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Application of the International Covenant on Economic, Social and Cultural Rights

**Initial reports submitted by States parties under articles 16
and 17 of the Covenant**

Togo

[26 January 2010]

Definition of abbreviations and acronyms

ADB	African Development Bank
AFD	Agence Française de Développement (French Development Agency)
AGFT	Association des Groupes Folkloriques du Togo (Association of Togolese folk groups)
AGT	Assurance Générale du Togo (General Insurance Company of Togo)
AIDS	Acquired immunodeficiency syndrome
AIEF	Association Internationale des Éditeurs Francophones (International Association of Francophone Publishers)
AP	Agent permanent (permanent official)
ATGL	Association Togolaise des Gens de Lettres (Togolese association of men and women of letters)
AVSF	Agronomes et Vétérinaires Sans Frontières
C2A	Compagnie Africaine d'Assurance (African Insurance Company)
CAMEG-Togo	Centrale d'Achat des Médicaments sous nom Générique (Central Purchasing Office for Generic Drugs)
CBWAS	Central Bank of the West African States
CINEATO	Centre National de production Audio-Visuelle du Togo (National Centre for Audio-visual Productions)
CLAC	Centre de Lecture et d'Animation Culturelle (Centre for reading and cultural activities)
CNDH	Commission Nationale des Droits de l'Homme (National Human Rights Commission)
CNSS	Caisse Nationale de Sécurité Sociale (National Social Security Fund)
CODHANI	Coopérative des Handicaps de Niamtougou (Niamtougou cooperative for persons with a disability)
COGES	Comité de Gestion (Management Committee)
COTCAV	Collectif Togolais des Créateurs d'Art Visuel (Togolese collective of practitioners of the visual arts)
CRAC	Centre Régional d'Action Culturelle (Regional Cultural Action Centre)
CRASE	Centre Rural des Activités Socio-Éducatives (Rural centre for socio-educational activities)
DOTS	Direct Observing Treatment Short course
ECOWAS	Economic Community of West African States
EDST	Enquête Démographique et de Santé-Togo (Demographic and health survey for Togo)
FAO	Food and Agriculture Organization of the United Nations

FESPACO	Festival Panafricain du Cinéma de Ouagadougou (Ouagadougou Pan-African Film Festival)
FESTHEF	Festival de Théâtre de la Fraternité
F-PRSP	Full Poverty Reduction Strategy Paper
f.o.b.	free-on-board
FONGTO	Fédération des Organisations Non Gouvernementales (National Federation of Non-governmental Organizations)
GAVI	Global Alliance for Vaccines and Immunization
GDP	Gross domestic product
GTA	Groupement Togolais d'Assurances (Togo Insurance Group)
GTZ	Deutsche Gesellschaft für Internationale Zusammenarbeit
HIPC	Heavily Indebted Poor Countries Initiative
I-PRSP	Interim Poverty Reduction Strategy Paper
ITRA	Institut Togolais de Recherche Agronomique (Togo Agricultural Research Institute)
MICS3	Multiple Indicator Cluster Survey
MPT+	Microscopy-positive tuberculosis
NEA	Les Nouvelles Éditions Africaines
NGO	Non-governmental Organization
OTODI	Office Togolais du Disque
PACE	Programme Africain de lutte Contre les Épizooties (African Programme for the Control of Epizootics)
PRGF	Poverty Reduction and Growth Facility
RETHES	Rencontres Théâtrales de Sokodé
SIAO	Salon International de l'Artisanat de Ouagadougou (Ouagadougou International Arts and Crafts Fair)
TCP	Technical Cooperation Programme
TVT	Télévision Togolaise
UAT	Union des Assurances du Togo (Togo Insurance Union)
UBATO	Union des Ballets du Togo (Union of Togolese ballet companies)
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNAM	Union Nationale des Artistes de la Musique
UNAMITO	Union Nationale des Marionnettistes du Togo
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNICEF	United Nations Children's Fund
UONGTO	Union des Organisations Non Gouvernementales
USAID	United States Agency for International Development

WACEM	West African Cement
WAEMU	West African Economic and Monetary Union
WHO	World Health Organization

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Reminder

1. Togo acceded to the International Covenant on Economic, Social and Cultural Rights on 24 May 1984.¹ Pursuant to articles 16 and 17 of the Covenant, Togo was to submit its initial report on the legislative, regulatory and practical measures taken to give effect to the rights and freedoms set out in the Covenant.
2. However, a number of administrative and financial constraints meant that it was not possible for the Togolese Government to honour that commitment within the requisite time limit.
3. Following a number of reminders from the Secretary-General of the United Nations, the Togolese Government submits the following report.

¹ Act No. 84/03 of 24 May 1984 which entered into force on 24 August 1984.

Introduction

4. This report, which has been prepared in accordance with articles 16 and 17 of the Covenant, sets out the legislative, judicial, administrative, political and other measures adopted by Togo to give effect to the provisions of the Covenant.
5. The report has been drawn up in accordance with the guidelines for drafting reports under the Covenant. It contains two sections
6. The first section sets out the general information on Togo, namely the country profile, the population, the general political structure, the country's economic, social and cultural features, the legal framework applicable to the protection of human rights, the dissemination of information in relation to and the publicizing of the Covenant.
7. The second part provides information on the substantive provisions of the Covenant.

Part One

Background information

A. General information

1. Physical characteristics

1.1 Geography

8. Togo, a West African State, borders the Gulf of Guinea. It forms a corridor about 600 km long between the Atlantic in the South and Burkina Faso in the North. This narrow band of territory, which varies in width from 50 km to 100 km, is bounded by Benin to the East and Ghana to the West. It has a surface area of about 56,600 km².

1.2 Elevation

9. The country's terrain is quite varied, featuring a 50-kilometre-long coastal plain, separated from the sea by lagoons, which gives way to an ancient plateau of hills and valleys. The Plateaux region includes the Kloto, Danyi and Akposso plateaux. These ancient and fertile plateaux are bordered by a mountain chain that cuts across the country from the south-west to the north-east. This mountain chain is a continuation of the Ghanaian Akuapu massif and ends at the Dahomean massifs and the Atakora mountains.² It is never wider than 60 kilometres and its average height is about 800 metres. Its highest point is the Pic d'Agou (986 m). It includes the Défalé ridges, the Kabyè mountains, the Tchaoudjo massifs and the Malfakassa and Fazao mountains. To the north, the mountain chain descends to the Oti alluvial plain.

1.3 Climate and rainfall

10. Togo is situated between 6 and 11 degrees north and has two distinct climatic zones.

(a) The south of the country is characterized by a southern equatorial climate, with two rainy seasons (March-July and September-November) and two dry seasons (November-March and August-September). The weather is dominated by the monsoon, which generally arrives in July with a mild rainy season.

(b) The north has a Sudanese-type climate, with a rainy season (April-September) and a dry season (October-March). In January, the harmattan, a warm, dry, sandy wind, blows across the whole country, most noticeably in the north.

11. Temperatures range from 20° to 40° C. The temperature range increases the further inland you go, but on the whole temperatures do not vary enormously, and the climate is always warm, without being excessively hot.

12. Annual rainfall ranges from 650 mm to 1,500 mm. The wettest zones, including the Plateaux region, the Central region and the Kara region, record about 1,500 mm a year. Those with the lowest rainfall, recording between 600 mm and 800 mm, are the northern Savanes and the coastal zone.

² Explanatory note to the geological map, Atakpamé sheet, 1st edition, memorandum No. 4, 1986.

1.4 *Vegetation and watercourses*

13. The vegetation is fairly dense, with grassy savannah in the north of the country and wooded savannah with gallery forests on the plateaux.

14. The Oti, Kara and Mono rivers are the country's main watercourses. In the north, the Oti basin drains a number of tributaries towards the Volta in Ghana. In the south, the Mono, swollen with the waters of the Anié, Amou and Ogou, borders Benin and flows into the sea. The Haho and the Zio are coastal rivers of average discharge that flow into Lake Togo. The lake, a vast system extending over 46 km², is separated from the sea by the coastal strip. A hydro-electric dam on the Mono at Nangbéto provides about one-third of Togo's electricity consumption.

2. **The human environment**

2.1 *Demographic data*

15. Togo is quite densely populated with an average population density of 75 inhabitants per km². In 1922, the country had 728,000 inhabitants³. Its population then grew to 1,444,000 in 1960,⁴ 1,950,646 in 1970⁵ and 2,719,567 in 1981, the date of the last census. The rate of population growth varied from 2.9 per cent between 1970 and 1981 to 3.1 per cent between 1981 and 1990, settling at 2.4 per cent since 1993. With this rate of growth, the population is estimated at 5,596,000 in 2008.⁶

16. Togo's population is essentially young and is made up as follows:⁷

- Under 15s, 42 per cent;
- From 15-59, 51 per cent;
- Over 60s, 7 per cent.

17. Women outnumber men:

- Women, 51 per cent;
- Men, 49 per cent.

18. The Togolese population is unevenly distributed. The Maritime region, with only 11 per cent of the total surface area, contains more than 45 per cent of the population, at a density of more than 412 inhabitants per km² in 2008, while the Centrale region, covering 23 per cent of the surface area, contains barely 9 per cent of the population, at an average density of 38 inhabitants per km² (estimate by the Directorate-General for Statistics and National Accounts, 2008).

19. Estimated at over 1,500,000 in 2008, the population of the capital Lomé and its conurbation largely accounts for the high population density in the Maritime region.⁸

³ Administrative censuses cited in the reports of the French Government to the League of Nations on the administration of Togo and subsequently in the annual reports of the French Government to the [General] Assembly of the United Nations on the administration of Togo under French protection.

⁴ First population census, 1958-1960.

⁵ Second population census, 1970.

⁶ Estimate by the Directorate-General of Statistics and National Accounts (DGSCN).

⁷ Estimate by the Directorate-General of Statistics and National Accounts.

⁸ Estimate by the Directorate-General of Statistics and National Accounts, 2008.

20. A rural exodus is the dominant feature of population movements and an important factor in the growth of urban populations, including: Lomé, 1,500,000 inhabitants in 2008; Sokodé, 119,000 inhabitants; Kara, 107,000 inhabitants; Kpalimé, 78,000 inhabitants; Atakpamé, 77,000 inhabitants; Dapaong, 59,000 inhabitants and Tsévié, 49,000 inhabitants in 2006.⁹

Rate of population growth

21. The population grew at between 2.4 and 3 per cent from 1960-1998:

- 1960-1970: 2.6 per cent;¹⁰
- 1970-1981: 2.9 per cent;¹¹
- 1981-1990: 3.1 per cent;¹²
- 1993-1998: 2.4 per cent.¹³

Average household size and composition

22. The average household size is 5.4 persons and varies slightly according to place of residence (5.6 in rural and 4.9 in urban areas). Three in four households (76 per cent) have male heads of household and one in four (24 per cent) female heads. The proportion of female heads of household is slightly higher in urban (29 per cent) than in rural areas (22 per cent).¹⁴

Birth and fertility rates

23. The fertility rate by age range is as follows:¹⁵

- 89 per cent for 15-19 year-olds;
- 224 per cent for 20-24 year-olds;
- 251 per cent for 25-29 year-olds;
- 37 per cent for 45-49 year-olds.

24. The total fertility rate for women aged 15-49 is estimated at 5.4 children per woman.¹⁶ The crude birth rate is 35 per cent.¹⁷ Fertility rates are much higher in rural than in urban areas. The fact is that women in rural areas start child bearing sooner and end later than women in urban areas. The total fertility rate is 6.5 children per woman in rural areas compared with 3.3 per woman in urban areas.¹⁸ The city of Lomé has the lowest fertility rate (2.9 children per woman).

⁹ Estimate by the Directorate-General of Statistics and National Accounts, 2008.

¹⁰ Population censuses 1960 and 1970 excluding those repatriated from Ghana.

¹¹ Population census 1970 and general population and housing census 1981.

¹² Population census 1981, estimate by the Directorate for General Statistics 1990.

¹³ *Enquête Démographique et de Santé* (EDST-II) (demographic and health survey), 1998.

¹⁴ EDST-II, 1998.

¹⁵ EDST-II, 1998.

¹⁶ EDST-II, 1998.

¹⁷ EDST-II, 1998.

¹⁸ EDST-II, 1998.

Table No.1
Social and demographic indicators, Togo (2007)

<i>Indicator</i>	<i>Level</i>
Infant mortality rate (less than 1 year-old) (%) ¹	77
Infant/child mortality rate (%) ¹	123
Life expectancy at birth (men)	56.5 years
Life expectancy at birth (women)	58.5 years
Overall life expectancy	57.5 years
Crude death rate (%) ³	13
Crude birth rate (%) ³	35
Natural growth rate (%) ³	2.4
Total fertility rate (average number of children per woman) ³	5.4
Maternal mortality rate (per 100 000 live births) ²	478

Sources: Principal health indicators (2007); ¹ MICS3 (Multiple Indicator Cluster Survey 3);
² EDST-II (Demographic and Health Survey II); ³ EDST-III.

Table No. 2
Social and Demographic indicators, Togo (1998)

<i>Indicator</i>	<i>Level</i>
Neonatal mortality rate (%)	42.4
Postnatal mortality rate (%)	38
Child mortality rate (%)	69

Source: EDST-II, Directorate-General of Statistics and National Accounts and Macro-Internationale.

2.2 *Ethnic and linguistic groups*

25. The population contains about 40 ethnic groups from five main groups.

(a) The group of the Adja-Ewé, Ouatchi and Mina communities, related mainly by the Ewé language and a village organization based on assemblies of chiefs and civic leaders;

(b) The Akposso-Akébou group in the Plateaux region and the neighbouring plains;

(c) The Ana-Ife in the centre of the country, essentially in the Plateaux region and in the south of the Centrale region;

(d) The Tem-Kabyè and Lamba group in the Centrale and North regions;

(e) The fifth group is made up of the Para-Gourma (Moba, Gourma, Bassar, Tchamba, Naoudéba).

26. There are almost as many languages as ethnicities, but Ewé and Kabyè are the national languages which are taught at primary and secondary level. The official language is French.

2.3 Religions

27. Traditional religion (28 per cent) used to be the dominant religion but is losing more and more followers as a result of the impact of Christianity, which accounted for 51.3 per cent of the population in 1998. Islam remains the third most widespread religion practised in the country, accounting for 12 per cent of the population.¹⁹

3. Administrative organization

28. The country has 30 prefectures and 4 sub-prefectures and is divided into 5 administrative regions, which, going from north to south, are as follows:²⁰

- The Maritime region;
- The Plateaux region;
- The Centrale region;
- The Kara region;
- The Savanes region.

