 September 2016. (*OHCHR, 17 November 2016*)

In June 2009, Amnesty International reports that Togo was the fifteenth country in Africa to abolish the death penalty:

“Togo today decided to abolish the death penalty following a unanimous vote by the national assembly. Togo has thereby become the 15th member of the African Union and the 94th country in the world to abolish the death penalty for all crimes. ‘This country has chosen to establish a healthy justice system that limits judicial errors...and guarantees the inherent rights of the individual,’ said Justice Minister Kokou Tozoun when the cabinet first adopted the abolition bill on 10 December 2008. ‘This (new) system is no longer compatible with a penal code that maintains the death penalty and grants the judiciary absolute power with irrevocable consequences.’ Togo stopped applying the death penalty more than three decades ago. The last executions of people

sentenced to death date back to 1978 and the last death sentence was handed down in 2003.’ (*AI, 23 June 2009*)

## 2.2 Arbitrary Arrest and Detention

In its 2011 submission to the Human Rights Council (HRC), the Togolese government noted that:

“The Constitution (art. 15) provides that no person may be arbitrarily arrested or detained. Certain irregularities have occurred, however, in the work of the police, the gendarmerie and even the courts. The various socio-political crises that Togo has experienced have also undermined this right. Following the presidential election of April 2005, an effort was made to free some people being held in prison or police custody. This led to the establishment of the inspection system for police stations, gendarmerie posts and prisons. Furthermore, a draft bill on the Code of Criminal Procedure is being prepared to reinforce the guarantees of citizens’ rights in their dealings with the police and courts.” (*HRC, 19 July 2011, pp. 10-11*)

The 2015 United States Department of State (USDS) country report on the situation of human rights states that there were no reports of persons arbitrarily detained in secret without warrants. However, the report notes further:

“There were no reports of persons arbitrarily detained in secret without warrants. The law authorizes judges, senior police officials, prefects, and mayors to issue arrest warrants. Detainees have the right to be informed of the charges against them, and police generally respected this right. Attorneys and family members have the right to see a detainee after 48 to 96 hours of detention, but authorities often delayed, and sometimes denied, access. All defendants have the right to an attorney, and the bar association sometimes provided attorneys for indigents charged with criminal offenses. The law gives indigent defendants the right to free legal representation, but the government has provided only partial funding for implementation. The law allows authorities to hold arrested persons incommunicado without charge for 48 hours, with an additional 48-hour extension in cases deemed serious or complex. Although the law stipulates that a special judge conduct a pretrial investigation to examine the adequacy of evidence and decide on bail, authorities often held detainees without bail for lengthy periods regardless of a judge’s approval or disapproval.” (*USDS, 13 April 2016*)

With regard to pretrial detention, the same USDS report added:

“A shortage of judges and other qualified personnel, as well as official inaction, resulted in lengthy pretrial detention and confinement of prisoners for periods exceeding the time they would have served if tried and convicted. Pretrial detainees and persons in preventative detention totaled 2,931, or 65 percent of the total prison population.” (*USDS, 13 April 2016*)

A 2016 Amnesty International (AI) report on the human rights situation in Togo nevertheless states that:

“On 25 April, the Community Court of Justice of ECOWAS ruled that Togo subjected Pascal Bodjona, a Togolese politician and former member of the government, to arbitrary detention. It ordered Togo to try Pascal Bodjona in a court of law and to pay him a compensation of 18 million CFA franc (approximately €27,440). Pascal Bodjona was arrested on 1 September 2012 and charged with fraud and complicity in fraud. He was released on bail on 9 April 2013, rearrested on 21 August 2014 on the same charges and has been in detention without trial since then.

Seven out of 10 men convicted in September 2011 of participating in a 2009 coup plot, including Kpatcha Gnassingbé, half-brother of the President, remained in detention throughout 2015. In November 2014, the UN Working Group on Arbitrary Detention stated that their detention was arbitrary and requested their immediate release.” (AI, 24 February 2016)

Another Amnesty International (AI) report from May 2016 discusses the detention of Kpatcha Gnassingbé, brother of the current president who was arrested in 2009 under charges of plotting a coup d'état (*BBC News, 15 September 2011*):

“In 2014, the Working Group on Arbitrary Detention (WGAD) concluded that the detention of Kpatcha Gnassingbé and six others was arbitrary and requested their immediate release. However, as of March 2016, they remained in detention. In 2012, the WGAD concluded that the detention of Sow Bertin Agba was arbitrary. While Sow Bertin Agba was released on bail in 2013, no one was held accountable for the arbitrary detention and torture he was subjected to.” (AI, 4 May 2016a, p. 3)

### 2.3 Torture and Other Ill-treatment

With regard to Togo's international responsibilities concerning the prohibition of torture, the Togolese government's submission to the Human Rights Council (HRC) in July 2011 states that:

“Articles 13 and 21 of the Constitution guarantee Togo's citizens the right to protection from any assault causing bodily harm. To this end, Togo has ratified the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment and its Optional Protocol.” (HRC, 19 July 2011, p. 8)

A document published by the Association for the Prevention of Torture (APT) describes the outcome of Togo's ratification of the Optional Protocol to the Convention against Torture (OPCAT) in 2010:

“Togo ratified of the OPCAT in July 2010. In December 2011, during the Universal Periodic Review the government of Togo publicly announced its intention to designate the National Human Rights Commission as NPM [National Preventive Mechanism]. In September 2012, Togo notified the SPT [Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment] through an official correspondence. The NPM is not operational yet. In 2012, the National Human Rights Commission started a process to review its legal basis in order to make it compliant with the OPCAT and strengthen the NPM mandate. The draft law reforming the National Human Rights Commission to perform the NPM mandate was adopted by the Parliament in March 2016 and has to be reviewed by the Constitutional Court before being promulgated.” (APT, 18 April 2016, pp. 2-3)

Amnesty International's (AI) 2016 submission to the UN Universal Periodic Review (UPR) contains the following information on the revised Criminal Code:

"In November 2015, Togo adopted a revised Criminal Code which criminalizes torture. However, as detailed in the sections below, its definition of torture is not in line with the definition set out in Article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. (*AI, 4 May 2016a, p. 4*)

A November 2015 article by the International Federation of Action by Christians for the Abolition of Torture (FIACAT) further describes the implications of an incomplete definition of the crime of torture in Togolese criminal legislation:

"The Convention states that the torture must be inflicted "by state agents or at their instigation" and this provision is absent in the new Criminal Code in Togo. This missing information amounts to removing any responsibility of the State for acts of torture that are committed by its agents; it also enables the accusation of torture in Togo to be extended to any individual which alters the specific nature of this crime.

