



International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination

Ninety-first session

21 November-9 December 2016

Item 4 of the provisional agenda

**Consideration of reports, comments and information submitted
by States parties under article 9 of the Convention**

List of themes in relation to the eighteenth and nineteenth periodic reports of Togo

Note by the Country Rapporteur

1. The Committee on the Elimination of Racial Discrimination decided at its seventy-sixth session, (A/65/18, para. 85) that the Country Rapporteur would send to the State party concerned a short list of themes with a view to guiding and focusing the dialogue between the State party's delegation and the Committee during the consideration of the State party's report. This document contains a list of such themes. This is not an exhaustive list; other issues may also be raised in the course of the dialogue. No written replies are required.

Legal and institutional framework, policies and programmes for implementation of the Convention (arts. 1, 2, 4, 6 and 7)

2. Absence of a definition of racial discrimination in the law of the State party covering all the criteria set out in article 1 of the Convention. Absence of the criterion of "national origin" in the definition of racial discrimination, as provided for in article 304 of the draft Criminal Code (CERD/C/TGO/18-19, para. 24; CERD/C/TGO/CO/17, para. 11).
3. Lack of information on policies aiming to eliminate racial discrimination (CERD/C/TGO/18-19, paras. 24-32).
4. Inconsistency between the laws of the State party, in particular the Criminal Code, and all the provisions contained in article 4 of the Convention (CERD/C/TGO/18-19, paras. 82- 91; CERD/C/TGO/CO/17, para. 12).
5. Comprehensive and disaggregated data on areas covered by the Convention, including statistical data on the reporting and recording of acts and events linked to racial discrimination and hate-motivated offences and crimes, including the number of complaints, their nature and the follow-up given to such complaints by the courts, the National Human Rights Commission or the Ombudsman. Measures taken to establish a mechanism for

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collecting such data (CERD/C/TGO/18-19, paras. 222- 229 and 257; CERD/C/TGO/CO/17, para. 20).

6. Impact or results of the initiative entitled “civic education month”; the adoption of the project on infrastructure for peace in Togo to prevent conflicts and violence; other measures taken to promote reconciliation, dialogue and understanding between different ethnic groups (CERD/C/TGO/18-19, paras. 245 and 246; CERD/C/TGO/CO/17, para. 15); the activities of the Office of the High Commissioner for Reconciliation and Strengthening National Unity (CERD/C/TGO/CO/17, para. 14).

7. Conclusions and recommendations of the Truth, Justice and Reconciliation Commission; measures taken to investigate and prosecute politicians and journalists who incited racial hatred and violence during the events of 2005 (CERD/C/TGO/18-19, paras. 103, 240 and 241; CERD/C/TGO/CO/17, para. 13).

8. Measures taken to ensure that the National Human Rights Commission is provided with sufficient human and financial resources (A/HRC/19/10, paras. 100.14-100.18).

Application of the Convention to ethnic and other minorities (arts. 2, 5 and 7)

9. Nature and outcome of measures taken to ensure that different ethnic groups are better represented in the civil service and in the army and security forces. Measures to prevent racial discrimination in access to the civil service (CERD/C/TGO/18-19, paras. 251 and 252; CERD/C/TGO/CO/17, para. 18).

Application of the Convention to migrants, refugees and asylum seekers

10. Measures aimed at implementing the principle of non-refoulement (CERD/C/TGO/18-19, paras. 112-114).

11. Measures to combat human trafficking.