29. The prefectures and sub-prefectures are divided into cantons, and the cantons into villages. Since the Decentralization and Local Freedoms Act No. 007/011 of 13 March 2007, the principal towns of each prefecture have been made urban *communes* (local authorities).

4. General political structure

4.1 History

30. Togo's political and administrative organization has developed unevenly, with two political systems operating alternately.

- A multiparty system under the first and second republics from 1960-1963 and 1963-1967 respectively;
- A one-party system from 1969-1991;
- A multiparty system from 1991 to the present.

31. Following a democratic transition between 1991 and 1992, Togo is now in the era of its Fourth Republic, with the adoption of the Togolese Constitution of 14 October 1992, amended by Act No. 2002/029 of 31 December 2002. The Constitution establishes the republican nature of the Government and establishes the separation of the executive, the legislature and the judiciary. It also enshrines both the independence of the republican institutions and the protection of human rights.

4.2 The legislature

32. Title III of the Constitution governs the legislature. According to article 51 of the Constitution, legislative power is to be exercised by a Parliament composed of two chambers: the National Assembly and the Senate.

¹⁹ (EDST-II), 1998.

²⁰ Arts. 2 and 3 of the Organization of Decentralized Territorial Administration Act No. 2007-001 of 8 January 2007.

33. The National Assembly consists of deputies elected by direct, universal suffrage and secret ballot for five years. Deputies can be re-elected. The National Assembly is the organ which oversees the Government's actions. Each deputy is the representative of the Nation as a whole.

34. The Senate is made up two-thirds of individuals elected by the representatives of the local authorities and one-third of individuals appointed by the President of the Republic. Senators have a five-year mandate and enjoy parliamentary immunity. It should be pointed out that the Senate has yet to be put in place.

4.3 *The executive*

35. Title IV of the Constitution is devoted to the executive and Title V to relations between the executive and the legislature. The executive is the branch which implements the country's domestic and foreign policies.

36. The Constitution establishes a semi-parliamentary system in Togo, with a twin-headed executive. The executive comprises the President of the Republic, elected by direct, universal suffrage and secret ballot for a renewable mandate of five years,²¹ and the Government, led by a Prime Minister appointed by the President of the Republic.²²

4.4 *The judiciary*

37. Title VIII of the Constitution governs the judiciary, which is of the legislature and the executive. In the exercise of their functions, judges are subject only to the authority of the law.²³ The judiciary is the body that applies laws and regulations.

5. **Economic and social characteristics**

38. The Togolese economy draws its resources from three main sectors: agriculture, trade and industry.

5.1 *Agriculture, animal husbandry and fishing*

5.1.1 *Agriculture*

39. Agriculture employs 70 per cent of the population. It is the motor of the Togolese economy, given its contribution to gross domestic product (GDP), employment and food-supply. It thus accounts for about 40 per cent of GDP (on average over the period 1995-2005), provides the livelihood of about two-thirds of the economically-active population and contributes more than 20 per cent to export earnings. This means that the sector has a crucial role in all national strategies for combating hunger and poverty. It also contributes more than 20 per cent of export earnings.

5.1.1.1 *Food crops*

40. Food crops take up 842,124 hectares, or 20 per cent of the country's total land area. Subsistence crops are the main sub-sector of the Togolese economy and account for 69 per cent of Togo's gross domestic agricultural product. The main subsistence crops grown in Togo include maize, cassava, yams, millet, beans, acha, sorghum, peanuts and soya.

²¹ Art. 59 of the Togolese Constitution.

²² Art. 66 of the Togolese Constitution.

²³ Art. 113, paras. 1 and 2, and 114 of the Togolese Constitution.

41. It is important to note that rates of growth in the production of many subsistence crops have fallen as a result of the combined effect of the suspension of international aid from 1993-2007 and climatic factors.

42. For example, the average annual increase in the rate of growth in maize production fell from 8 per cent for the period 1990/1991-1997/1998 (before international cooperation was suspended) to 2.8 per cent for the period from 1998/1999-2005/2006 (when international cooperation was suspended).

43. The growth rate fell from 6.9 per cent to 2.1 per cent for cassava, from 7.8 per cent to -1.7 per cent for yams and from 19.7 per cent to -1.5 per cent for paddy rice.

44. For beans (cowpeas) and peanuts, annual growth rates fell from 13.5 per cent to 6.8 per cent and from 6.9 per cent to 0.3 per cent respectively over the same period.²⁴

45. In the case of sorghum and millet, however, which did not benefit from international aid, the tendency was towards increased production. Thus, the rate of the growth in sorghum production was of the order of 2.8 per cent a year before the cessation of aid, and of 4.5 per cent during the period when development aid was suspended.

46. For millet, the rate rose from -4.4 per cent during the period 1990/1991-1997/1998 to -0.4 per cent during the period 1998/1999-2005/2006.

5.1.1.2 Cash crops

47. Cash crops, which are grown for export, include coffee, cocoa, cotton and oil palm. Cash crops other than cotton, which is grown throughout the country, are grown essentially in the Plateaux region of southern Togo. Cash crops account for 10 per cent of the country's gross domestic agricultural product.

48. Cash crops also collapsed during the period of suspension of international cooperation. Cocoa production saw a fall of about 67 per cent over the last 10 years, coffee of 57 per cent and cotton of more than 70 per cent.

49. Togo's agriculture remains essentially subsistence agriculture. The country does not have a dynamic policy aimed at developing an agri-food processing industry that could serve both domestic demand and foreign markets. However, efforts at modernization are under way.

50. To stimulate agricultural production, an agricultural training centre was established in Tové, in the Plateaux region, in 1968, and since 1998 two semi-public institutions have also been working to promote the modernization and professionalization of Togolese agriculture. These are:

(a) The Togo Agricultural Research Institute (ITRA): it conducts research aimed at promoting agricultural development, mainly in the areas of crop production, livestock production, fisheries, forestry and the environment, and at developing agricultural and food technologies;

(b) The Technical Advisory and Support Institute promotes professional agriculture through extension work aimed at introducing farmers to techniques developed by the Agricultural Research Institute and adapted to their needs and production potential; it also promotes professional economic agricultural associations with a view to enhancing

²⁴ Conference of Togo's development partners, Brussels, 18 and 19 September 2008, Interim Priority Action Plan (IPAP) 2008-2010, presentation on sectoral areas, Ministry of Cooperation, Development and Planning, September 2008.

farmers' performance and enabling them to participate in the management of the various sectors.

51. The legal standing of the Technical Advisory and Support Institute and the Agricultural Research Institute were changed by Decree No. 2008-117/PR and Decree No. 2008-119/PR of 29 August 2008 to give them the legal status of public bodies with legal personality and management autonomy.

52. In implementing their mandates, the two Institutes go into individual villages to assess farmers' needs, using what is known as a village-level participatory approach. The effort to propagate awareness of new techniques covers nearly the entire country, and a number of districts already have an agricultural counsellor available to them.

5.1.2 Livestock

53. Raising livestock is a major activity in Togo's rural sector. It contributes 13.4 per cent to agricultural GDP and 3 per cent to overall GDP, and is engaged in by 75 per cent of farmers. In spite of its potential, the country has a large deficit in meat products. This deficit of some 40 per cent, with an average annual consumption of 7 kg of meat and offal per inhabitant, has grown year on year as a result of population growth and low productivity. It is important to point out that this annual consumption per inhabitant is below the standard set by the Food and Agriculture Organization of the United Nations (FAO) of 12 kg per person per year.

54. The country produces low numbers of animals, currently assessed at 302,500 head of cattle, 1,583,000 head of sheep, 1,781,000 head of goats, 301,500 head of pigs and about 12,000,000 poultry birds.

55. The annual production of meat is estimated at about 26,000 tonnes and of eggs at about 30,000 tonnes. To reduce the deficit, the country is obliged to import each year 30,000 head of cattle, 40,000 head of live small ruminants and butchered meat, poultry (311,075.88 tonnes in 2007 and 57,585 tonnes in 2008) and a large quantity of milk and milk products.

56. It should be noted also that the country has an inflow of animals owing to transhumance. Each year, it receives about 70,000 head of cattle seeking pasture and water. This is a source of animals for slaughter for the cattle markets.

57. This deficit in meat products is made more serious by a social and economic context which is marked by increases in the price of meat products, persistent poverty and an increasing need for animal protein (about 45,000 tonnes of meat and 15,000 tonnes of milk per year) as a result of population growth and urbanization.

58. Moreover, the recent floods and the appearance of animal diseases (Anthrax, African swine fever, avian influenza, ovine rinderpest affecting sheep and goats, peripneumonitis, Newcastle disease etc.) have decimated animals (with 459 pigs dying at Danyi between November 2008 and February 2009, and about 30,000 poultry birds dying after becoming infected with avian influenza).

59. In addition to these constraints, there are difficulties in the supply of inputs, a failure on the part of farmers to master livestock-raising techniques, a lack of credit for farmers, insufficient means of intervention on the part of the support services, and an absence of control mechanisms for monitoring quality and production methods.

60. The Government has taken a variety of measures to reduce the deficit since 1993. In its Declaration of Policy for Agricultural Production (DPDA), it put the emphasis on the livestock sector, and especially on small-scale livestock-raising. In this declaration, it stated that "the reduction in the deficit will be achieved first through the development of animal

species with short production cycles: sheep, goats, poultry and pigs. The way to increase stock is to master livestock-raising techniques within the framework of the activities of producer groups”.

61. Action undertaken from 1980-2000 has therefore taken the form of a number of regional and national projects such as the Kara Small-scale Livestock-raising Project and the National Small-scale Livestock-raising Programme, both with the help of the French NGO *Agronomes et Vétérinaires Sans Frontières* (AVSF); the Project for the Support of Family Livestock-raising, initiated by *Agronomes et Vétérinaires Sans Frontières*, which co-financed it with the *Agence française de développement* (AFD, the French Development Agency), began operations in 2001 and has recorded quite satisfactory results in the area of traditional poultry-keeping. The component of the Special Programme for Food Security dealing with diversification began in 2003 and remained in operation until 2005.

62. To give effect to the Togolese State’s preferred agricultural policy of encouraging the raising of species with short production cycles, and with the aim of continuing the activities of the Project for the Support of Family Livestock-raising and the Special Programme for Food Security, which came to an end in December 2004 and July 2005 respectively, the validation workshop for the national medium-term investment programme under the Comprehensive Africa Agriculture Development Programme (CAADP) of the New Partnership for Africa's Development (NEPAD), held on 18 and 19 May at Lomé, decided that the project for developing small-scale livestock-raising should be a priority.

63. In the context of the prevention of animal diseases, the project to prevent animal trypanosomiasis operated from 1989-1999 throughout the country. The Pan-African Programme for the Control of Epizootics (PACE) began in Togo and concluded in 2004.

64. In connection with the production of effective breeding stock, the Kolokopé research centre is producing breeding sheep, the Glidji centre is producing breeding pigs and the Avétonou centre is carrying out research on livestock production. The Adélé and Namiélé ranches share a specific aim: the production of draught oxen, the spread of quality breeding-stock in traditional livestock-raising operations and the sale of excess production for meat. Cattle markets have been put in place in the regions, and at Lomé and Adétikopé, to improve the commercial and animal-health networks.

65. All of these activities have achieved encouraging results and are well worth pursuing in the context of the current strategy for relaunching agricultural production and of the plan for urgent action in the period 2008-2010.

66. Some short-term urgent actions had already been taken in 2008 and are continuing in the context of action to prevent and combat pandemic animal diseases.

67. To prevent and combat Anthrax and avian influenza, which are highly pathogenic, seven projects and a Technical Cooperation Programme (TCP) were financed in 2008 with support from financial partners including the World Bank, the United Nations Development Programme (UNDP), the FAO, the European Union, the World Health Organization, the United States Agency for International Development (USAID), the African Development Bank (ADB), the United Nations Children's Fund (UNICEF), Swiss *Vétérinaires sans Frontières* and *Agronomes sans Frontières*. These activities are continuing.

68. At present, the following activities are planned to raise producers’ standard of living by increasing the value placed on their work and raising their social status.

(a) Urgent action:

(i) Support and guidance (improving the distribution of technical guidance for the improvement of habitat, feeding, hygiene and the management of livestock and pasture);

- (ii) Health monitoring: subsidies for vaccination campaigns against all animal diseases;
- (iii) Refurbishment of the ranches and the Avétonou research centre;
- (iv) Boosting institutional capacities through training, increased staff numbers etc.
- (b) Short- and-long-term action:
 - (i) Providing livestock farmers with effective breeding stock;
 - (ii) Making and improving arrangements for bringing livestock and livestock products to market;
 - (iii) Putting in place a system for credit adapted to the production cycle of livestock farmers;
 - (iv) Supporting small producer organizations;
 - (v) Improving and installing infrastructure and equipment (abattoirs, cold stores, refrigerated trucks, butchery facilities, markets etc.).

69. As national strategies put in place since 2007 for livestock husbandry, these activities have their origins in the emergency plan adopted at the National Togolese Peasants' Forum held at Kara from 14-18 February 2008. The activities have been included in the National Programme for Agricultural Investment (*Programme National d'Investissement Agricole*, PNIA).

70. A pact under the Economic Community of West African States' Agriculture Policy to support Togo in the concerted implementation of the National Programme for Agricultural Investment, in the context of the Poverty Reduction Strategy Paper was approved at the round table with the development partners held at Lomé from 29-30 July 2009. In addition, **the following regulatory arrangements for livestock production and animal health** have been passed.

- (a) Order No. 70/MAEP/CAB/SG/DEP of 18 December 2008 on the management of the Adétikopé cattle market;
- (b) Decree No. 2007-089/PR of 26 July 2007, amended by Decree No. 2008-033/PR of 11 March 2008 on the creation, membership and functions of the national and prefectural committees on transhumance;
- (c) Inter-ministerial Order No. 001/MAEP/MAEIR/MATDCL/MEF/MCDAT/MSPC of 22 May 2008 on the organization of transhumance movements in Togo;
- (d) Act No. 98-019 of 23 December 1998 on the Exercise of the Veterinary Profession;
- (e) Order No. 44/MAEP/SG/DEP of 8 June 2005 setting conditions for the exercise of the veterinary profession;
- (f) Order No. 21/MAEP/SG/DEP of 2 October 2003 on the creation, functions, organization and work of the epidemiological monitoring network for animal diseases in Togo;
- (g) Act No. 99-002 of 12 February 2005 on the Supervision of Animal Health within the Togolese Republic;
- (h) Inter-ministerial Order No. 046/MAEP/MS/MISD of 8 June 2005 on the designation of the Adétikopé cattle market as the sole cattle market for Lomé and environs;

(i) Inter-ministerial Order No. 78/MAEP/MCTA of 2 October 2005 on the prohibition of the importation of live poultry and poultry meat;

(j) Inter-ministerial Order No. 2006-005/PMRT of 15 February 2006 on the creation of a committee to prevent and combat avian influenza.