In addition, since torture is classified as a serious crime, such acts are time-barred after 10 years, in line with the provisions of the Code of Criminal Procedure that is in force. [...] For FIACAT and ACAT Togo, torture can never be time-barred in any case. In line with its international commitments, Togo must revise its criminal legislation and ensure this crime is enshrined as one that cannot be time-barred." (*FIACAT, November 2015*)

A press release published by Amnesty International (AI) in May 2016 states that "[t]orture and other ill-treatment are regularly used by security forces at the time of arrest and during pre-trial detention to extract confessions or implicate defendants. In November 2015, several men arrested during protests in Mango were subjected to ill treatments." (*AI, 4 May 2016b*)

Furthermore, the Boltzmann Institute of Human Rights also states, "[i]t seems that the abuse of persons apprehended by the police, the gendarmerie and especially by the judicial police was still being practised, often to obtain confessions, but often also to intimidate prisoners and extract money from them." (*Boltzmann Institute of Human Rights, 30 January 2014*)

## **2.4 Freedom of Movement**

Article 12 of the Togolese Constitution stipulates that "[e]very Togolese citizen has the right to circulate freely and to establish themselves in the national territory in any place of their choice within the conditions defined by the law or local custom. No Togolese may be deprived of the right to enter Togo or to leave it. Any foreigner[,] in regular situation[,] on the Togolese territory and who conforms to the laws in force has the freedom to circulate and to choose their residence and the right to leave it freely." (*Constitute, 8 April 2016, p. 7*)

The United States Department of State's (USDS) 2015 report on the situation of human rights in Togo explains, "[w]hile the law provides for freedom of internal movement, foreign travel, emigration, and repatriation, the government restricted some of these rights." (*USDS, 13 April 2016*)

Visions Solidaires, a charity association based in Togo, further notes, “[h]indered mobility of Togolese nationals abroad because of visa procurement procedures made harder at foreign embassies, free movement with the ECOWAS zone, the legislation surrounding the entry of migrants into the Togolese territory.” (*Visions Solidaires*, 28 December 2015).

## 2.5 Women’s Rights

A January 2014 report by the Social Institution and Gender Index (SIGI) describes the following with respect to the equal rights of men and women in Togo:

“Article 2 of the 1992 Constitution provides for equal rights for women and men. Togo ratified the Convention on the Elimination of All forms of Discrimination against Women in 1983, but has not yet ratified the Optional Protocol on violence against women, although the procedure has begun. The country also ratified the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa in 2005.” (*SIGI*, January 2014, p. 1)

A 2016 UPR submission by Equality Now and Questions de Femmes discusses sex discrimination in the law with regard to nationality:

“Articles 5 and 12 of the Nationality Code of Togo do not allow women to transfer their nationality to foreign spouses on an equal basis with men. Their spouses may only apply for naturalization with waived conditions. Togolese men on the other hand may transfer their nationality to their foreign spouse automatically at the time of marriage. Additionally, under Article 23, foreign women who take their Togolese husband’s nationality automatically lose it upon termination of marriage.<sup>1</sup> Although the Constitution and the Children’s Act both provide for equal nationality rights in transferring to children, Article 3 of the nationality code also discriminates against Togolese mothers in only being able to pass their nationality to their children if the father is stateless or unknown.

This law, which denies women equality with men in terms of nationality, undermines a woman’s status as an equal citizen and violates international law as well as the Togolese Constitution, which guarantees equality before the law of all citizens without distinction, including of sex.” (*Equality Now & Questions de Femmes*, 16 May 2016, p. 2)

The same SIGI report also contains the following information on Togolese legislation on sexual violence:

“Several laws address sexual harassment in Togo. The 2006 Labour Code provides for the protection of women against sexual harassment in the workplace (Art. 40), although very few cases of sexual harassment in the workplace are actually brought to the attention of courts (e.g. only two cases were recorded in the Lomé Labour Tribunal in 2008). The 2007 law on Reproductive Health, while not addressing sexual harassment specifically, does provide that “no woman may be subjected, for reasons connected with sexual relations or reproduction, to torture or constraint and/or to acts of violence such as: rape, female genital mutilation, forced and/or early marriage, early pregnancy, unwanted and/or closely spaced pregnancies, sexual exploitation, sexual abuse, harassment or any other form of violence” (Art. 11). Sexual harassment, under the draft bill validated in 2012, is punishable by fines and a prison sentence of one to five years. While reportedly widespread, data on the prevalence of sexual harassment is not available.” (*SIGI*, January 2014, pp. 3-4)

A June 2013 report by the Committee on Economic, Social and Cultural Rights (CESCR) provides the following observations with regard to the situation of women in Togo:

“The Committee regrets that provisions that discriminate against women were maintained in the Individuals and Family Code of 2012, including the possibility of applying customary law in matters of succession. [...] The Committee is concerned about the persistence of the many practices that are harmful to women and girls listed in paragraph 317 of the State party’s report, such as early marriage, forced marriage, or the exploitation of girls in fetishist convents, despite the fact that they are prohibited by law and despite the steps taken by the State party to raise awareness of the matter.”  
(CESCR, 3 June 2013, p. 4)

A study conducted by Global Health Action adds to the discussion and explains:

“Bruises were overall the most frequent injuries reported among African women victims of physical violence, but the proportion of Togolese women reporting serious and disabling injuries such as dislocations (62.9%) and deep cuts (28.9%) is alarming. The severity of the consequences of intimate partner violence is often underestimated. Indeed, in our study, a substantial proportion of women reported needing medical care after being severely injured, but only a few actually accessed medical care and, if they did, they rarely disclosed the real causes of their injuries. Finally, none of the injured women in our sample had been referred to existing organizations providing psychological support. These findings suggest that case detection of intimate partner violence should be systematically done by medical staff, and particularly within HIV care services.”  
(Global Health Action, 26 May 2014)

A 2016 UPR Submission from ADF International discusses Togo’s maternal mortality ratios as follows:

