



International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination

Reports submitted by States parties under article 9 of the Convention

Information provided by the Government of Togo on the implementation of the concluding observations of the Committee on the Elimination of Racial Discrimination (CERD/C/TGO/CO/17)

I. Recommendation paragraph 13*

The Committee recommends that the State party take the necessary measures to combat effectively any tendency, particularly on the part of political officials and the media, to stigmatize or stereotype persons on the basis of race, colour, descent and national or ethnic origin. The State party should also ensure that no grave violation of human rights goes unpunished (art. 4 (b) and (c)).

1. Togo has been through a political crisis, punctuated by acts of violence. Following this crisis, population groups in the country legitimately aspire to a lasting peace; true democracy; the establishment of the truth about the acts and violations that were committed; and fair justice that identifies and punishes culprits, that repairs the harm suffered by victims and, lastly, that reconciles all Togolese people.
2. For this reason, under section 2.2.2b of the Global Political Accord of 20 August 2006, the stakeholders in the dialogue agreed to establish a commission tasked with shedding light on acts of political violence committed in the past and examining ways to appease/soothe victims.
3. The Truth, Justice and Reconciliation Commission was established by Decree No. 2009/46/PR of 25 February 2009.
4. The Commission officially took up its duties on 29 May 2009. Its tasks include the following:

* Paragraph numbers in this document refer to the concluding observations of the Committee (CERD/C/TGO/CO/17).

- (a) Identifying, after inquiries and investigations, the perpetrators, institutions, organizations and other parties responsible for these acts of violence and human rights violations;
- (b) Making proposals to the Government on reparation measures as well as different types of reparation for the harm suffered by victims;
- (c) Making recommendations to the Government on how to deal with the perpetrators of the gravest human rights violations; measures to ensure that these acts of violence are not repeated; and initiatives to combat impunity and strengthen national reconciliation.

II. Recommendation paragraph 17

The Committee recommends that the State party take effective and adequate measures to protect the right of indigenous peoples to land and (a) provide effective protection of the forest rights of indigenous peoples within the framework of the National Commission for the Modernization of Legislation; (b) draw up a registry of the ancestral land of indigenous peoples; (c) take into account the interests of indigenous peoples and the imperatives of safeguarding the environment with respect to land use; and (d) provide domestic remedies in cases of violation of the rights of indigenous peoples. The Committee also invites the State party to take account of its general recommendation No. 23 (1997) on the rights of indigenous peoples (art. 5 (e)).

5. During the presentation of its report (CERD/C/TGO/17), the Togolese delegation pointed out that the terms “*autochtone*” and “*indigène*” were used indiscriminately to refer to landowners, which differs from United Nations terminological practice.

6. The text applicable to land ownership in Togo is the decree of 24 July 1906 on the organization of the landed property system in the colonies and territories under the General Government of French West Africa.

7. Under the provisions of article 19 of this decree, the property of indigenous people is subject to customary law.

8. Land law reform is an integral part of the ongoing modernization of the justice system.

9. With a view to enabling different actors to consider the issue, a seminar on land law was held in Lomé on 29 and 30 June 2009 for notaries, lawyers and bailiffs.

10. This seminar was part of the programme to modernize the justice system and legislation in Togo.

11. Relevant recommendations and proposals for land law reform in Togo were made at the conclusion of this meeting.

12. This ongoing reform will take account of the Committee’s concerns.

III. Recommendation paragraph 18

The Committee encourages the State party to continue its efforts to implement the recommendations of the 2005 fact-finding mission by taking urgent and adequate measures to radically transform recruitment in the army and civil service so that they reflect the cultural and ethnic diversity of Togolese society and that no ethnic group suffers discrimination (art. 5 (e) (i)).

13. Fighting discrimination is one of the Government's concerns.
 14. At the initiative of the Government, the National Assembly adopted a new act on reorganizing the civil registration system in Togo on 9 June 2009.
 15. In order to combat discrimination, this act removes references to traditional affiliation and ethnic group from civil status records.
 16. With a view to reflecting the country's ethnic and cultural diversity in recruitment for the army and security forces, the Government has chosen a recruitment process aimed at promoting the participation of all ethnic groups.
 17. The recruitment board is combing all the prefectures and preference is given to those born in each locality.
 18. Recently, the board has spent more time recruiting in the southern regions than in the north.
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