5.1.3 Fisheries

71. The fisheries sector in Togo employs 22,000 workers including 12,000 women involved in wholesaling, processing and retailing.

72. The population's demand for fish is estimated at 70,000 tonnes per year, with consumption at about 13 kg per inhabitant per year, while national production is 25,000 tonnes for sea fishing and about 5,000 tonnes for river and lagoon fish. The deficit is met by imports of about 40,000 tonnes. The Togolese coast is 50 km long, with the continental shelf extending about 1,200 km² offering limited potential for fisheries.

73. Despite low levels of production, the fisheries sector has an important role as it is still the main source of animal protein for the Togolese population. It also contributes as much as 4 per cent to GDP in the primary sector and 1.4 per cent to national GDP.

74. The current policy of the Directorate of Fisheries and Aquaculture is to promote aquaculture, which is the only way to increase fisheries production, particularly fish, so as to reduce dependence on foreign supply.

75. It is important to note that industrial fishing is not at all highly developed owing to the narrowness of Togo's coast and the low fishing potential.

5.2 *Mining, energy, water resources and industry*

76. The Togolese subsoil contains a variety of minerals, including iron, gold, chromites, titanium, nickel, diamonds, platinum, zinc, marble, limestone, phosphate, kaolinite and clay.²⁵ They are largely unexploited, except for the limestone, which is used to make cement by Ciment de Togo (CIMTOGO) and West African Cement, and the phosphate, which is exploited by the Société Nouvelle des Phosphates du Togo (SNPT).

5.3 *Insurance*

77. Togo has a number of insurance and reinsurance companies and insurance brokerage agencies serving the entire country.

- *Groupement Togolais d'Assurance et la Compagnie Africaine d'Assurance* (Togo Insurance Group and the African Insurance Company) (GTA-C2A);
- *Union des Assurances du Togo* (Togo Insurance Union) (UAT);
- COLINA S.A. Assurance;
- *Assurances Générales du Togo* (General Insurance Company of Togo, AGT);
- FEDAS (*Fédérale d'Assurances*) Togo;
- The NSIA Group;
- Beneficial Life.

²⁵ Explanatory note on the geological map, Kara sheet, 1st edition, memorandum No.1, 1984.

78. There is also a reinsurance company, the Inter-African Brokerage and Reinsurance Company (CICA-RE), which is an intergovernmental organization. There are also brokerage and insurance advisory agencies:

- *Gras Savoye*, an international group;
- *Africaine de Courtage en Assurance et Réassurance* (African Insurance and Reinsurance Brokerage Company (ACA)).

5.4 Transport

5.4.1 Road and rail transport

79. The Togolese road network extends over 11,672 km²⁶ of roads at a density (20.62 km per 100 km²) which is one of the highest in the West African subregion. The proportion of paved roads is low,²⁷ however, and barely 21 per cent of national routes are paved. There has been little investment in new construction for more than a decade. The rural road system still leaves a number of areas isolated, including a number with good agricultural potential. In 2005, the percentage of the network in good condition was 33 per cent for paved national routes, 13 per cent for unpaved national routes and of the order of 7 per cent of urban roads, including all categories.

Railways

80. The railway network, which extends over a total of 493 km, largely dates back to colonial times and has four lines:

- Lomé to Aného: 47 km;
- Lomé to Kpalimé: 120 km;
- Lomé to Blitta: 267 km;
- Lomé to Tabligbo (clinker line): 50 km.

81. Only the Lomé-Tabligbo line is operational today.

82. The *Société Nationale des Chemins de Fer du Togo*, which used to run the rail network, is at present insolvent.

5.4.2 Air transport

83. Togo has two international airports, Lomé and Niamtougou, where traffic is operated by foreign companies.

5.4.3 Shipping

84. Shipping traffic is managed by the Autonomous Port of Lomé, which was established in October 1967 to replace the old wharf, built in 1904. The port is a national public industrial and commercial facility. Legally, it is an independent corporate entity, and it is financially self-sufficient. It is a world-class port with highly developed transit activities serving the Sahel countries, mainly Burkina Faso, Niger and Mali.

²⁶ The Togolese road network is made up of paved and unpaved national routes (1,724 km and 1,355 km respectively), urban roads (1,783 km) and rural tracks (6,802 km) PIAP 2008-2010, September 2008, referred to above.

²⁷ The ratio is 0.36 km per 1,000 inhabitants compared with 0.62 km in Ghana, PIAP 2008-2010, September 2008.

5.5 Telecommunications

85. Togo has a telecommunications network with two earth stations located at Lomé and Kara.

86. Conventional telephone services are provided by *Togotélécom*, which covers the towns and conurbations and has more than 56,724 subscribers.²⁸ Mobile services, which are in the process of extending coverage to the whole of the country, are run by two companies:

- *Togo-Cellulaire (Togocel)*, which was created in 1998 and had 1,000,000 subscribers in January 2009;²⁹
- *Moov*, a private company with 569,357 subscribers by late June 2009.³⁰

5.6 Tourism and hotels

87. Togo has a fairly high level of tourist activities and a number of tourist sites.

(a) Natural sites, comprising parks (Fazao, Malfakassa in Sotouboua prefecture, which is the biggest park in Togo), waterfalls, watercourses and, mountains, where there is trekking and, on Mounts Dayi and Agou, paragliding, the bat-caves of Kékouvou in Agou prefecture and the Nano caves in Tandjouraré prefecture;

(b) Cultural sites: Koutamakou in Kéran prefecture (classed as a United Nations Educational, Scientific and Cultural Organization (UNESCO) world heritage site), slave-trade sites (the “Wood Home” at Agbodrafo), *Gbotsomé* sites at Glidji (Kpéssosso), monasteries, a fetish market and rock paintings at Namoudjoga (Savanes), the Agbogbo wall at Notsè, the *tatas* (clay forts) at Temberma and the Alédjo fault;

(c) Historic sites: the German base at Kamina and the European cemetery.

88. Hotel and restaurant provision includes several categories of restaurants and traditional eating-places (*maquis*): the *maquis* and traditional restaurants which sell mainly local dishes, and international-class restaurants and eating-places which serve European, Asian and American dishes, and sometimes local dishes as well.

5.7 Trade

5.7.1 Domestic trade

89. Domestic trade is carried on through both traditional markets and modern establishments. In traditional trade, three types of markets can be identified: local markets, serving only a single village or a small number of villages, regional markets and interregional markets.

90. Modern establishments have a monopoly on virtually all importing and distribution of imported goods. Those establishments fall into four categories.

- (a) Commercial establishments of the European type;
- (b) Establishments owned by persons from Asia and the Middle East (Syrians, Lebanese, Indians and Pakistanis);
- (c) National firms;

²⁸ Source: Togotelecom customer records, February 2009.

²⁹ Source: Togocel Info, No. 39 January-February 2009.

³⁰ Source: Management of the Moov company.

(d) Numerous small shops run by Togolese and nationals of other African countries.

5.7.2 External trade

91. In 2002, Togo's external trade registered a deficit of about 105.5 billion CFA francs (CFAF) (receipts of 295.7 billion CFAF as against expenditure of 401.2 billion CFAF on imports).

92. External transactions grew on average by 3.5 per cent in the course of the period 2002-2007. During this period, there was no perceptible reduction in the deficit except in 2003, when it amounted to 91.1 billion CFAF, compared with 189.7 billion CFAF for the other years. The largest deficit was registered in 2005: about 270.2 billion CFAF (348.3 billion CFAF in receipts for exports, as against 618.5 billion CFAF in expenditure on imports).

93. Exports are dominated by cotton, phosphates, clinker, coffee and cocoa. Export receipts from cotton have shown a marked reduction from 40.6 billion CFAF in 2002 to 12 billion CFAF in 2007. The same trend has been observable for phosphates, receipts for which fell from 28.7 billion CFAF in 2002 to 15 billion CFAF in 2007.

94. Imports involve essentially food products, consumer goods, intermediate goods, equipment and petroleum products. The proportion of petroleum products fell on average by 6.3 per cent over the period from 2002 to 2007, despite the 2007 price increases.

5.7.3 External trade and the balance of payments

95. Exports of goods f.o.b. rose from 295.7 billion CFAF in 2002 to 315 billion CFAF in 2007, that is an average annual increase of 1.3 per cent. Essentially, Togo exports coffee, cocoa, phosphate and clinker. When regional exports to the countries of the Economic Community of West African States (ECOWAS) are taken into account, clinker is the Togo's biggest export.

96. According to the data available for 2007, Togo's three main customers are Niger, Benin and India.

97. In 2006, Togolese imports to States within the West African Economic and Monetary Union (WAEMU) represented 43.3 per cent of the total value of exports and amount to 61.3 billion CFAF compared with 37.5 per cent and 76 billion CFAF in 2005. Burkina Faso is Togo's third biggest customer, accounting for 9.2 per cent of the total value of exports.

98. For 2007, Togo's exports to ECOWAS countries amounted to 69.7 billion CFAF, a reduction of 41.8 per cent compared with the cumulative total for the 12 months of 2006. ECOWAS thus accounted for 49.3 per cent of the total value of Togolese exports, compared with 59 per cent in 2006. Within ECOWAS but outside WAEMU, Ghana was Togo's biggest customer, accounting for 7.8 billion CFAF compared with 37.6 billion CFAF in 2006.

99. Imports of goods f.o.b. also increased, from 401.2 billion CFAF in 2002 to 511.6 billion CFAF in 2007. The annual average increase is thus about 5 per cent.

100. For 2007, Togo's imports fell in value by 19.7 per cent in relation to 2006 (631 billion CFAF) to 511.6 billion CFAF.

101. France was Togo's main supplier, accounting for 72.2 billion CFAF compared with 79.7 billion CFAF in 2006. Next came China, from which Togo imported goods to the value of 59.3 billion CFAF, an increase of 29 per cent compared with the end of December 2006.

102. The leading African exporter to Togo was Ghana, at 14.5 billion CFAF, or 3.9 per cent of the total value of imports, compared with 6.6 billion CFAF francs and 1.7 per cent in 2006.

Table No. 3

Balance of payments indicators

<i>Indicators</i>	<i>Years</i>					
	2002	2003	2004	2005	2006	2007
Balance of payments on current account as % of GDP at current prices	-9.5	-9.7	-10.6	-21.8	-15.3	-9.1
Balance of payments on current account excluding grants as % of GDP at current prices	-15.7	-17.3	-19.4	-30.7	-26.3	-20.2
Balance of payments on current account excluding official transfers as % of GDP at current prices	-10.2	-10.3	-11.6	-22.8	-16.6	-10.5
Proportion of imports covered by exports	73.7	79.2	70.4	56.3	61.9	61.6

Source: National GDP Committee: 11/03/2009, CBWAS (Central Bank of the West African States).

5.8 *State financial operations*

103. Expenditure by the State almost doubled over the decade 1998-2008 from 153.1 billion CFAF to 307.6 billion CFAF in 2008. The largest items are staff costs, core expenditure, equipment costs and the construction of additional roads and other works.

104. State expenditure in 1998 (153.1 billion CFAF) exceeded revenues (140.9 billion CFAF), showing a budget deficit of 12.2 billion CFAF.

105. The budget deficit was 18.1 billion CFAF in 2002; 20.2 billion CFAF in 2003; 10 billion CFAF in 2004; 15.2 billion CFAF in 2005; 6.7 billion CFAF in 2006 and 42.5 billion CFAF in 2008.

106. To restore the balance between budgetary revenue and expenditure, the State has been obliged to turn to foreign sources of funding, thus increasing its external debt to its partners.

External debt

107. Estimated at 300 billion CFAF in 1992, Togo's external debt rose from 800 billion CFAF in 1997 and 818 billion CFAF in 1998 to 890.3 billion CFAF in 2002. External debt amounted to 827 billion CFAF in 2003; 781.5 billion CFAF in 2004; 820.5 billion CFAFs in 2005; 782.7 billion CFAF in 2006; 845.7 billion CFAF in 2007 and 680 billion CFAF in 2008.

108. Mindful of the debt burden, the Government is making considerable efforts to reduce it, or indeed eliminate it entirely. For this reason, a budget line was provided for servicing the debt throughout the period 1998-2008. The budget allocations provided in this line were 22.7 billion CFAF in 1998; 30.6 billion CFAF in 2002; 28.3 billion CFAF in 2003; 32.9 billion CFAF in 2004; 33.4 billion CFAF in 2005; 29.4 billion CFAF in 2006 and 54.2 billion CFAF in 2008.

6. Development indicators

Economic indicators

Table No. 4

Production indicators (real sector)

<i>Basic aggregates</i>	<i>Years</i>						
	2002	2003	2004	2005	2006	2007	2008
GDP (at current value, billion CFAF)	1 026.2	972.6	1 023.2	1 113.1	1 160.1	1 212.8	1 444.7
GDP, primary sector	392.4	348.1	370.7	437.0	421.6	436.7	574.2
GDP, secondary sector	187.6	179.1	175.5	191.8	212.2	226.0	265.2
GDP, tertiary sector	270.4	260.7	283.4	284.8	309.6	320.1	356.3
Gross value added, non-market branches	121.7	121.3	121.4	118.8	122.9	122.3	131.8
Imputed output of banking services	-18	-17.1	-18	-19.7	-20.6	-21.6	-26
Tax on value added	42.3	49.2	53.3	63.5	75.8	84.7	-90
Import duties and taxes (excluding VAT)	29.9	31.3	36.9	36.8	38.5	43.8	53.2
Imports of goods and non-factor services	504.4	557.2	577.2	765.4	793.0	674.6	685.9
Final consumption	1 000.9	977.9	1 046.1	1 248.5	1 244.4	1 258.4	1 445
Private consumption	878.3	850.9	910.5	1 098.2	1 086.5	1 109.6	1 254.8
Public consumption	122.6	127	135.6	150.4	157.9	148.8	190.2
Gross fixed-capital formation (GFCF)	158	166.6	169.2	183.1	194.8	174.2	203.3
Private GFCF	138	147.2	144.3	145.7	147.2	150.1	153.1
Public GFCF	20	19.4	25	37.3	47.7	24.1	50.2
Stock change	13.3	-17.1	-11.6	5.3	6.5	2.9	42.8
Exports of goods and non-factor services	358.4	402.5	396.7	441.6	507.4	452	439.5
GDP deflator (base 100=2000)	114	103	106	114	114	117	137
Harmonized index of consumer prices (base 100=2002), African index	115.9	114.9	115.3	123.1	125.9	127.1	138.1
Population (millions)	4.9	5.0	5.1	5.2	5.3	5.5	5.6
GDP per capita (in CFAF thousands)	211.4	195.7	201	213.6	217.4	221.9	258.2
Domestic saving rate	25.3	-5.2	-22.3	-135.5	-84.3	-45.6	-311.7

Source: Ministry of the Economy and Finance, Directorate of the Economy.