“Togo has one of the highest maternal mortality ratios (MMR) in the world at 368 deaths per 100,000 live births. The lifetime risk of maternal death, or the probability that a 15-year-old woman will die from a maternal cause at some point in her life, is 1 in 58. Every maternal death is a tragedy. It devastates the woman’s family, in particular the woman’s children, and affects the entire community socially and economically. The high number of maternal deaths in Togo is a human rights crisis.” (ADF International, 8 March 2016, p. 3)

With regard to the situation of women defenders in Togo, a report of the Special Rapporteur on the situation of human rights defenders explains:

“In 2008, the Special Rapporteur highlighted the plight of women defenders and noted the particular difficulties of women working in rural areas and the attitude of some local authorities regarding their work. Women defenders were vulnerable to criticism and ostracism in their own families and communities, and lacked the necessary resources and synergies to work effectively. The Special Rapporteur recommended that the Government recognize their role and remove obstacles to their legitimate work. During the follow-up visit, she observed important progress in the environment in which women defenders work, including in relevant legislation, the establishment of the Ministry for the Promotion of Women in 2010 and the adoption of a national policy on gender equality and equity in 2011.” (HRC, 26 February 2014, p. 12)



Concerning gender inequality, the 2016 report by the Bertelsmann Stiftung (BTI) describes the situation in Togo as follows:

“The exclusion of women from key activities in the economy and politics has not improved remarkably. In 2008, the government introduced a national action plan to correct gender inequality (Plan d’Action national pour l’équité et l’égalité de genre au Togo 2009-2013, PNEEG). However, the means to implement this policy are insufficient. Discrimination of women remains widespread. According to the Women’s Economic Opportunity Index (EIU), Togo ranked 122 out of 128 countries in 2012. Meanwhile, in the Gender Inequality Index (GII), Togo ranked 129 out of 187 in 2013. Gender inequality is most pronounced concerning property rights (land tenure), access to credit and employment. However, in education the situation for women has improved since 1990. Although, educational inequalities between girls and boys increase as one progresses through educational levels. Women are underrepresented in the public sector (including parliament), political parties and enterprises. The 2013 legislative elections resulted in the election of 16 female deputies out of a total of 91 deputies or 17.6% of all deputies, compared with nine female deputies or 11% of all deputies in the 2007 parliament. [...] All the same, the representation of women in the cabinet decreased slightly between 2012 and the September 2013 cabinet reshuffle. In 2012, women comprised 28% of the cabinet members. After the September 2013 reshuffle, the six female cabinet members comprised 26% of all cabinet members. However, the socio-cultural environment necessary to support greater female participation in politics is extremely weak.” (BTI, 2016, pp. 25-26)

### 2.5.1 Female Genital Mutilation (FGM)

With reference to Female Genital Mutilation/Cutting (FGM/C), the United States Department of State (USDS) 2015 report on Togo explains, “[t]he law prohibits FGM/C for girls and women. [...] Penalties for those convicted of FGM/C range from two months to five years in prison as well as substantial fines.” (USDS, 13 April 2016)

The 2016 Bertelsmann Stiftung (BTI) report discusses the issue of violence against women and FGM:

“Violence against women and the practice of female genital mutilation (FGM) continue, though on a diminishing scale because of donor assisted awareness campaigns. FGM was formally outlawed in 1998 and may have decreased by more than half since 1996. But it still exists on a considerable scale, about 4% nationally (UNICEF 2010), notably in the central and northern regions.” (BTI, 2016, p. 12)

According to data provided by UNICEF, in Togo, 4% of women have undergone FGM. Yet 89% of women and girls believe the practice should end. The report also notes, “21% of Muslim girls and women have undergone FGM/C, compared to 1% of Christian girls and women.” (UNICEF, 2 July 2013, p. 3)

## 2.6 Rights of the Child

A 2015 report by Child Rights International Network (CRIN) contains the following information on Togo’s national and international legal obligations for the protection of children:

“Togo ratified the CRC in 1990, and the Optional Protocols to the CRC on the sale of children (OPSC) in 2004 and on the involvement of children in armed conflict (OPAC) in 2005. As at the date of this report, it has not ratified the Optional Protocol to the CRC on a communications procedure. The CRC forms part of the national law of Togo and prevails over national legislation. Indeed, pursuant to Article 140 of the Constitution, international treaties duly ratified have, as soon as they are published, higher authority to that of the laws and as long as the other party also applies it. The CRC was approved by the Chamber of representatives on 7 May 1990 and published in the Journal Officiel on 9 November 1990. [...]

In addition, several other laws contain provisions relevant to children’s rights. For example, the 2002 Constitution of Togo declares that “the state protects youth from all forms of exploitation or manipulations.” Togo adopted the Children’s Code in 2007. However, the UN Committee on the Rights of the Child in its 2012 concluding observations reported that the Code contains many provisions which are not in compliance with the CRC, and does not fully recognise children as right holders. 10 11 Furthermore the Children’s Code is not fully applicable as the implementing regulations have not yet been adopted. 1” (*CRIN, 30 July 2015, p. 1*)

The Global Initiative to End All Corporal Punishment of Children (GIECPC) states the following with respect to the corporal punishment of children in Togo:

“Corporal punishment is prohibited in the home under article 353 of the Children’s Code 2007 together with article 357. Article 353 protects children from all forms of violence perpetrated by parents or any other person having control or custody of the child: “The state protects the child from all forms of violence including sexual abuse, physical or mental injury or abuse, abandonment or neglect, and ill treatment by parents or by any other person having control or custody over him” (unofficial translation). Article 357 explicitly includes corporal punishment among the forms of violence that are punishable: “Physical and psychological abuse, corporal punishment, deprivation of care or withholding of food are punished by the penalties provided [above]” (unofficial translation).” (*GIECPC, March 2015*)

Commenting on the legal status of children, the same CRIN report explains, “[t]he Children’s Code establishes legal majority at 18 years of age. Minors are incapable of exercising civil rights, including bringing cases in justice. Children may bring cases through their representatives.” (*CRIN, 30 July 2015, p. 2*)

A January 2014 report by the Social Institutions and Gender Index (SIGI) further adds:

“Togo’s Children’s Code of 2007 (Art. 267) sets the minimum age of marriage at 18 years, although the president of a court may, on serious grounds, grant exceptions to an individual age 16 or older of either sex. The same code also prohibits parents and guardians from promising children in marriage and requires consent of both spouses. The new Persons and Family Code, enacted in 2012, also establishes the principle of free consent in civil marriages and a minimum age of 18.” (*SIGI, January 2014, p. 1*)

Concerning child labor, the United States Department of Labor (USDOL) the following in its 2014 Country Profile:

“In 2014, Togo made a moderate advancement in efforts to eliminate the worst forms of child labor. The Government of Togo launched a microfinance project that granted loans to 324,000 individuals and implemented a conditional cash transfer project benefitting 214 villages. In addition, 265 primary schools were constructed as part of a World Bank-funded project. However, children in Togo are engaged in child labor in agriculture and in the worst forms of child labor, including in forced domestic work, sometimes as a result of human trafficking. The Government has not devoted sufficient resources to effectively enforce its child labor laws. Togo’s social programs to combat the worst forms of child labor do not match the scope of the problem, and rely largely on NGOs and international organizations for implementation.” (*USDL, 30 September 2015, p. 1*)

The same USDL document also reports on children’s access to education and birth registration as follows:

“Research found that many children lack access to education and birth registration. Many children in Togo are unable to access education due to a lack of schools and teachers, particularly in rural areas. Although education is free and compulsory by law, parents are responsible for paying associated fees and buying uniforms and school supplies, which makes education prohibitive to many families. Approximately half of all children in Togo are not registered at birth due to the high cost, inaccessibility of registration centers, and the lack of awareness of its importance. Unable to prove their citizenship, nonregistered children are vulnerable to human trafficking and may have difficulty obtaining education. Research also found that children face widespread physical and sexual abuse in school. In addition, a source indicates that some boys perform farm work and some girls perform domestic duties, such as fetching water and laundry, for their schoolteachers.” (*USDL, 30 September 2015, p. 2*)

With regard to traditional practices involving young girls in rural Togo, a 2015 report by the African Union (AU) states the following information:

“Trokosi is a traditional practice in rural Ghana, Benin and Togo that involves sending a young virgin girl to a shrine as atonement for a crime committed by a family member, often a man. Since the early 1990s this practice has been under intense debate that reflects a clash of traditional and modern perspectives.” (*AU, 2015, p. 11*)

## **2.7 Persons with Disabilities**

Handicap International’s Togo country page contains the following information concerning people with disabilities in the country:

“The number of people with disabilities is estimated at around 620,000, and 10% of these are thought to require orthopedic fittings. People with disabilities face considerable stigma and are frequently ostracized and prevented from full participation in social, educational, and economic activities.” (*Handicap International, n.d.*)

Despite the situation presented, a December 2015 article by the World Bank describes how the country has started to support children with disability through a project entitled “Togo Education and Institutional Strengthening Project”:

“Togo, a small country on the coast of West Africa, has recently taken action to support children with disabilities through the Togo Education and Institutional Strengthening

Project. Paying attention to the needs of every child in terms of accessible school infrastructure has been an important step forward.

Funded by a grant from the Global Partnership for Education, the project covered the building of nearly 1,000 classrooms accessible by children with disabilities. These classrooms now serve over 42,000 children, including those with disabilities, expanding the reach and inclusiveness of basic education.” (*World Bank, 3 December 2015*)

According to the United States Social Security Administration (SSA) overview of Social Security Programs throughout the World, a disability pension in Togo may be accorded to persons under the following conditions:

“Must be younger than age 60, assessed with at least a 66% loss of earning capacity, and have at least 120 months of coverage, including six months of contributions in the year before the disability began.” (*SSA, September 2015, p. 204*)

## 2.8 Sexual Orientation and Gender Identity

An article by Erasing 76 Crimes describes Togo’s legal framework regarding the criminalization of homosexuality as follows:

“The constitution and law prohibit discrimination based on race, gender, disability, language, or social status, although the government did not enforce these provisions effectively. The constitution and law do not prohibit discrimination based on sexual orientation or gender identity.

Article 392 of the Penal Code forbids “acts against nature committed with an individual of one’s sex,” widely understood as a reference to same-sex sexual activity. The law provides that a person convicted of engaging in consensual same-sex sexual activity may be sentenced to one to three years’ imprisonment and fined one million to three million CFA (\$1,733 to \$5,199), but the law was not enforced directly.” (*Erasing 76 Crimes, 3 May 2016*)

A May 2016 report published by the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) discusses the socio-political environment LGBT individuals experience in Togo and the challenges posed by religious leaders:

“The socio-political environment for discourse on SOGI in Togo has been challenging over the past number of years, while there is some organising and activity around SOGI. However, police are known to crack down on the LGBT community at certain times, but according to a recent article, ‘... the biggest threat to the Togo LGBT community is the church and religious leaders. The Catholic church is very powerful there, strongly influencing moral, political and other issues’.” (ILGA, May 2016, p. 88)

According to Amnesty International’s (AI) May 2016 report:

“Togo rejected recommendations to protect LGBTI rights during its first UPR, including to repeal the provisions of its Criminal Code which criminalize same-sex relationships and discriminate against LGBTI people. Since the 2011 review, the situation for LGBTI persons has deteriorated. As detailed below, the revised Criminal Code not only retains provisions which criminalize consensual same-sex sexual relations, it also increases the

penalties. Sexual orientation and gender identity are not included as prohibited grounds for discrimination. Since 2011, several people have been arbitrarily detained in Togo on the basis of their real or perceived sexual orientation or gender identity and expression.” (AI, 4 May 2016a, p. 5)

The same article by Erasing 76 Crimes also claims that LGBTI groups were allowed to register with the Ministry of Territorial Affairs as health-related groups:

“The government allowed LGBTI groups to register with the Ministry of Territorial Affairs as health-related groups, particularly those focused on HIV/AIDS prevention. Activists reported violence against LGBTI persons was common, but police ignored complaints. Most human rights organizations, including the CNDH, refused to address LGBTI concerns.” (*Erasing 76 Crimes*, 3 May 2016)

## 2.9 Persons Living with HIV/AIDS

According to data retrieved from UNAIDS, there are currently 110 000 persons living with AIDS. This number represents 2.4% of the population from ages 15 to 49. In 2015 there was also an estimated 5100 deaths related to AIDS, raising the number of children aged 0 to 17 orphaned by the disease to 68 000. (*UNAIDS*, 2015)

The United States Department of State (USDS) provides the following overview of the societal discrimination faced by persons infected with HIV/AIDS:

“The law prohibits discrimination against persons infected with HIV/AIDS, and the government continued to sponsor broadcasts aimed at deterring discrimination. Persons infected with HIV/AIDS nonetheless continued to face significant societal discrimination at all levels, including reports of family members refusing to share eating utensils with infected persons. The 2015 DHS did not address social stigma towards persons infected with HIV/AIDS.” (*USDS*, 13 April 2016)

A 2014 article by Erasing 76 Crimes comments on the emergence of AIDS in gay communities in Togo:

“The Togo government reported an HIV prevalence rate of 6.9% for gays and MSM, compared to 2.9% for the general population. On paper, Togo has an HIV prevention program for gay men that includes free distribution of condoms and lubricant. In reality, it doesn't.” (*Erasing 76 Crimes*, 9 July 2014)

## 2.10 Ethnic Discrimination and Violence

According to Freedom House, “[t]he government is dominated by Gnassingbé's Kabyé ethnic group, who also make up the vast majority of the security services. The Éwé, Togo's largest ethnic group, are persistently excluded from positions of influence; they are prominent within the opposition.” (*Freedom House*, 29 June 2016)

A 2013 article by Open Democracy notes that, “[r]elations between Togolese from the north and south of the country have never been simple.” The same article further explains one of the causes of ethnic tension in the country:

“Although they only represented around 10% of the Togolese population, the Kabyè managed to slide into most of the country’s high ranking positions and they have never hidden their desire to stay there since. Mindèfreinisme (coming from the kabyè expression “mindè frère” - my dear brother) is a word invented by southern Togolese to describe the principle by which it is enough to be Kabyè to ‘be right’ or to have a good job.

To fight against this injustice and their lack of representation, the Ewe started to denigrate and criticise all the actions of the Kabyè. Today, Kablèto (Kabyè person) remains the preferred insult of the Ewe. If you do something strange or abnormal someone will ask you if you are a Kabyè. If you have a misunderstanding with a Togolese, the first question you will get is, ‘are you a Kabyè?’” (*Open Democracy, 18 February 2013*)

## 2.11 Human Trafficking

The United States Department of State’s (USDS) 2016 Trafficking in Persons Report provides a general overview of the situation of human trafficking in Togo:

“Togo is a source, transit and, to a lesser extent, destination country for men, women, and children subjected to forced labor and sex trafficking. The western border of the Plateau region, which provides easy access to major roads leading to Accra, Ghana, and Lome, was a primary source for trafficking victims during the reporting period. Most Togolese victims are children exploited within the country. Forced child labor occurs in the agricultural sector—particularly on coffee, cocoa, and cotton farms—as well as in stone and sand quarries. Traffickers bring children from rural areas to Lome, where they are subjected to forced labor as domestic servants, roadside vendors, and porters, or exploited in prostitution. Boys are subjected to forced labor in construction, in salvage yards, mines, and as mechanics, often working with hazardous machinery. [...] From September to April, many Togolese adults and children migrate in search of economic opportunities to Benin, Burkina Faso, Niger, and Mali, where many are subjected to labor and sex trafficking. In Nigeria, Togolese men endure forced labor in agriculture and Togolese women are exploited in domestic servitude. Togolese women have been fraudulently recruited for employment in Saudi Arabia, Lebanon, the United States, and Europe, where they are subjected to domestic servitude or forced prostitution.

The Government of Togo does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government reported increased numbers of investigations, prosecutions, and convictions of traffickers for child trafficking crimes in 2015 compared to the previous reporting period; however, it did not provide the details of these cases. It amended the penal code to criminalize trafficking of adults; however, it did not demonstrate or report any tangible efforts to address trafficking of adults. The government assisted in the repatriation of transnational child trafficking victims but did not report any efforts to identify or assist other potential trafficking victims, including adults and victims within Togo. While the government increased the number of labor inspectors, it did not have adequate resources to address forced labor cases. (USDS, 30 June 2016)

An October 2015 Reuters article also explains, “[m]any West African nations, such as Mauritania and Mali, have done little to combat trafficking in recent years, while Benin and Togo have only pursued cases involving children [...]” (*Reuters, 26 October 2015*)

A 2015 BBC news article reports with respect to child trafficking:

“In the West African country of Togo, high levels of poverty, illiteracy, and a lack of economic opportunities have led to the widespread use of child labour and child trafficking. In many rural areas, parents hope that sending their children away to work for a couple of years will help them make ends meet. Boys are often exploited in agriculture, while girls as young as nine can end up as domestic slaves in the Togolese capital Lome, or in neighbouring Benin and Nigeria.” (*BBC News, 19 August 2015*)

Visions Solidaires, a charity association based in Togo, describes the situation of victims of migrant and human trafficking as follows:

“Through the adoption of the new penal code last November, the legal framework was further strengthened. An efficient struggle against migrant and human trafficking implies the integration of dispositions into the legislative framework that guarantee the protection of adult victims seeing as only children are currently protected by the Togolese legislation.” (*Visions Solidaires, 28 December 2015*)

Furthermore, Freedom House’s 2016 Freedom in the World report indicates, “[t]he government has been making increasing efforts to reduce trafficking, which is most common in (though not limited to) the sex industry and for forced labor inside Togo.” (*Freedom House, 29 June 2016*)

## **2.12 Housing, Land and Property (HLP) Rights**

The 2016 report by the Bertelsmann Stiftung (BTI) provides the following information concerning property rights in Togo:

“The judicial system does not sufficiently protect private property. The influence exercised by the executive is too strong. Inheritance and property protection laws are deficient, notably for women. And where they exist, they are not adequately enforced. [...]

The problem of a complex land tenure system in which traditional and modern law coexist and compete is exacerbated by land scarcity. The land tenure regulations are still dominated by traditional African customary laws, re-interpreted by traditional chieftains and local authorities, often to their own advantage, notably in the countryside. Most contracts on agricultural land are still verbal. Disputes over land are extremely common. Only about 36% of arable land is under a tenure system that provides long-term security. Especially poor farmers, migrants and women have no secure rights. The fight against land grabs has gained momentum. [...]