Table No. 5

Indicators of production (real sector)

<i>Basic aggregates</i>	<i>Years</i>						
	2002	2003	2004	2005	2006	2007	2008
Rate of growth of real GDP (%)	-1.3	4.8	2.5	1.2	3.9	2.1	1.6
Rate of growth in per capita GDP in CFAF at constant values (%)	-3.6	2.4	0.1	-1.1	1.5	-0.3	-0.7
Average annual inflation rate (%)	3.1	-0.9	0.4	6.8	2.2	0.9	8.7
Rate of growth of the GDP deflator (%)	6.4	-9.6	2.6	7.5	0.3	2.4	17.2
Investment rate (as % of GDP at current prices)	16.7	15.4	15.4	16.9	17.4	14.6	17

<i>Basic aggregates</i>	<i>Years</i>						
	2002	2003	2004	2005	2006	2007	2008
Public investment rate (public GFCF as % of GDP at current prices)	2	2	2.4	3.4	4.1	2	3.5
Savings rate (as % of GDP at current prices)	2.5	-0.5	-2.2	-12.2	-7.3	-3.8	-0.02

Source: Ministry of the Economy and Finance, Directorate of the Economy.

Table No. 6
Public finance indicators
(Receipts in CFAF billions)

<i>Basic aggregates</i>	<i>Years</i>						
	2002	2003	2004	2005	2006	2007	2008
Total receipts and grants	130.02	170.78	179.57	187.97	211.89	224.91	249.9
Total receipts excluding grants	126.53	165.26	171.72	174.86	195.90	204.52	220.7
Current receipts	126.53	165.25	171.71	174.86	195.9	204.52	220.7
Fiscal receipts	115.53	148.74	160.97	162.07	179.12	195.86	211.2
Non-fiscal receipts	11.00	16.51	10.74	12.79	16.78	8.66	9.4
Grants	3.49	5.52	7.85	13.11	15.99	20.39	29.3
Grants (current)	0	0.98	0	0	1.64	12.37	13.8
Grants (capital)	3.49	4.54	7.85	13.11	14.35	8.08	15.5

Source: Ministry of the Economy and Finance, Directorate of the Economy.

Table No. 7
Public finance indicators
(Expenditure in CFAF billions)

<i>Basic aggregates</i>	<i>Years</i>						
	2002	2003	2004	2005	2006	2007	2008
Total expenditure and net loans	134.55	146.4	169.85	219.82	244.19	221.11	253.3
Total expenditure	134.55	146.4	169.84	219.81	244.15	225.15	253
Current expenditure	120.17	136.15	154.01	183.23	196.84	201.08	203.1
Wages and salaries	51.60	51.72	51.63	49.24	59.27	64.29	70.4
Interest on public debt	17.72	17.91	17.93	11.59	10.49	15.58	10.8
Capital expenditure	14.38	10.25	15.83	36.58	47.31	24.07	49.9
Loans minus recoveries	0.00	0.00	0.01	0.01	0.04	-4.04	0.3

Source: Ministry of the Economy and Finance, Directorate of the Economy.

Table No.8
Public finance indicators
(In CFAF billions)

<i>Indicators</i>	<i>Years</i>						
	2002	2003	2004	2005	2006	2007	2008
Basic budget balance as a proportion of GDP (%)	0.3	2.7	1.4	-2.0	-0.6	-0.9	-0.7
Arrears of payments (in CFAF billions)	43.0	49.0	56.5	52.6	46.4	10.2	8.3
Payroll costs as a proportion of receipts	44.7	34.8	32.1	30.4	33.1	32.8	33.6
Total pay costs as a proportion of fiscal receipts (%)	50.4	51	51.2	53.9	44.4	44.7	34.8
Investment financed from domestic resources as a proportion of fiscal receipts (%)	5.4	9.6	4.5	8.4	6.4	7.4	7.6
Tax ratio (taxes as % of GDP)	11.3	15.3	15.7	14.6	15.4	16.1	14.6

Source: Ministry of the Economy and Finance, Directorate of the Economy.

Table No. 9
Public debt indicators

<i>Indebtedness (in CFAF billions at the end of the period) and ratios</i>	<i>Years</i>						
	2002	2003	2004	2005	2006	2007	2008
Total public debt	1 154.8	1 102.4	1 057.2	1 057.2	1 098.9	1 093.9	1 140.9
Total external debt	890.3	827.0	781.5	820.5	782.8	848.7	680
Medium and long-term external debt	890.2	826.9	781.4	820.4	782.7	847.2	680
Multilateral	548.2	498.7	473.3	501.5	479.5	481.3	430.4
Bilateral	342.0	328.2	308.0	318.8	303.1	364.4	222.1
Private (London Club)	0.1	0.1	0.1	0.1	0.1	1.5	27.5
Total internal debt	264.5	275.4	275.7	278.4	311.1	319.0	460.9
Total public debt (as % of GDP)	113.1	113.3	103.3	98.7	94.3	97.0	79
Public external debt (as % of GDP)	86.8	85.0	76.4	73.7	67.5	70.0	47.1
Multilateral debt as % of total indebtedness	47.5	45.2	44.8	45.6	43.8	41.2	37.7
Bilateral debt as % of total indebtedness	29.6	29.8	29.1	29.0	27.7	31.2	19.5
London Club debt as % of total indebtedness	0	0	0	0	0	0.1	2.4
GDP (in CFAF billions)	1 026.2	972.6	1 023.2	1 113.1	1 160.1	1 212.8	1 444.7

Source: Ministry of the Economy and Finance, Directorate-General of the Treasury and Public Accounts.

6.1 Changes in gross domestic product (GDP)

109. The primary sector contributed the equivalent of 37 per cent of nominal GDP over the period 2002-2007 and the secondary sector 18 per cent. Non-market value added, essentially accounting for the informal sector, is estimated at 11.2 per cent.

110. Nominal per capita GDP averaged 210,200 CFAF during the period. Despite the size of the contribution made by the primary sector, seed cotton production declined over the period as a result of the reluctance of cotton growers to invest in the sector because of

the long delays in settling the arrears of payment owed to them at the end of the period. From now on, the State is endeavouring to pay these arrears and to reform the sector to safeguard it as a principal source of foreign currency and of income for farmers. In real terms, GDP rose from 898.1 billion CFAF in 2002 to 1035.4 billion CFAF in 2007, representing an average annual increase of 2.9 per cent. If the figure for GDP is referred to the population, per capita GDP at constant values increased from 185,027 CFAF in 2002 to 189,468.2 CFAF in 2007, a slight increase of 0.5 per cent on average annually.

111. The nominal consumption rate has been established as 104.2 per cent of nominal GDP. The investment rate was 16.1 per cent of GDP: the public investment rate represented only 2.7 per cent. The import rate during the period was high, at 59.5 per cent of nominal GDP.

6.2 *Prices and inflation*

112. The rate of growth in the GDP deflator increased at a rate of 0.5 per cent over the period 2002-2007, as a result of which the index rose from 114 to 117. On the basis of the harmonized index of consumer prices at Lomé, the annual rate of inflation rose on average by 1.9 per cent over the period. However, the average annual rate of inflation was 6.8 per cent in 2005, bound up with the increase in the prices of food products and in petroleum prices which led to an increase in the price of all goods and services.

6.3 *Public finances*

113. Over the period 2002-2006, a number of factors fuelled tensions in the management of the national finances which made it difficult to implement policies to improve public finances. These included the suspension of cooperation with the European Union and bilateral funders, difficulties in agreeing a programme with the International Monetary Fund under the Poverty Reduction and Growth Facility (PRGF) and obstacles to the implementation for Togo of the Heavily Indebted Poor Countries (HIPC) Initiative. In December 2006, Togo re-established its relationships with its principal development partners, including particularly the Bretton Woods institutions and the European Union. These efforts to achieve health at the macroeconomic level, supported by the Poverty Reduction and Growth Facility programme for 2008-2010 and helped by resources from the Bretton Woods institutions, allowed Togo to reach the decision point in late 2008.

114. Fiscal receipts amounted to 962.29 billion CFAF during the period, equivalent to 15 per cent of GDP compared with the 17 per cent which is the norm within the community of the West African Economic and Monetary Union. Total budgetary receipts excluding grants were estimated at 1,038.79 billion CFAF, equivalent on average to 16 per cent of nominal GDP.

115. Current expenditure rose over the period to 991.48 billion CFAF, equivalent to 15.2 per cent of nominal GDP.

116. The ratio of payroll costs to fiscal receipts was 34.1 per cent, which was consistent with the community standard of 35 per cent set by the West African Economic and Monetary Union during the period.

117. The total deficit (excluding grants and on the prescribed basis) was put at 96.95 billion CFAF, or 1.5 per cent of nominal GDP.

118. Current grants received over the period are estimated at 14.99 billion CFAF, equivalent to 0.2 per cent of nominal GDP, and capital grants at 51.42 billion CFAF, equivalent to 0.8 per cent of nominal GDP.

6.4 *Public debt*

6.4.1 Internal public debt

119. Internal public debt grew by 54.5 billion CFAF during the period 2002-2007, with a stock of 319 billion CFAF in 2007, that is an indebtedness ratio of 26.3 per cent of nominal GDP.

6.4.2 External public debt

120. External public debt reduced by 41.6 billion CFAF during the period 2002-2007 and was put at 848.7 billion CFAF in 2007. This level of indebtedness represented 69.97 per cent of nominal GDP.

121. In multilateral debt, indebtedness reduced from 548.2 billion CFAF in 2002 to 481.3 billion CFAF in 2007. In bilateral debt, indebtedness increased from 342 billion CFAF in 2002 to 364.4 billion CFAF in 2007.

122. In relation to London Club lenders, indebtedness increased from 0.1 billion CFAF in 2002 to 1.5 billion CFAF in 2007.

B. The general legal framework for the protection of human rights

1. The judicial bodies

123. Ordinance No. 78-35 of 7 September 1978 is the basic text governing Togo's judicial bodies. It provides for ordinary courts, specialized Courts and courts of special jurisdiction.

124. The ordinary courts include a Supreme Court in Lomé, 2 appeal courts in Lomé and Kara, 26 ordinary courts, 2 of which are category I courts (in Lomé and Kara), 5 category II courts and 19 category III courts.

125. The specialized courts are located in Lomé only and consist of the labour court and children's court.

126. The courts of special jurisdiction were abolished by article 119, subparagraph 3, of the Constitution of 14 October 1992.

127. As part of the process of modernizing the legislation, a preliminary draft Act on the organization of the judicial system in Togo has been approved and submitted to the Government for adoption. The draft Act comprehensively reforms the judicial bodies, taking account of the requirements identified by the analysis carried out with the support of UNDP.

1.1 Strengthening the judicial bodies

1.1.1 The Constitutional Court

128. Set in place by Framework Act No. 97-01 of 8 January 1997 on the Organization and Operation of the Constitutional Court, which was repealed by Act No. 2004-004 of 1 March 2004, the Constitutional Court is the country's highest court dealing with constitutional issues. It also acts as the regulatory body in relation to the operation of the institutions and the activity of the public authorities, and as the arbiter in matters concerning the constitutionality of legislation and in electoral disputes.

1.1.2 The Supreme Court

129. The Supreme Court is the country's high court for judicial and administrative matters. For a long time inactive because of certain organizational constraints, a lack of knowledge and financial resources, the administrative chamber of the Supreme Court began tentatively to operate and to hand down decisions as of 2007, including on the application from the National Association of Bailiffs seeking the annulment of Decree No. 2007/120/PR of 28 September 2007 on the appointment of bailiffs and on an application for annulment by the Chamber of Commerce.

130. However, individuals tend to prefer to refer matters to quasi-judicial bodies, such as the National Human Rights Commission (CNDH), the Director-General for Human Rights and the Civil Service Council.

131. All of the above-mentioned factors, as well as the fact that large swathes of the population are illiterate explain why the majority of the population make little use of the justice system, even though the judiciary has been decentralized.

1.1.3 The status of judges and law officers

132. Act No. 96-11 of 21 August 1996³¹ governs the status of judges and law officers. It establishes the principle that judges are to hand down judgement in accordance with the law and their conscience, that they are subject only to the authority of the law, that they may not take instruction from hierarchical superiors or be subject to pressure in carrying out their functions.

133. Under the Act, judges may not be prosecuted, sought out, arrested, detained or tried for opinions or interpretations set out in their judgements. It should be pointed out that Decree No. 97-224/PR of 4 December 1997 concerning the application of the status of judges and law officers increased levels of remuneration in order to satisfy the requirements of independence, impartiality and effectiveness.

134. Moreover, a preliminary draft Act on the status of judges and law officers is currently being studied at governmental level. It places the emphasis on the independence of the judiciary and proposes increasing judges' pay to ensure they are not subject to any kind of pressure.

1.1.4 Supreme Council of the Judiciary

135. The protection and defence of the rights of citizens and of individuals generally are not properly guaranteed unless there is an independent system of justice which is provided by responsible judges who hand down judgement solely in accordance with the law and their consciences and who perform their role in a political, legal and social environment in which people can have confidence.

136. Nowadays, that independence is guaranteed as a result of the establishment of a Supreme Council of the Judiciary (Framework Act No. 97-04 of 6 March 1997 on the organization and operation of the Supreme Council of the Judiciary) and the adoption of the legislation on the status of judges (the Act mentioned above).

137. The Supreme Council of the Judiciary is the regulatory body for judges. In that connection, 11 decisions have been handed down by the Council, including 4 suspending judges for a period of 5 years, one demoting a judge, one removing a judge from office and

³¹ Act No. 96-11 of 21 August 1996 on the status of judges and law officers (Togolese Official Journal of 27 August 1996).

5 decisions of acquittal. The decisions concerned 2 Supreme Court judges and 9 judges from the courts of first instance.

138. The Supreme Council of the Judiciary is responsible for giving its opinion on:

- The recruitment of any judge;
- The appointment of public prosecutors;
- Petitions for a reprieve and draft amnesty acts;
- Appeals for clemency.

139. It is also on a proposal from the Supreme Council of the Judiciary that judges are appointed by decree in the Council of Ministers. Every year, the Supreme Council reviews and decides on the promotion chart for judges and works to find solutions to claims lodged by judges.

140. The law officers, that is to say the lawyers, bailiffs and notaries, work alongside the judges to ensure the proper administration of justice.