The perpetrators of these land grabs are often affluent public officials, politicians or businessmen. Their methods include provoking intercommunity conflicts and intimidation. Much of the at-risk land has not been cultivated for decades and, as such, its value is largely speculative. The consequences of these land grabs include increasing food insecurity among the rural poor, because these land grabs deprive the rural poor of the main factor of production in an agrarian economy.” (*BTI, 2016, p. 23*)

## 2.13 Administration of Justice

### 2.13.1 Prison Conditions

According to ACAT, a Togolese NGO, in March 2016 Togo had a prison population of around 4,523 detainees, although the normal capacity was 2,720. Inmates were held in 13 different facilities including one for minors. (*FIACAT & ACAT-Togo, March 2016*).

The United States Department of State's (USDS) 2015 Country Report on Human Rights Practices states that "[p]rison conditions remained harsh and potentially life threatening due to serious overcrowding, poor sanitation, disease, and unhealthy food. There were reports prison officials sometimes withheld medical treatment from prisoners". (*USDS, 13 April 2016*)

An article by Y Care International, an international relief and development agency of the YMCA movement, provides the following information regarding the prison conditions in the country:

"Overcrowding, sickness and death are common across the country's 12 institutions. Lomé Prison, built to hold 650 prisoners, houses some 2,070 inmates. They stand shoulder to shoulder in filthy cells where they take turns to sleep. One meal a day is all their nourishment. Medical staff and supplies are extremely limited. Between January and May 2012 alone, 18 prisoners died.

But most shocking is that around 70 per cent of the prison population have never brought their case before a judge, and some have waited for years. Often detainees have been accused of petty crimes – stealing a chicken or failure to payback a micro-finance loan. In many cases, they are innocent." (26 February 2014)

The Human Security Centre (HSC) also contains similar information concerning the condition of prisoners and adds:

"Prisoners in Togo are not treated with humanity, nor are they treated with respect for their inherent dignity. Prisoners in certain prisons survive on one meal a day, drink dirty water, sleep on the floor in small rooms with around 70 prisoners, get no exercise and have no opportunity to take part in rehabilitation. [...]

The majority of prisoners in detention are awaiting trial, which accounts for 80% of the prison population. Accused and convicted prisoners are not separated and are subjected to the same treatment whilst incarcerated. The Bureau of Democracy, Human Rights and Labour report highlighted that lengthy pre-trial detention was a result of a shortage of judges and qualified professionals." (*HSC, 17 July 2015*)

With regard to government expenditure on the justice system and how it affects the conditions of prisoners in the country, an article by Care International notes that:

"The government spends less than 0.7 per cent of the national budget on justice, despite calls from international actors and national civil society organisations to increase this to at least 1 per cent. As a result of the minimal government spending on justice, there are insufficient resources to cover basic needs for detainees: for each detainee, only CFA270 (£0.32) per day is allocated for food – just over half the International Committee of the Red Cross's recommended allocation – and CFA512 (£0.61) per month for healthcare



(source: Direction of the Penitentiary Administration and Reinsertion).” (*Care International, 2015, pp. 1-2*)

The same report also states, “Conditions in prisons are equally poor and are denounced by Human Rights defenders. Though Sokodé and Kara are better viewed, a large majority of detainees in Atakpamé (85 per cent) and Lomé (77 per cent in the public prison and 63 per cent in the Juvenile Detention Centre) said they felt their living conditions were squalid.” (*Care International, 2015, p. 3*)

### 2.13.2 Accountability for Past Human Rights Abuses

With regard to accountability for human rights violations, Amnesty International’s (AI) 2016 report states that:

“The climate of impunity for human rights violations persisted. Ten years after nearly 500 people died in political violence during the presidential election of 24 April 2005, the authorities have taken no steps to identify those responsible for the deaths. Of the 72 complaints filed by the victims’ families with the Atakpamé, Amlamé and Lomé courts, none are known to have been fully investigated.” (*AI, 24 February 2016*)

A joint statement published by ACAT-France and Amnesty International (AI) denounces that little progress was made in the investigation of human rights abuses during the 2005 political turmoil:

“Of the 72 complaints filed by the families of victims with the Atakpamé, Amlamé and Lomé courts none have so far been fully investigated. Only one judge at the Atakpamé court began to investigate complaints by hearing several of the victims, however, this judge was transferred to another court and the investigation was not completed. All in all, the three investigating judges for these cases are no longer in office and all of the cases have been put on hold. Authorities have taken no steps to identify the suspected perpetrators of these abuses. The Togolese authorities have embarked upon a policy of reconciliation but victims have not received justice or reparation for these abuses.” (*ACAT-France; AI, 22 April 2015*)

With regard to the Truth, Justice and Reconciliation Commission (TJRC) set up in Togo in 2009, a 2016 article by Africa Up Close explains:

“While some commended the courage of the commission in overcoming many obstacles to give voice to the victims and produce a set of recommendations which, on the whole, were deemed relevant, others were severely critical, claiming the commission failed badly in its mission. According to these critics, the hearings were systematically distorted by fear of the truth, especially in the unwillingness to name and bring to justice the perpetrators of the 2005 violence surrounding the replacement of Gnassingbé the father by Gnassingbé the son. The implementation of the commission’s recommendations has been left to the goodwill of the president, who may choose to retain only those recommendations that suit the interests of his regime. For example, Faure Gnassingbé was recently elected to a third presidential term though the commission’s final report of the commission explicitly recommended institutional reforms to limit successive presidential terms to a maximum of two. The committee’s recommendation was simply ignored.” (*Africa Up Close, 16 March 2016*)

### 2.13.3 *Right to a Fair Trial*

A report published in 2015 by Care International provides the following information with regard to access to justice in Togo:

“According to prison records obtained in September 2014, there were 4,068 detainees across the 12 prisons in Togo; 2,294 of whom are held in the five prisons where YCI/YMCA are working. Over 60 per cent of these detainees were still awaiting trial. The majority of those who have received sentencing had been seen by a judge within six months, however, one in ten had been held without a trial for between seven months and up to five years.

Nearly half of detainees were arrested for petty theft, and close to 90 per cent of detainees were sentenced to less than five years. Among female detainees, the most common cause of detention was ‘brawling’. Overall, one in ten detainees did not know what they were accused of; some detainees stated that they were forced to sign documents without reading their content during their police interrogation.

Among the detainees surveyed who had been tried, only 7 per cent were assisted by a lawyer, despite their constitutional right to legal assistance. The provision of legal assistance was found to be highly dysfunctional because detainees cannot afford a lawyer and state-funded legal aid is not implemented. Less than one third of respondents believed they had received a fair trial and only 41 per cent said they trusted the justice system.” (*Care International, 2015, p. 2*)

## 2.14 *Freedom of Expression*

With regard to the legal framework protecting freedom of expression and freedom of the press, the Togolese government 2011 submission to the Human Rights Council states that:

“Freedom of expression and freedom of the press are guaranteed by articles 25 and 26 of the Constitution. The legal framework for the freedom of the press is set out in Act No. 98-004/PR of 11 February 1998 on the Press and Broadcasting Code and its amendments and supplements. 33. Amendments to the Press Code have decriminalized offences against legislation on the press except for those concerning the internal or external security of the State, incitement to ethnic or tribal hatred and appealing to the police to go against their duties towards the nation (Act No. 2004-015 of 27 August 2004).” (*HRC, 19 July 2011, p. 10*)

A 2016 Freedom House report explains, “[c]itizens are increasingly able to speak openly in private discussion, though political discussion is prohibited on religious radio and television stations.” (*Freedom House, 29 June 2016*)

With regard to the situation of human rights defenders in Togo, an article published by Front Line Defenders for its 2016 Universal Periodic Review (UPR) submission explains:

“In Togo, human rights defenders are generally allowed to carry out their activities, promoting and advocating for human rights. They are involved in human rights education campaigns and engage the media on a regular basis. They also offer various types of support to victims of human rights violations such as legal aid and psycho-social assistance. [...]

Despite [the] positive developments, there remains a number of obstacles affecting the ability of human rights defenders to carry out their legitimate work without fear for their safety, namely:

- (a) Human rights defenders, journalists and trade unionists organising protests as a way of advocating for human rights have been the subject of police brutality;
- (b) Interference with the work of journalists, particularly those raising human rights issues, is widespread and self-censorship remains pervasive; and,
- (c) Several human rights defenders were forced to go into hiding or flee the country fearing retaliation for their human rights work." (*Front Line Defenders, 24 March 2016*)

### 2.14.1 Freedom of the Press

Freedom House provides a general overview of the situation of freedom of the press in Togo in its 2016 Freedom in the World report:

"Freedom of the press is guaranteed by law but often disregarded in practice. The availability of diverse and critical voices in the media has increased in recent years. While no incidents of harassment of journalists took place during the election and no defamation cases were reported in 2015, impunity for crimes against journalists and frequent defamation suits in the past have encouraged self-censorship. The National Assembly passed a new Penal Code in 2015 that criminalizes the publication of false information with a punishment of between six months and two years in prison and a hefty fine. Journalist associations and media outlets in Togo have spoken out against the new law, while the government defends it as a necessary step to fight cybercrime and terrorism." (*Freedom House, 29 June 2016*)

The same organization's 2016 Freedom of the Press report describes the general economic and social environment in which press activity takes place as follows:

"Togo boasts a particularly large number of print outlets for a country of its size. According to the most recent statistics released by the HAAC and verified by the OTM, in 2014 more than 430 private newspapers (of which some 230 published semiregularly), 85 private radio stations, and 11 television channels operated in the country. The number of radio stations increased in 2014 as the HAAC began issuing licenses that it had previously withheld. There were no reports of new stations opening in 2015.

Despite the number of private media outlets, state media still reach larger audiences than their private counterparts. Most media companies, both public and private, are economically vulnerable. Journalists receive meager wages, and the small pool of private advertising comes primarily from international organizations. Media content is still highly politicized, influenced by special interests, and susceptible to corruption due to low pay; government subsidies are frequently used to reward favorable coverage.

Just above 7 percent of the population was able to access the internet in 2015. Internet activity remains constrained by poverty, inadequate infrastructure, high access costs, and, at times, political will, as was seen during the 2015 election." (*Freedom House, 21 July 2016*)

Concerning the passing of the law that would impose jail terms for journalists, a document published by the Committee to Protect Journalists (CPJ) in November 2015 explains:

“Togo's parliament passed the new section to the penal code on November 2, according to reports. Article 497 of the law proposes a prison sentence of up to two years and a fine up to 2 million CFA francs (US\$3,300) for "the publication, dissemination, or reproduction by any means whatsoever of false news, fabricated parts, falsified or falsely attributed to third parties where, in bad faith, this disturbs the public peace, or is likely to disturb it," according to news reports. [...]

The proposed change runs contrary to the Press and Communication Code passed in 2004, under which journalists face fines of up to 2 million CFA francs and news outlets face being suspended for up to three months for press offences, according to news reports.” (*CPJ, 12 November 2015*)

Freedom House's 2016 Freedom of the Press report also describes the aftermath of the enactment of the new law and adds:

“In a foreshadowing of the new penal code, in September police interrogated three journalists in relation to stories about corruption among government ministers published in *Le Rendez-vous*, *Liberté*, and *L'Indépendant Express*. In October, the chief magistrate charged them with publishing false news and defamatory information and placed them all on probation. According to Togolese law at the time, such incidents should be handled through the main state regulatory body, the High Authority of Broadcasting and Communications (HAAC), which had already begun investigating the incidents following complaints from the ministers. The new penal code will enable further use of the judiciary to circumvent the authority of the HAAC.

In an unrelated incident, the publication director of the independent *La Nouvelle* was detained in May and served two months of pretrial detention on suspicion of defaming the minister of security in online posts. This is the first reported incident in Togo of a journalist serving prison time for a post on social media.” (*Freedom House, 21 July 2016*)

The situation of journalists is equally described by Amnesty International's (AI) 2014/2015 report on Togo:

“Threats to freedom of expression continued. Journalists were injured by police officers while covering protests and were targeted with tear gas and bullets. In March 2013, journalist Zeus Aziadouvo, who had reported on the use of torture in the market fires case, was charged with complicity in the case. A radio station – Radio Légende FM – was closed down by police in July 2013.