141. Despite the Government's efforts to meet the expectations of citizens seeking justice, Togo's judiciary is faced with problems which could tarnish the image and credibility of judges who are, in particular, often criticized for failing to deliver justice in good time and are sometimes even accused of corruption.

142. The problems faced by judges in carrying out their duties and which hamper the proper functioning of the judiciary are in fact bound up with human resources, the inadequacy and obsolescence of infrastructure and the inadequacy of the budget accorded to the Department of Justice.

Human resources

143. Togo had approximately 190 serving judges to cover a population of more than 5,596,000 in 2008,³² that is to say 1 judge to 29,453 inhabitants. The ratio of judges to court clerks meantime is less than 1 clerk per judge.

144. Involving about 20 judges and almost the same number of clerks per year, the recruitment of new judges and court clerks, which was embarked upon as part of the programme to modernize the justice system and will continue until the programme is concluded, will help resolve the problem of a lack of human resources.

145. The two ratios cited provide sufficient illustration of the severity of the human resource issue, particularly in relation to clerks of court. There is also a shortage of support staff (typists, maintenance staff, night watchmen, drivers, etc).

146. It should be noted that following the recruitment competitions for the civil service, which were held on 1 and 2 August 2008, 85 officials were assigned to the Ministry of Justice to boost its staff numbers.

Inadequacy and obsolescence of infrastructure

147. Togo has only two courthouses which meet the requisite standards, and they are located in Dapaong and Lomé. It should be added that, in Lomé, the premises have become too small to house the court, the appeal court and the Supreme Court.

³² Source: Directorate-General for Statistics and National Accounts.

148. This has led the public authorities to transfer construction of the Lomé appeal court to a different site and leave all of the buildings for the court which will, moreover, be refurbished as part of the programme to modernize the justice system.

149. The Supreme Court has already moved from the court site to its own premises with sufficient offices for all judges.

150. As part of the same programme, there are plans to build a court and appeal court in Kara, to refurbish the court at Aného and extend and refurbish the court at Atakpamé. Implementation of the programme will make it possible to increase the number of courthouses which are fit for purpose and will, at the same time, solve the problem of overcrowding for judges who are forced to share one office between five.

151. The Lomé courthouse does not have a switchboard, which creates huge problems of communication for citizens. There is a desperate lack of equipment (typewriters, photocopiers, fax machines, microcomputers, etc).

152. As far as transport is concerned, all of the vehicles made available to certain courts since 1999-2000 are out of service and have not been replaced.

Inadequacy of the budget allocated to the Department of Justice

153. Given Togo's current economic and financial problems, the budget allocation for the Department of Justice does not meet half of the ministry's needs.

Table No. 10

Trend in the budget for the operation of the justice system as a proportion of the general budget

<i>Year</i>	<i>2003</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>
General budget	158 980 274 000	189 774 113 000	187 523 345 000	247 406 996 000	259 627 485 000	307 616 062 000	350 147 857 000
Budget for the operation of the justice system	125 148 000	125 428 000	207 377 000	310 000 000	490 959 000	1 311 337 000	2 520 320 000
Budget for the operation of the justice system as a proportion of the general budget (as a percentage)	0.079	0.066	0.11	0.125	0.189	0.426	0.719

Source: Finance Acts from 2003 to 2009.

154. It is true that Togo is right in the process of modernizing its justice system, but it has to be recognized that the programme, which is to be completed in 2010, does not cover all courts and will not be able to remedy all of the ills of Togo's justice system, the most significant of which are the lack of financial resources and the inadequacy of infrastructure and equipment.

2. The extrajudicial bodies for the protection of human rights

2.1 The Ministry of Human Rights

155. Set up by Decree No. 92-002/PMRT of 8 January 1992, the Ministry of Human Rights was restructured by Decree No. 2008-050/PR of 7 May 2008 on the responsibilities of Ministers of State and Ministers. It is now called the Ministry of Human Rights, the Consolidation of Democracy and Civic Education, and is responsible for:

- (a) Implementing State policy on human rights, democracy and civic education;
- (b) Working with the relevant institutions and ministries to promote and protect human rights, reinforce democratic principles and consolidate the participation of citizens;
- (c) Helping to strengthen integration, cohesion and national unity and assisting, for the long term, in the process of consolidating peace in the interests of the nation's development;
- (d) Working with the Ministry of Foreign Affairs and Regional Integration to secure the implementation of the international agreements on the promotion and protection of human rights;
- (e) Ensuring that citizens are informed about, trained in and made aware of their rights, and disseminating the instruments, texts and documents concerning human rights.

156. The Ministry receives many petitions every year. By way of illustration, in 2006, 2007 and 2008, it received 12, 20 and 16 petitions respectively. In 2009, it registered 17 petitions. It should be stressed that it is difficult for the Ministry to draw up statistics on the treatment of the different petitions because there are occasions when some of the authorities to which the petitions relate fail to respond to the various forms of correspondence addressed to them.

157. In addition, the Ministry of Human Rights, the Consolidation of Democracy and Civic Education promotes human rights by organizing seminars and colloquies, but also through workshops and awareness-raising campaigns.

2.2 *The National Human Rights Commission*

158. Created by Act No. 87-09 of 9 June 1987, the National Human Rights Commission was restructured by Act No. 96-12 of 11 December 1996 amended and supplemented by Act No. 2005-004 of 9 February 2005. Under that Act, the National Human Rights Commission is an independent institution subject to the constitution and the law. It has legal personality and is tasked with:

- (a) Securing the protection and defence of human rights in the territory of the Togolese Republic;
- (b) Promoting human rights in every possible way, including by:
 - Reviewing and recommending to the public authorities all draft legislation concerning human rights with a view to its adoption;
 - Issuing opinions in relation to human rights;
 - Organizing seminars and colloquies on human rights;
- (c) Examining cases of alleged violations of human rights.

159. The members of the Commission enjoy immunity while in office and for a year after they leave office. The National Human Rights Commission has thus been created to protect citizens' rights against arbitrary acts and abuse by the authorities. That being the case, and in accordance with the texts that govern its operation, the National Human Rights Commission receives complaints concerning violations of human rights, investigates them and uses all available means to seek solutions to remedy them.

160. In that connection, in its first year of operation, the Commission registered 208 complaints, 183 in 1989, 107 in 1998, 61 in 1999, 92 in 2000 and 2001, 77 between 2001 and 2003, 68 in 2004, 222 between 2005 and 2006 and 155 in 2007.

161. The Commission has endeavoured to identify solutions to these cases, as demonstrated in its various activity reports. The results achieved demonstrate its determination.

162. In point of fact, of the 208 complaints received during its first year, 38 were declared to be inadmissible (because they fell outside the Commission's jurisdiction, 78 were resolved by way of compensation or the release of persons who had been wrongfully detained, 30 were forwarded to the relevant courts, 21 were unfounded and 41 remained pending.

163. For 1997-1998, of the 107 complaints registered, 47 were declared inadmissible and 39 were successful. Six were declared unfounded and 15 remained open.

164. During 1989, the Commission received 183 complaints. When they had been processed, it declared 17 to be inadmissible and 43 unfounded. It settled 61 complaints and referred 17 to the courts. Forty-five complaints remained outstanding at the end of the period.

165. In 1999, of the 61 complaints registered, 10 were declared to be unfounded, 11 were referred to the courts, 9 remained pending and 31 achieved a favourable outcome.³³

166. Between 2000 and 2001, of 92 complaints, 18 were settled, 12 rejected, 29 declared inadmissible and 33 were pending.

167. Between 15 August 2001 and 31 December 2003, of the 77 complaints registered, 24 were declared inadmissible, 4 were referred to the courts, 11 were the subject of successful mediation and 33 were pending; 3 were settled between the parties and 2 were declared to be unfounded.

168. In 2004, the Commission received 68 complaints, 12 of which were declared inadmissible, 33 were brought to a conclusion and 23 remained outstanding and were carried over to the following year.

169. In 2005-2006, of a total of 222 complaints, 45 were declared inadmissible, 90 were brought to a conclusion and 87 remained outstanding.

170. In 2007, the Commission received 155 complaints with the following outcomes: 53 were declared inadmissible, 52 were brought to a conclusion and 50 remained outstanding. In 2008, the Commission received 158 complaints.

171. Again in the context of its mandate to protect human rights, the Commission carries out unannounced or scheduled visits to places of detention: at the gendarmerie, police stations and the country's civilian prisons. These unannounced or scheduled visits have enabled the Commission to check on the living conditions of detainees, to talk to them and listen to their grievances, and raise the awareness of judges, prison governors and wardens of the need to respect standards relating to the administration of justice and human rights.

172. In carrying out its responsibilities to promote human rights, the Commission has held many workshops, training seminars and awareness-raising and information campaigns throughout the country, as well as organizing radio and television broadcasts.

173. To provide better coverage of the national territory, the creation of regional and local branches of the National Human Rights Commission was planned. However, only two (in Plateaux and Kara) of the five regional branches have been set in place since 2005, and no local branch has yet been set up.

³³ Source: *Mieux connaître la CNDH du Togo*, March 2001, p. 38 *et seq.*

2.3 *The High Authority for the audio-visual and communications sector*

174. This is an institution for which articles 130 and 131 of the Togolese Constitution provide. Its organization and operation are determined by Framework Act No. 96/10/PR of 21 August 1996, repealed by Framework Act No. 2004-021 of 15 December 2004. Its remit is to guarantee and ensure the freedom of the press and the other media.

175. In carrying out its remit, it ensures that the political parties and associations have fair access to the official information and communications media. It ensures respect for the pluralist expression of trends of thought and views in the audio-visual media and the written press, particularly in relation to political information (art. 22 of the 2004 Framework Act).

176. Thus, during elections and election campaigns, and working with the political players, the High Authority ensures the fair allocation to candidates of air time and column space in the State media. Under article 23 of the 2004 Framework Act, the High Authority is competent to issue licences to set up and operate private television and radio channels.

177. The High Authority also ensures respect for ethics in the information and communications sector. It does not, however, have a judicial function. In cases of uncompetitive practices in the field of communications, the High Authority may refer the matter to the courts which have jurisdiction in such cases (art. 35 of the 2004 Framework Act).

3. **The non-governmental organizations (NGOs) and the associations for the promotion of human rights**

178. The protection and promotion of human rights in Togo is also secured by NGOs and the associations and leagues for the promotion of human rights that are active on the ground.

179. As at 30 April 2009, Togo had 2,228 civil society organisations (CSOs) which had been recognized and approved by the Ministry of Territorial Administration, Decentralization and Local Communities, while 210 trade unions have been registered, several of which are federated within 5 trade union federations which work to secure the necessary moral, material and social conditions for their members.

180. The NGOs are increasingly better structured and are gradually becoming organized on a sectoral or thematic basis. Depending on the issues they deal with, NGOs and associations work in the social, economic, cultural (health, education, environment, combating HIV/AIDS, microfinance, sustainable agriculture, etc) sectors or work to promote and defend human rights (children, women, persons with a disability, the elderly, combating impunity, torture, arbitrary detention and promoting democracy and civic education). Two major NGO federations are active currently:

(a) FONGTO, set up in 1986, currently includes 146 NGOs and associations, 112 of which are working in the field of human rights;

(b) UONGTO, set up in 1993, currently includes 152 NGOs and associations, 107 of which are working in the field of human rights.

181. The federations cover different areas of the national territory, as shown in the table below:

Table No. 11
Summary of the distribution of NGOs and associations at national level

<i>Level/Region</i>	<i>FONGTO (112 NGOs)</i>		<i>UONGTO (107 NGOs)</i>	
	<i>Number</i>	<i>As a percentage</i>	<i>Number</i>	<i>As a percentage</i>
National	48	33	26	17
Maritime	49	34	17	11
Plateaux	22	15	29	19
Centrale	12	8	25	17
Kara	10	7	38	25
Savanes	5	3	17	11
Total	146	100	152	100

Source: Ministry of Territorial Administration, Decentralization and Local Communities.

4. The remedies currently available

4.1 *Judicial remedies*

182. The principle that citizens are equal before the law is guaranteed in Togolese legislation. Every citizen has the right to be heard before the courts. Justice is delivered without any discrimination based on gender, religion or financial resources.

183. According to the provisions of article 7 of Ordinance No. 78-35 of 7 September 1978 on the organization of the judiciary in Togo, hearings on all subjects are held in public unless this would be prejudicial to public policy or morality.

184. The various pieces of legislation accord every individual the right freely to refer a matter to the Togolese courts (arts. 1 and 2 of the Code of Criminal Procedure and art. 3 of the Code of Civil Procedure).

185. The victim of a violation of human rights may refer the matter to the courts on the basis of the Code of Civil Procedure of 15 March 1982, the Criminal Code, the Code of Criminal Procedure or on the basis of article 1382 of the French Civil Code, as the latter provision remains in force in Togo. However, in the case of actions under the Criminal Code, the violation forming the subject-matter of the prosecution must be caught by the Criminal Code and classified as an offence and a punishment must be provided for in relation to the perpetrator.

186. In practice, the costs of bringing an action and the time such actions take limit the number of actions brought and indeed deter many potential litigants.

4.2 *Quasi-judicial remedies*

187. These are the remedies available to individuals through the National Human Rights Commission and the Ministry of Human Rights, the Consolidation of Democracy and Civic Education.

188. The Ministry of Human Rights, the Consolidation of Democracy and Civic Education has a quasi-judicial role in regard to the investigation of individual complaints. In point of fact, when the investigation of a complaint reveals that there has been a violation of a right or freedom, the Ministry recommends that the complainant bring the matter before the courts to obtain compensation for the harm caused. If the violation is attributable

to a public authority, correspondence is addressed to the authority in question requesting that it restore the rights of the person concerned.

189. As far as complaints to the National Human Rights Commission are concerned, please see paragraph 2.2, on page 40.

4.3 *Other remedies*

190. These are remedies which are available specifically to civil servants, private sector employees and workers in the free trade zone.

191. The possibility of petitioning the Civil Service Council means that any civil servant subject to a disciplinary measure is able to refer the matter to the Council, by way of last resort; having considered the opinion of the disciplinary board, the Council may make written or oral observations to the applicant and the relevant authority. Depending on the outcome of its investigation, the Council may also reject the petition or make recommendations designed to lift or amend the sanction (art. 57 of Ordinance No. 01 of 4 January 1968 on the general regulations for the civil service). The Civil Service Council is currently on hold because its members have yet to be appointed. As part of the ongoing reform of the public authorities, it will be permanently up and running.

192. A petition to the Civil Service Council has the effect of staying proceedings before the administrative court. However, a civil servant may bring a legal action once the Council has handed down its final decision (art. 60, subpara. 2, of the above-mentioned ordinance). The composition of the Civil Service Council is multidisciplinary.