Student associations were forbidden from demonstrating. The Association of Victims of Torture in Togo (ASVITTO) was also forbidden from holding sit-ins. A sit-in protest in March 2014 to claim reparations ordered by the ECOWAS court in the case of the men convicted of participating in a 2009 coup plot (see above) was dispersed with tear gas. Reparations were paid later that month.” (*AI, 25 February 2015*)

Another 2016 report by Amnesty International (AI) further adds:

“On 29 July, the Criminal Court of Lomé found French national Sébastien Alzerreca guilty of disrupting public order on the basis of "misleading publications" he posted on social media commenting on the results of the presidential elections. He received a two-year suspended prison sentence and was banned from Togo for five years. The cultural centre Mytro Nunya, which he founded, was shut down. Sébastien Alzerreca left Togo in August.

Zeus Aziadouvo, a journalist who produced a documentary on prison conditions in Lomé, and Luc Abaki, director of private TV station La Chaîne du Futur which broadcast the documentary, were repeatedly summoned for questioning and asked to reveal their sources, including at the headquarters of the Research and Investigation Services and at the High Authority for Audiovisual and Communications on 18 and 26 August respectively.

Local media organizations reported websites, including social media sites, being blocked by internet providers in Togo shortly before and after the publication of the results of the presidential election.” (*AI, 24 February 2016*)

Reporters Without Borders (RWB) also describes the Togolese media landscape on their web page on Togo:

“The Togolese media landscape is very diverse, thanks above all to the emergence of independent privately-owned media. The relative importance of newspapers and radio stations in this small country is nonetheless offset by the predominance of state media and the government’s control of information. Fearing violence, which increases during elections, journalists tend to censor themselves on subjects such as corruption, the army, the president and the president’s family. Since late 2015, there has been concern about plans to criminalize media offences again in a new penal code.” (RWB, 2016)

## 2.15 Freedom of Assembly

According to the Togolese government’s submission to the Human Rights Council (HRC) in 2011, “[a]rticle 30 of the Constitution guarantees, under the conditions established by law, the exercise of the freedom of assembly and association. (*HRC, 19 July 2011, p. 10*)

A June 2016 Freedom House report on freedom of assembly and association states that:

“Freedom of assembly is sometimes restricted, particularly in election years. A 2011 law requires that demonstrations receive prior authorization and only be held during certain times of the day. Opposition groups frequently held demonstrations in 2015, primarily protesting the lack of presidential term limits before the vote and disputing the election results afterward. Unlike in the past, the police refrained from violence in 2015 against opposition protests. However, police did open fire on a March student protest.

Freedom of association is largely respected, and human rights organizations generally operate without government interference. Togo’s constitution guarantees the right to form and join labor unions, though workers’ rights in the lucrative export processing zone are regularly violated. The country’s main labor union, Synergy of Togolese Workers, voluntarily suspended all demonstrations leading up to the 2015 presidential election. Following an explosion at a cement factory in June in which as many as 10

workers died, cement workers went on strike to protest the terrible working conditions, leading to the suspension of operations at three major factories near Lomé.” (*Freedom House, 29 June 2016*)

Amnesty International equally discusses the right to freedom of assembly and reports the following abuses:

“The government continued to restrict freedom of peaceful assembly by arbitrarily banning demonstrations and detaining peaceful demonstrators. On 20 August, in Lomé, the security forces used tear gas to disperse a peaceful demonstration of 100 people protesting against the rise of the cost of living. The gendarmerie arbitrarily arrested the three protest organizers, including Kao Atcholi, a human rights defender leading the Association of Victims of Torture in Togo. They were detained for a day and released without charge.” (*AI, 24 February 2016*)

The German Federal Office for Migration and Asylum describes how the government shut down schools in February 2015 as a response to protests in the capital:

“Togo temporarily shut all schools in the private and public sector in the country on 17 February 2015 after students took to the streets of the Capital Lomé to protest. However, Universities were not closed down. The students protested against repeated strikes by teachers and urged the authorities to meet the demands of educators for salary increases. The schools reopened on 23 February 2015.” (*Germany, 23 February 2015, p. 6*)

A May 2015 document by the institution further notes that, “[a] few days before the elections, amnesty international accused the government of having interfered with the freedom of assembly and free speech. The human rights organisation also claimed that the army had shot at protesters at a demonstration in March.” (*Germany, 4 May 2015, p. 3*)

## 2.16 Freedom of Religion

According to Compassion International, an NGO dedicated to the long-term development of children living in poverty, “[t]he constitution provides for freedom of religion, and the government does not tolerate its abuse either by public or private groups. The constitution further prohibits political parties to be established based on religion.” (*Compassion International, n.d.*)

The United States Department of State’s (USDS) 2015 Report on International Religious Freedom provides the following overview of the protection of religious freedom by Togolese law:

“The constitution states the nation is a secular state and ensures equality before the law of all citizens, regardless of religion, respects all religious beliefs, and prohibits religious discrimination. It provides for freedom of conscience, religion, and worship, the free exercise of religious belief, and the right of religious groups to organize themselves and carry out their activities consistent with the law, the rights of others, and public order.

The law recognizes Catholicism, Protestantism (including Methodism and Lutheranism, the largest Protestant groups), and Islam as state religions. It requires all other religious

groups, including indigenous groups, to register as religious associations. Official recognition as a religious association affords these groups the same rights as those afforded to the three state religions, including import duty exemptions for humanitarian and development projects.” (USDS, 10 August 2016)

The same United States Department of State’s (USDS) 2015 report describes government and societal practices concerning the exercise of religious freedom in Togo:

“According to the Directorate for Religious Affairs, disputes arose over new churches that established themselves within neighborhoods, particularly those led by religious leaders from Nigeria. Local residents complained that these congregations worshiped too loudly, and often late at night, using drums. The MTA reported it received regular complaints about noise during the year, but was not able to provide specifics on any of the disputes and whether or how they were resolved. These complaints reportedly often focused on evangelical parishes, led by charismatic leaders who presided over services employing musical instruments and loud praying. In the Gbenedji district of Lome, neighbors complained that an evangelical church held services all weekend and on Fridays as well, according to a news report in August.

Members of different religious groups regularly invited one another to their respective ceremonies. Marriage between persons of different religious groups was common.” (USDS, 10 August 2016)

According to Freedom House’s 2016 Freedom in the World report, “[r]eligious freedom is constitutionally protected and generally respected. Islam and Christianity are recognized as official religions; other religious groups must register as associations.” (Freedom House, 29 June 2016)

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