193. Petitions to the Inspectorate of Labour and Social Legislation enable individuals covered by the labour code to refer matters to that body to obtain the settlement of a dispute. If the Inspectorate's endeavour to obtain a friendly settlement fails or is refused, the parties may refer the matter to the labour court.

194. It is also possible to petition the Company for the Administration of the Free Trade Zone (*Société d'Administration de la Zone France, SAZOF*) or the interpretation and conciliation board. According to the provisions of the agreement of 1 June 1996 governing labour relations between employers and employees in the free trade zone, any dispute arising in a company may be referred to the Company for the Administration of the Free Trade Zone for final settlement.

195. If a settlement cannot be reached, the Company for the Administration of the Free Trade Zone may refer the matter to the interpretation and conciliation board, a dispute settlement body of last resort whose decisions may not be appealed (art. 145 of the agreement). It is made up of an equal number of employees and employers and is chaired by a representative of the Company for the Administration of the Free Trade Zone.

5. **The position of international instruments in Togo's justice system**

196. In relation to the promotion and protection of human rights, Togo has ratified or acceded to most international instruments and has incorporated them into its Constitution, article 50 of which provides that "the rights and duties set out in the Universal Declaration of Human Rights and in the international instruments relating to human rights, which have been ratified by Togo, shall form an integral part of this Constitution".

197. Pursuant to article 140 of the Constitution, "upon their publication, treaties or agreements which have been duly ratified or approved shall take precedence over [domestic] legislation". However, some further clarification is needed in regard to the application of the provisions of articles 50 and 140.

198. In effect, while there is no exception to the fact that the treaties and agreements ratified by Togo take precedence over domestic legislation, the applicability of those provisions depends on their objective. For example, any provision which establishes rights only for the benefit of citizens is immediately applicable and may be relied upon before the courts which must apply it. However, any provision which criminalizes an action or act must be brought into line with domestic law, which itself must provide for the appropriate penalties.

C. The dissemination and publication of information

199. In the context of their work to promote human rights, the National Human Rights Commission and the Ministry for the Promotion of Democracy and the Rule of Law have organized seminars and awareness-raising campaigns on human rights legislation, including the International Covenant on Economic, Social and Cultural Rights.

200. Following the presidential elections of 21 June 1998, the then Head of State, the late Eyadéma GNASSINGBE, resolved to consolidate democracy and the rule of law by setting up a Ministry for the Promotion of Democracy and the Rule of Law.

201. In order to implement that policy, he adopted two important measures on the occasion of the fiftieth anniversary of the Universal Declaration of Human Rights.

202. Firstly, he decided to generalize the teaching of human rights in all of Togo's lycées and secondary schools. Turning words into deeds, he went to the Lycée de Tokoin in Lomé, where he personally presided over the official ceremony to launch the teaching of democracy and human rights in Togo's educational establishments. In his speech, the President of the Republic called upon the young people of Togo to make the teaching of human rights and democracy a factor for economic development and for the development of the Togolese people as a whole.

203. On that same occasion, the Head of State personally distributed 12,000 copies of the textbook on human rights and democracy.

204. The President then decided that 1999 would be the "Year of Human Rights and Dialogue" in Togo. It must, however, be acknowledged that the process of spreading the word about human rights needs to be continued.

205. In the light of the current economic and financial difficulties which the Government is experiencing, for example, assistance from its development partners could help Togo meet this challenge.

206. In Togo, the various initial and periodic reports on human rights instruments are drafted by an inter-ministerial commission set up in 1997³⁴ and made up of senior representatives from the ministerial departments with responsibility for the sectors covered by the various international instruments, and by the National Human Rights Commission.

207. However, a workshop to evaluate and finalize this report was organized over two days to enable some members of civil society to take part in drafting it.

208. The report document is edited at the Ministry for the coordination of report editing (the ministry with responsibility for human rights). A copy is sent to each ministerial department, to the National Human Rights Commission and to the Togo office of the United Nations High Commissioner for Human Rights to be generally publicized and distributed through the internet.

³⁴ Inter-ministerial Decree No. 97-025 of 28 February 1997.

Part Two

Substantive provisions of the Covenant

Article 1

The right of peoples to self-determination

209. Togo did not exist as a State until 1884. Its origin dates back to the protectorate treaty signed in Togoville on 5 July 1884 between King MLAPA III and German Gustav NACHTIGAL.

210. The Germans quickly set about conquering the north, advancing from the coast and annexing 90,000 km² of land in the course of a few years. Togo was to remain a German colony from 1884 to 1918.

211. Following Germany's defeat in the First World War, Togo was divided into two separate territories after the Treaty of Versailles, and administered by Great Britain and France under a League of Nations mandate and subsequently under United Nations trusteeship.

212. The British part (33,900 km²) was incorporated in the Gold Coast, now the Republic of Ghana, in 1956. The rest of the territory (56,600 km²), administered by France, was granted independence on 27 April 1960 and now constitutes the Togolese Republic.

213. Committed to the principle of the right of peoples to self-determination, Togo has been responsible for the organization of its political status at internal level since 1960.

214. Better still, it has always espoused the principles of democratic power and has always ensured that all sections of the Togolese population participate in the Government. The legitimacy of power in Togo is based on election.

215. To that end, machinery has been established, in the form of legal instruments (Constitution, Electoral Code, etc.) and bodies (Independent National Electoral Commission, Constitutional Court, Ministry of the Interior Directorate of Electoral Affairs), to ensure the validity of the vote. Voting is by universal ballot. The policy of peace and national unity which it has pursued for many years has protected Togo from any secession movement.

216. At international level, Togo is a peaceful State. It respects the rules of international law governing relations between States. It is also deeply committed to the principles of good neighbourliness, non-aggression and non-interference in the domestic affairs of other States. Sharing the ideals of peace and respect for territorial sovereignty, it has provided mediation and good offices in the settlement of inter-ethnic conflicts or conflicts of political interests.

The right of peoples freely to dispose of their natural wealth and resources

217. The freedom to dispose of its wealth contributes to a people's economic and social development. In its national and international policy, Togo respects that right. At no time in its history has Togo ever violated the right of other peoples to the enjoyment of their wealth.

218. Togo fishes exclusively in its own national waters and exploits only the natural wealth situated in its own territory. At the national level, Togo believes firmly in the protection of private property. The provisions of the Covenant concerning the freedom to

dispose of wealth do not appear as such in the Togolese Constitution, but they are taken into account under article 50 of the Constitution.

A. The institutional framework for the freedom to dispose of natural wealth and resources

219. The institutions concerned with the Togolese people's freedom to dispose of its natural wealth and resources are described below.

1. The Institutions working in the area of environmental protection

220. The relevant bodies include the Ministry of the Environment and Forestry Production created by Decree No. 87-24/PR of 12 March 1987 and currently called Ministry of the Environment and Forestry Resources, responsible for drafting and implementing Government policy on environmental issues, as well as managing and protecting the environment with the participation of the different sections of the population. This Ministerial Department comprises the following directorates.

221. The Directorate-General of the Environment, also responsible for ensuring the application of the Government's environmental policy.

222. The Directorate-General of Forestry Resources whose responsibilities include: coordinating the activities relating to forests, fauna and the wetlands, submitting national policy projects pertaining to forestry resources and the wetlands, the development of national parks and fauna reserves, and creating protected areas for the preservation of territorial biodiversity.

223. The Forestry Development Office, responsible for managing Togo's forests.

224. The other institutions are specified in Act No. 2008-005 of 30 May 2008 instituting the Framework Act on the Environment and Act No. 2008-009 of 19 June 2008 establishing the Forestry Code respectively. They are:

(a) The National Commission for Sustainable Development: a consultative body responsible for monitoring the incorporation of the environmental aspect in the development policies and strategies;

(b) The National Environment Management Agency (ANGE): a public support institution for the implementation of national environmental policy as defined by the Government in the context of the National Environmental Action Plan;

(c) The National Environment Fund: a public institution administered by a management committee comprising representatives from Government, NGOs and local authorities, the resources of which are used to finance national environmental policy;

(d) A special Treasury Fund called the National Forestry Development Fund, the revenue from which is exclusively allocated to financing the forestry resources development activities;

(e) The Forestry Resources Consultative Commissions established throughout the national territory whose remit is to assist in making decisions in relation to the management of forestry resources.

2. The departments working in the area of land use

225. The Ministry of Planning and Housing: one technical directorate is responsible for land management and another for the collection of geodesic data (Directorate of National Cartography and Land Registry).

226. The Ministry of Cooperation, Development and Land Management: its technical directorates are concerned with land management (Directorate of Land Management) and the registration of land in rural areas (Directorate of Agricultural Land Legislation).

3. Other institutions

227. A number of national, regional or subregional and global institutions work in the area concerned with the exploration, management and conservation of Togo's natural resources.

3.1 *Other national institutions*

228. The University of Lomé Centre on Integrated Management of the Coastal Zone and Environment is engaged, under the supervision of the Ministry of Higher Education and Research, in identifying the resources in the coastal area, the problems of pollution and coastal erosion, and the resulting social and economic changes.

229. The Directorates of Agriculture, Stockbreeding and Fisheries, Rural Management and Infrastructure, Agricultural Statistics, Informatics and Documentation and the Regional Directorates of Agriculture and Fisheries — all under falling under the auspices of the Ministry of Agriculture, Stockbreeding and Fisheries — work in the area of natural resource management.

230. A Togo National Food Security Agency, falling under the auspices of the Ministry of Agriculture, Stockbreeding and Fisheries, is responsible for regulating the prices of food products.

231. It should also be noted that there are a number of Institutes, Regional Chambers of Agriculture, and a National Abattoir and Cold Store Office.

3.2 *Other regional and global institutions*

232. The United Nations Industrial Development Organization (UNIDO), the United Nations Environment Programme (UNEP) and the United Nations Development Programme (UNDP) have worked with the countries concerned in setting up the regional "Gulf of Guinea Large Marine Ecosystem" project. The objective of this project, in which Togo is included, is to prevent pollution, ensure the conservation of biological diversity and improve the quality of the water and of the coastal and marine environment.

233. The United Nations Environment Programme and the World Bank have adopted guidelines on integrated coastal zone management. Integrated coastal zone management is to be construed as meaning a mechanism for the rational use of the living and non-living resources in coastal zones with a view to sustainable development, a mechanism with which all the local players (local authorities and NGOs) are associated.

234. As regards protection of the environment and forestry resources, Togo received financial support from the World Bank and the European Union, the West African Development Bank (WADB) and the Network for Environment and Sustainable Development in Africa for the purpose of resuming the environmental planning and management process, the National Environmental Action Plan, in October 1995. Originally started in 1989, it had been suspended in March 1992 in view of the social and political crisis in the country.

235. This process is part of an innovative approach resulting from experiments carried out all over the world, and particularly in Africa, in preparing national environmental action plans and from the dynamic movement that developed after the Rio Conference.

236. Within the framework of the national environmental action plan process, the National Environmental Management Programme is among the priority programmes identified in consultation with the various players involved in development.

237. The Government is continuing the national environmental action plan process, with the participation of all players, the objective being to develop a comprehensive strategic framework to improve the national capacity to manage natural environmental resources with a view to promoting Togo's sustainable development.

238. On 12 August 2009, the Togolese Government received financial support from the FAO within the framework of the implementation of the project "Support for updating the National Forest Action Plan".

239. The Global Environment Facility (GEF), the UNEP and the United Nations Office for Project Services (UNOPS) have supported Togo financially in the implementation of the GEF-VOLTA River Basin Project: "Addressing transboundary concerns in the Volta river basin". This is a regional initiative designed to facilitate the integrated management, protection of natural resources and sustainable development of the Volta river catchment area in the six riparian countries, namely Benin, Burkina Faso, Côte d'Ivoire, Ghana, Mali and Togo.

B. The legal framework for the freedom to dispose of natural wealth and resources

1. The applicable instruments of domestic law

1.1 The Environmental Code

240. The Environmental Code (Act No. 88-14) of 3 November 1988 which largely reiterates the provisions of the Decree of 5 February 1938 on the organization of the rules on forestry in the territory of Togo and the protected areas was replaced by Act No. 2008-005 of 30 May 2008 instituting the Framework Act on the Environment. This new Act establishes the general legal framework for environmental management. It contains 163 articles and covers the following points:

- National environmental policy guidelines (arts. 7 to 9);
- Environmental management institutions (arts. 10 to 23);
- Public participation (arts. 24 to 26);
- Environmental partnership, information and education, environmental research (arts. 27 and 34);
- Environmental management tools (arts. 35 to 54);
- Environmental protection measures (arts. 55 to 135);
- Interim, miscellaneous and final provisions of criminal law (arts. 136 to 163).

241. Legislation to implement the Framework Act and the Forestry Code is in course of preparation.

1.2 The Forestry Code

242. Act No. 2008-009 of 19 June 2008 establishing the Forestry Code defines and harmonizes the rules on the management of forestry resources to ensure that the balance between the ecosystems is maintained and the forest heritage preserved.

243. It contains 160 articles and is concerned with the rules on forests and wildlife. This new Act differs from the previous Act of 5 February 1938 in that it takes measures to

encourage reforestation and protection of resources, with the effective participation of the people. It also establishes forestry management tools, including the forestry management plan — in other words, efficient means of managing State and local authorities' forests and private forests.

244. The forestry policy in course of preparation is essentially designed to give the local population responsibilities in the management of forestry resources, in keeping with the spirit of the law on decentralization.

1.3 *The Merchant Marine Code*

245. This Code was established by Order No. 71-029 of 12 August 1971 and contains provisions on safety of maritime navigation (arts. 11 to 16), offences in connection with maritime navigation policy (arts. 116 to 134), offences in connection with maritime fishing policy — governed by the Act of 11 June 1998 and referred to in article 145 of the Merchant Marine Code of August 1971 — infringements of the general rules on transport (art. 146) and piracy (arts. 147 to 157).

1.4 *Order No. 77-24 of 16 August 1977 defining the boundaries of the territorial waters and establishing a protected maritime economic zone*

246. The aim of the Order is to define the boundaries of Togolese territorial waters and Togo's exclusive economic zone.

1.5 *Act No. 98-012 of 11 June 1998 on fishing*

247. This Act repeals Act No. 64-14 of 11 July 1964 on fishing in Togo. The new 1998 Act is concerned essentially with deep sea fishing (arts. 12 to 16), inland fisheries (arts. 17 to 25) and penalties for infringements of the legislation on fishing (arts. 26 to 42).

2. **The international treaties or agreements relating to the environment to which Togo is a party**

248. The following regional and international instruments should be mentioned in this connection:

(a) The International Convention for the Prevention of Pollution from Ships, adopted in London (1973), ratified by Togo on 2 May 1989;

(b) The United Nations Convention on the Law of the Sea, adopted in Montego Bay (Jamaica) on 10 December 1982, ratified by Togo on 29 April 1985;

(c) The Convention for Cooperation in the Protection and Development of the Marine and Coastal Environment of the West and Central African Region (WACAF, Abidjan, 1981), ratified by Togo on 20 June 1984.

249. Mention should also be made of the Conventions on the Conservation of Nature and Natural Resources, Climate Change and Biological Diversity, and a number of Protocols and Treaties on the Marine Environment and Coastal Areas signed by Togo.

250. Of the fairly wide variety of natural resources, that is to say biological, energy, mineral and water resources, only the exploitation of biological resources will be covered.

C. **The freedom to dispose of biological resources**

1. **The freedom to dispose of marine biological resources**

251. The United Nations Convention on the Law of the Sea, concluded on 10 December 1982, defined four areas of State sovereignty: the territorial waters still described as the

territorial sea, the contiguous zone, the exclusive economic zone and the continental shelf. Mention should also be made of the internal waters, which constitute an important zone not covered by the Convention on the Law of the Sea.

1.1 *Marine waters*

252. The internal waters can be defined as the waters situated within the baseline of the territorial waters. And that baseline, from which the breadth of the territorial sea is measured, is the low-water line along the coast (art. 5 of the Convention on the Law of the Sea).

253. The rule applicable to the internal waters is complete sovereignty of the coastal State. This means that any foreign ship entering a Togolese port is strictly subject to Togolese legislation (in connection with navigation, customs and police regulations).

1.2 *Territorial waters*

254. Article 2 of the Convention on the Law of the Sea reads as follows: “The sovereignty of a coastal State extends, beyond its land territory and its internal waters [...] to an adjacent belt of sea, described as the territorial sea”. It follows from this provision that territorial waters are waters over which the State exercises sovereignty and the coastal State has the widest powers with respect to the control of maritime traffic and the regulation of fishing.

255. The coastal State also has the exclusive right to exploit the subsoil in its waters. The State’s sovereignty is limited, however, by foreign ships’ right of innocent passage through the territorial sea, the breadth of which may not exceed 12 nautical miles (art. 3 of the Convention on the Law of the Sea). Foreign ships exercising the right of free passage do not comply with the Togolese regulations on fishing, environmental pollution and maritime security.

256. If a foreign ship does not comply with the regulations on environmental pollution, articles 118 to 126 of the Framework Act on the Environment, containing the common provisions for the prevention of pollution and nuisances, and the provisions of criminal law contained in that Act (arts. 155 to 158) apply.

257. In exploiting its marine biological resources, Togo takes into account the provisions of the Convention on the Law of the Sea relating to the limits of the contiguous zone (art. 33) and the exclusive economic zone (art. 56), and the provisions relating to the continental shelf contained in the Order of 16 August 1977 defining the boundaries of the territorial waters and establishing a protected maritime economic zone.

2. **The freedom to dispose of terrestrial biological resources**

258. It is important to distinguish between the exploitation of forestry resources and the exploitation of economic resources.

2.1 *The exploitation of forestry resources*

259. Deforestation constitutes the major problem in the exploitation of forestry resources, to be seen in the degradation of classified forests and the disappearance of certain oils. The causes of deforestation can be summarized as follows:

- Overfelling for commercial purposes;
- Use of green timber in the production of coal and firewood;
- Ash farming;

- Stockbreeding and transhumance;
- Bush fires;
- Invasion of protected areas;
- Poverty.

260. In both cases, the players are the local population and the source of the problem is their increasing needs. The following measures have been taken in the area of environmental protection:

- Establishment of prefectural environmental protection committees with an annual programme including planting 10,000 hectares with trees;
- Establishment of village committees to combat bush fires;
- Introduction of a 10-year programme and establishment of green spaces (150,000 hectares between 1998 and 2007);
- Programme for reforestation with acacia and eucalyptus plantations;
- Adoption of a national environmental action plan in April 2001;
- Establishment of a national environment fund, currently under way.

2.2 *The exploitation of economic resources*

261. The economic resources consisting essentially of the products of agricultural, stockbreeding and fishing activities are currently facing major problems, including:

- (a) Persistent land insecurity;
- (b) An institutional framework that is not fit for purpose;
- (c) The general degradation of soil fertility;
- (d) Excessively small, divided-up agricultural holdings, employing only rudimentary tools for ploughing;
- (e) Poor and irregular productivity in the vegetable, animal and fishing production sectors, caused by degradation of the soil, inappropriate production methods and inadequate control of water supplies;
- (f) Shortcomings in the structure of rural life;
- (g) The gender issue;
- (h) Inadequate rural infrastructures;
- (i) The absence of any efficient agricultural funding system;
- (j) The difficulties of mobilizing national compensation and pursuing measures according to project;
- (k) The effects of climate change.

262. There are also difficulties in budgeting for projects in the management of public assets.

263. These constraints have reduced performance in the sector for more than a decade and caused it to decline during the social and political crisis, so much so that the problem now is that it is unable to provide the market with a steady supply of sufficiently high quality products in sufficient quantities to ensure public food security, to meet the needs of industry, and to export.

264. The exhaustion of soil fertility is caused by:
- (a) Rapid population growth, particularly in the coastal zone (300 inhabitants per km²);
 - (b) Dividing land into plots;
 - (c) The absence of fallow land.
265. The result is reduced yields, the rural exodus, unemployment, poverty and the use of chemical additives.
266. The measures taken in the agricultural production area fall into five main categories, namely:
- (a) Intensification and sustainable development of production systems;
 - (b) Promotion of diversification options and agri-business development;
 - (c) Structuring rural life and professionalizing agricultural producers;
 - (d) Strengthening institutional capabilities;
 - (e) Promoting the right to food and good governance in the area of food and nutritional security.
267. The effects of soil erosion are to be seen in the flooding and silting up of lagoons and rivers. The main causes are:
- (a) Deforestation exposing the soil;
 - (b) Extensive cultivation;
 - (c) Washed down gravel.
268. As the principal players are the local people and the construction companies, the measures to be taken are among those planned in the area of environmental protection and agricultural production.

Article 2

The legislative, regulatory and administrative measures taken to ensure the full exercise of the rights recognized in the Covenant

269. Togo has introduced a series of five-year plans since 1966 (1966-1981) with a view to creating favourable conditions for economic take-off. Unfortunately, it was impossible to achieve that objective because of the slump in phosphate sales, which were the driving force of the national economy. These five-year plans were replaced by Structural Adjustment Programmes (SAPs) introduced with the assistance of the Bretton Woods Institutions (the World Bank and the International Monetary Fund) in difficult social and economic conditions.
270. These programmes did not cover the social sector. Accordingly, education and health were not included, with the result that the people ended up in even deeper poverty.
271. The country is currently included in the Bretton Woods Institutions' Poverty Reduction and Growth Facility (PRGF) programme.
272. Also, with the resumption of international cooperation in 2007, Togo undertook to combat poverty on the basis of its Full Poverty Reduction Strategy Paper (F-PRSP). This document places great emphasis on economic, social and cultural rights.

Article 3

The obligation to ensure equal rights for men and women

273. Togolese legislation has taken several of the Covenant's provisions into account. Under articles 2 and 11, paragraphs 2 and 3, of the Constitution, men and women are equal before the law. The Individuals and Family Code also takes a number of the Covenant's provisions into account. What is more, since its ratification by Togo in May 1984, the Covenant is an integral part of the country's legal arsenal and its provisions even take precedence over national law (art. 140 of the Constitution).

274. The merits of the measures Togo has taken to ensure that men and women enjoy equal rights within the family, in the workplace and in all other parts of their lives are thus attributable primarily to the Covenant. A number of fundamental rights referred to in the Covenant, and many others, are also taken into account in the national legislation, including:

- (a) The Togolese Constitution of 14 October 1992, which enshrines the principle of equality of men and women;
- (b) Order No. 80-16 of 31 January 1980 establishing the Togolese Individuals and Family Code;
- (c) Act No. 98-016 of 17 November 1998 prohibiting Female Genital mutilation;
- (d) Act No. 2007-017 of 6 July 2007 establishing the Children's Code;
- (e) Act No. 2006-010 of 13 December 2006 establishing the Labour Code;
- (f) Decree No. 2007-073/PR of 6 June 2007 setting the amount of the deposit to be paid for the legislative elections to be held in October 2007;
- (g) The establishment of a Ministry for the Promotion of Women, which is also concerned with gender matters. By Decree No. 2008-090/PR on the Organization of Ministerial Departments, the Directorate-General for the Promotion of Women became the Directorate-General for Gender and the Promotion of Women, containing a directorate specifically concerned with gender and women's rights;
- (h) The establishment of "Gender Focal Points" by Decree No. 2008-094/PMRT of 13 June 2008 and Ministerial decisions appointing members of those Focal Points in the Ministries concerned with "sensitive" gender-related issues.

275. It should be noted that Togo has ratified a number of international and regional conventions including:

- (a) The Convention on the Elimination of All Forms of Discrimination against Women, ratified on 26 September 1983 and generally known as the "Charter of Women's Rights";
- (b) The Protocol to the African Charter on Human Rights and Peoples' Rights, on the Rights of Women in Africa.

276. National competitions to recruit staff for all public services, without distinction as to gender, were held in July 2003 and more recently in August 2008. Of the total of just over 42,000 candidates who took part in the national competition on 1 and 2 August 2008, approximately 11,000 were women.

277. But apart from these national competitions, there were separate competitions in 2005, 2006, 2007, 2008 and 2009 for the Ministries of Primary and Secondary Education, Security, the Environment and Forestry Resources and Health. All these competitions were

held without distinction as to gender, in accordance with the provisions of article 23 of Order No. 1 of 4 January 1968 on the General Civil Service Regulations.

278. Before 2003, there were no women in the forestry service, the police force or the gendarmerie.

279. Between 2003 and 2008, 422 new recruits joined the forestry service. Of these, 46 were women and 376 men. In 2005, 61 of the 602 new recruits joining the police force were women and 441 men. In the gendarmerie, 98 of the 923 recruits who joined the force in 2006 were women and 825 were men.³⁵

280. On the same lines, the provisions of articles 281³⁶ and 282³⁷ of the preliminary draft Act establishing the Criminal Code prohibit discrimination against women in the economic, social and cultural spheres.

281. The implementation of these various legal instruments is fraught with sociological problems. The impact of positive law has yet to penetrate every aspect of daily life. People still conduct their lives in accordance with customary law because they were born and raised on traditional lines and modern law has made little impression on them. Another problem is that there is no machinery to monitor and supervise the implementation of the various legal instruments.

282. The issues are known and efforts are being made, but women are still under-represented in certain areas, including:

- The Government;
- The diplomatic service;
- Parliament;
- Local Councils;
- The army, the gendarmerie and the police force.

283. The Government, NGOs and the relevant associations are endeavouring, through education and awareness programmes, to persuade people to abandon customs that

³⁵ Source: GF2D/CRIF *Femmes Togolaises Aujourd'hui et Demain*, Livre Blanc, 2^{ème} édition, novembre 2007, p. 36-37 [Togolese Women Today and Tomorrow, White Paper, 2nd edition, November 2007, p. 36-37].

³⁶ Article 281 provides that "any discrimination, exclusion or restriction based on gender which is designed to impair or destroy the recognition, enjoyment or exercise by women, irrespective of their marital status [and] on the basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural and civil spheres or in any other sphere, shall constitute discrimination against women.

Discrimination against women shall be punishable by a prison sentence of 1 to 3 years and a fine of 500,000 to 5,000,000 CFAF or by only one of those penalties".

³⁷ Article 282 in turn provides that "anyone who commits an act of discrimination against women in any of the following spheres shall be subject to the penalties specified in the preceding paragraph:

1. Equality in political and public life at national and international level;
2. Equality before the laws on nationality;
3. Equality in education;
4. Equality in respect of rights to employment and work;
5. Equality in respect of access to health services;
6. Equality in legal and civil matters;
7. Equality in respect of rights in the family;
8. Equality in respect of rights and access to credit and social security;
9. Equality in respect of rural women's right of access to development".

discriminate against women. The State has even been led to prohibit certain practices more or less closely linked with tradition and religion which are considered to be harmful to women's health. A case in point is female genital mutilation, prohibited under Act No. 98-016 of 17 November 1997.³⁸

284. Since that Act was adopted and as a result of campaigns to raise awareness in target groups, a positive change of attitude has been observed. The practice of excision has diminished appreciably; half of all excised women have said the practice should be abolished in Togo.³⁹

285. In further efforts to eliminate all forms of discrimination against women, the Government appointed, by Decree No. 2001-045/PMRT of 26 June 2001, an Inter-ministerial Commission to assess the Individuals and Family Code in respect of women's rights. This Commission conducted a survey of the various sections of the population throughout the country and proposed a number of amendments.

286. The Individuals and Family Code was accordingly revised and the preliminary draft Act amending it was approved in July 2007. The process of adopting the revised preliminary draft Code was initiated with a first reading in the Council of Ministers on 14 January 2009. The Inter-ministerial Committee formed after that Council meeting presented the conclusions it had reached in the course of its work, which were discussed at a number of cabinet meetings. The results of these various meetings will be the subject of a second reading for adoption by the Council of Ministers. This will enable the numerous provisions discriminating against women to be eliminated and the requirements of the conventions ratified by Togo to be met.

Table No. 12

Number of civil servants, by gender

<i>Year</i>	<i>Men</i>	<i>Women</i>	<i>Total</i>	<i>Percentage of women</i>
2005	18 156	5 100	23 256	22
2006	16 205	4 371	20 756	21
2007	21 749	5 034	26 783	18
2008	26 792	5 877	32 669	17.99
May 2009	28 683	6 245	34 928	17.88

Source: Ministry of the Civil Service and Administrative Reform, Directorate of Personnel and Employment Data Management (DGIPE).

³⁸ This Act is highly deterrent; it provides that any person engaging in acts of female genital mutilation is to serve a prison sentence of between 2 months and 5 years and pay a fine of 100,000 to 1,000,000 CFAF or be subject to one of those penalties. Any witness who fails to report a mutilation will be required to serve a prison sentence of 1 year or to pay a fine of between 20,000 and 500,000 CFAF.

³⁹ Study on female genital mutilation in Togo, Directorate-General for the Promotion of Women, July 2008.

Table No. 13
Number of civil servants, by year, category and gender, 2005-2008

Year	Category											
	A1		A2		B		C		D		Permanent staff	
	Men	Women	Men	Women	Men	Women	Men	Women	Men	Women	Men	Women
2005	1 703	229	2 764	435	5 129	1 520	2 090	731	1 708	656	2 170	974
2006	1 658	218	2 674	445	4 529	1 626	1 513	549	1 521	528	1 663	646
2007	2 343	290	3 471	565	4 947	1 460	3 525	922	2 313	629	1 691	550
2008	2 696	328	4 216	700	5 781	1 649	5 799	1 335	3 237	719	1 547	515

Source: Ministry of the Civil Service and Administrative Reform, Directorate of Personnel and Employment Data Management (DGIPE), June 2009.

287. The tables show a clear disparity in the ratio of men to women among members of the civil service. The source of this situation lies in the sociological problems associated with the fact that boys take priority over girls in all respects, including access to education.

Discrimination and justice

288. Togolese justice does not admit any discrimination in the settlement of cases brought before the courts. Equality of all citizens (men and women alike) before the law is a sacrosanct principle of Togolese justice. According to this principle, citizens may bring a case before the court, if they consider that they have personally suffered damage or injury as a direct result of an offence or if they consider that they have a legitimate interest in the success or failure of a claim. It should be noted, however, that this principle is difficult to apply because judicial proceedings are not free of charge. The wealthy can bring a case at any time, since they have the means to pay for the costs of the proceedings. As for the poor, they consider that, without effective legal aid, justice is beyond their reach.

289. The introduction of legal aid, especially in criminal matters, will enable the principle to be effectively applied. Nor does Togolese justice draw any distinction between nationals and foreigners in the settlement of cases. All are subject to the same rule of law. As to minors, procedures are provided to assist them and protect their interests. The law prescribes the conditions for hearing minors, including the presence of a parent or guardian. These procedures cannot be regarded as constituting discrimination.

The guarantee of equal working conditions

290. In the area of employment relationships, the provisions of the 2006 Labour Code (Act No.2006-010 of 13 December 2006) and Order No. 1 of 4 January 1968 on the General Civil Service Regulations enshrine the principle of equality of men and women and ensure that women's working conditions will not affect their health and will take their specific features into account.

291. Article 2 of the Labour Code defines worker, irrespective of gender, as any person engaged in paid employment under the management and authority of another person.

292. Thus, under article 142 of the Labour Code, men and women have the same rights in connection with employment. Working conditions are the same for men and women in both public and private sectors. Working hours are the same. In addition to this equality, the Labour Code protects women. An example is the provision in article 147 requiring the Minister of Labour, having heard the opinion of the National Labour Council, to draw up a schedule of work that pregnant women must not do. Under article 148 of the Code,

pregnant women may also leave work without notice and without being fined for breach of contract in this connection. Women are also entitled to maternity leave and to work shorter hours when they are breastfeeding (art. 149).

293. The General Civil Service Regulations apply, under article 4, without distinction as to gender.

294. Men and women are appointed to posts in the civil service and have access to paid employment on the same conditions (they must be Togolese nationals, with rights as citizens, of good character, between 18 and 35 years of age at the time of appointment, and not suffering from any disease). In formal sectors, both public and private, the conditions of recruitment are the same for all.

295. Women appointed to posts in the civil service are entitled to maternity leave on full pay. The maximum period of maternity leave is apportioned as follows:

- Six weeks before confinement;
- Eight weeks after confinement.⁴⁰

296. In practice, this protection is not provided for women in paid employment, particularly in private education and the informal sector.

297. The same provisions apply to women working in the private sector but they are not always respected in practice. For example, in the Free Zone where there are more women, only 32 per cent are entitled to maternity leave and most women do not enjoy the privilege. In other words, the 14 consecutive weeks' leave before and after confinement, provided for in article 148, paragraph 2, of the Labour Code, are not respected.

298. According to a survey of women working in the Free Zone, conducted by the association Solidarity and Action for Sustainable Development, the failure to comply with these provisions is due to:

- (a) Bad faith on the part of employers with their eye on profits, who are unwilling to give their employees the benefit of these measures;
- (b) A lack of awareness of maternity benefits on the part of the women employees themselves;
- (c) Fear of being sacked if they claim the benefits, where women are aware of their rights in this connection.

Equal pay

299. The principle of equal pay is enshrined in the law. Article 118 of the Labour Code establishes the principle of equal pay for equal work, qualifications and performance, irrespective of gender.

300. This equality is not observed in the case of married women, inasmuch as a married woman's wage is still fixed without regard to whether or not she has children, whereas her husband claims his children as his dependants only.

301. The principle of "equal pay for equal work" is respected in the public services and in the private sector. There may, however, be pockets of inequality in the informal sector, principally in connection with the concept of gender.

⁴⁰ Art. 64 of Decree No. 69-113 of 28 May 1969 establishing common rules for the implementation of the general civil service regulations.

302. The Directorate-General of Labour and Social Laws, with technical support from the International Labour Office, plans to conduct a survey during October 2009 to measure the scale of the phenomenon and its impact on economic and social life.

303. In the agricultural sector, women work in the fields and they are also responsible for all the housework. This additional work, although it is unpaid, is regularly denounced by the NGOs campaigning for the promotion of women's rights.

The right to promotion at work

304. Promotion at work is guaranteed both in the public service and in the private sector. The rules on promotion at work contain no distinctions based on gender, religion, ethnic origin or social position.

305. There are two types of advancement in the public service, advancement to a higher step or to a higher grade. Advancement to a higher step is automatic but advancement to a higher grade, or promotion, is entirely optional, depending on merit.⁴¹

306. Equal opportunities and equal rights to promotion are enshrined in the Constitution through the principle of equality of men and women.⁴² Advancement to a higher grade is possible only for civil servants who are included, on the basis of merit, in an annual promotion table drawn up in consultation with the Joint Administrative Committee.

307. In the private sector, employees are promoted every 18 months, depending on their performance.

Security of employment

308. Men and women enjoy the same security of employment. Civil servants and employees cannot be obliged to retire before they reach retirement age, namely:

- (a) In the civil service:⁴³
 - (i) Categories A1 and A2: at 60;
 - (ii) Categories B and C comprising teaching and nursing staff: at 58;
 - (iii) Categories B, C and D customs officers: at 53, 52 and 50 respectively;
 - (iv) Other staff: at 55.
- (b) In the private and semi-public sectors, employees retire at 60.⁴⁴

309. Security of employment in the private sector depends on the nature of the employment contract. In any case, notice must be given if an employment contract is to be terminated, either temporarily or permanently. Damages are payable in all cases of breach of contract.⁴⁵

310. Any employee or employer may ask a labour and social law inspector to settle any employment dispute by amicable agreement. In the case of a conciliation procedure, the chairman of the employment tribunal may rule, at the applicant's request, that the enforcement order is to be appended. The report of the conciliation procedure is

⁴¹ Arts. 62 and 63 of the Civil Service Regulations.

⁴² Art. 11, para. 2, of the Constitution.

⁴³ Act No. 2008-02 of 26 May 2008 establishing the civil service rules on retirement.

⁴⁴ Act No. 2008-03 of 26 May 2008 establishing the general rules on the age of retirement in the private and semi-public sectors.

⁴⁵ Art. 60 of the Labour Code.

enforceable in the same way as an employment tribunal ruling. In the event of failure to settle the dispute by amicable agreement, proceedings may be initiated by oral statement or by written application to the employment tribunal.

311. In general, the right to security of employment may be suspended as a result of disciplinary measures, voluntary resignation, dismissal or removal from post.

A. Social benefits, social security and retirement pensions

312. Male and female civil servants or employees enjoy equal social benefits such as paid annual leave (30 days), leave of absence, sick leave, old-age pensions or benefits, survivors' pensions, invalidity pensions, injury benefits in the case of accidents or occupational diseases, family benefits, maternity benefits, retirement pensions, vocational training, etc.

313. Temporary civil servants are not entitled to social security services, including family allowances. Women in the informal sector who do not contribute to the social security fund are also not covered.

B. Obstacles to the promotion of women

314. Social and cultural problems and certain legal provisions constitute obstacles to the promotion of women's rights.

1. Social and cultural constraints

315. In terms of custom, the conditions on which women may acquire the right to farm land on their own account depend on their marital status:

(a) A divorced woman or a widow (who returns to her parents) may have access only to the land of her original family;

(b) A married woman or a widow (who has not returned to her parents) generally has access to land through her husband or through family connected with her husband.

316. In densely populated regions, good land is largely reserved for farm managers, most of whom are men and who represent more than 80 per cent of all heads of household.

317. Other cultural or traditional practices and customs obstruct or even oppose the social promotion of women. They include:

- Early marriage;
- Cohabitation;
- Forced marriage;
- Female genital mutilation;
- Non-participation in decisions;
- Non-access to credit and land;
- Ritual bondage marked by the custom of placing young girls in fetishist convents;
- Mourning rites imposed on widows;
- Food bans and taboos;
- Violence against women;
- Trafficking of young girls and women;
- Refusal to allow birth spacing, etc.

318. In general, modern law is still dominated in certain areas by beliefs and customs that are stand in the way of women's progress.

2. *The legal provisions*

319. As regards inheritance, women enjoy the benefit of the new rules only if their husband expressly renounced the traditional custom during his lifetime.⁴⁶ However, under the preliminary draft Individuals and Family Code, which has been approved, all inheritance is subject to the new provisions designed to correct discrimination between men and women and to meet the requirements of the conventions on the promotion of women which Togo has ratified.

320. Moreover, having stated that a woman may pursue a different occupation from her husband, article 109 of the Individuals and Family Code provides that he may object to this simply by informing his wife's employer that he objects, without any further formality. The wife can disregard his objection only if she obtains the court's permission to do so.

321. Pending the adoption of the Individuals and Family Code approved in July 2007, which no longer contains this provision discriminating against women, voices have been raised criticizing it on the ground that amounts to a restriction on women's freedom to choose their occupation.

322. The Government, with support from civil society and development partners, is doing admirable work to increase awareness so as to ensure that customs change and comply with the provisions of the international instruments to which Togo is a party.

323. In addition to these measures, Togo has take further steps to improve the situation with regard to equity between men and women in various areas of social life.

324. These provisions include:

(a) The establishment of a Ministry for the Promotion of Women, which is also concerned with gender issues. By Decree No. 2008-090/PR on the Organization of Ministerial Departments, the Directorate-General for the Promotion of Women became the Directorate-General for Gender and the Promotion of Women, containing a directorate specifically concerned with gender and women's rights;

(b) The establishment of "Gender Focal Points" by Decree No. 2008-094/PMRT of 13 June 2008 and Ministerial decisions appointing members of those Focal Points in the Ministries concerned with "sensitive" gender-related issues;

(c) The introduction of Centres of Excellence designed to ensure gender equity in education systems;

(d) The completion of a study on gender-related differences;

(e) The preparation of plans for a National Strategy for Integrating Gender in policies and programmes in Togo, adopted by the Council of Ministers in August 2006;

(f) The National Gender Equality and Equity Policy, approved in September 2008;

(g) The preparation of a national strategy document on preventing gender-based violence;

(h) The preparation of a training manual with information on gender-based violence;

⁴⁶ Art. 391 of the Individuals and Family Code.

- (i) The preparation of a training manual on psychological care for victims of gender-based violence;
- (j) The preparation of a training manual on gender;
- (k) The study of social and cultural practices and HIV/AIDS;
- (l) The study on female genital mutilation in Togo, conducted in December 2007 and approved in July 2008;
- (m) The Full Poverty Reduction Strategy Paper (F-PRSP), approved in April 2009;
- (n) Support for the training of legal assistants;
- (o) Support for the operation of reception centres;
- (p) Translation of certain documents into basic French and the language of literacy (the Convention on the Elimination of All Forms of Discrimination against Women, the Protocol to the African Charter on Human and Peoples' Rights, on the Rights of Women in Africa).

325. In addition to the strategic objectives listed above, the Government plans to support, in particular, civil society organizations involved in gender-related activities and women's associations, and to take specific measures to change the cultural, social and political scheme of things and the distribution of political and economic power in order to promote equality of men and women.

326. The following table shows the extent to which women are under-represented in decision-making positions.

Table No. 14

Participation of women in decision-making institutions and positions (2009)

<i>Decision-making position</i>	<i>Total</i>	<i>Female</i>	<i>Male</i>	<i>Percentage</i>
Ministers	30	4	26	13.33
Deputies	81	9	72	11.11
Higher Council of the Judiciary	9	1	8	11.11
Advisors to the Supreme Court	15	3	12	20
Presidents of Chambers	2	0	2	0
Supreme Court	23	4	19	17.39
Public Prosecutor in the Supreme Court	1	0	1	0
Public Prosecutor	10	0	10	0
Presidents of the Appeal Court and Courts	28	0	28	0
Advocate General at the Supreme Court	1	1	0	100
Constitutional Court	9	1	8	11.11
Judges	172	20	152	11.6
Barristers	111	14	97	12.61
President of the Bar	1	0	1	0
Mayors	21	0	21	0
Prefects and Sub-prefects	34	0	34	0
Canton heads	328	4	324	1.21
Village heads	5 000	3	4 997	0.06

<i>Decision-making position</i>	<i>Total</i>	<i>Female</i>	<i>Male</i>	<i>Percentage</i>
National Human Rights Commission	17	2	15	11.76
High Authority for the audio-visual and communications sector	9	1	8	11.11
Independent National Electoral Commission	19	3	16	33.33

Source: Various institutions, January 2009.

Article 6

The right to work and the measures taken to ensure the full exercise of that right

327. A whole arsenal of legal instruments and rules guarantees the principle of the right to work in Togo.

328. The Basic Law establishes the principle of the right to work in article 37, paragraph 1, which provides that: “The State shall recognize the right of every citizen to work and shall endeavour to create the conditions for the effective enjoyment of that right”.

329. Togo has also ratified or adhered to the following conventions:

(a) ILO Convention No. 100 on Equal Remuneration, 1951 (ratified on 8 November 1983).

(b) ILO Convention No. 111 on Discrimination (Employment and Occupation) (ratified on 8 November 1983).

(c) The International Convention on the Elimination of All Forms of Racial Discrimination, to which Togo adhered on 1 September 1972. It submitted its sixth to seventeenth periodic reports to the Committee on the Elimination of All Forms of Racial Discrimination in Geneva on 30 and 31 July 2008.

(d) The International Convention on the Elimination of All Forms of Discrimination against Women, to which Togo acceded on 26 September 1983. It submitted its initial report and its second to fifth reports jointly in January 2005.

330. In practice, the Government’s determination to promote the employment of citizens of both genders is apparent in the introduction, in 1984, of staff recruitment competitions open to candidates of either sex without distinction. The detailed rules for the promotion, advancement and recruitment of men and women civil servants are based on egalitarian principles. Thus, Togolese women civil servants are entitled to the same salary as men.

1. The measures adopted with respect to employment

331. Togo has no statistics enabling it to assess the precise level of employment and its development. However, as regards the rate of unemployment and under-employment, the latest UNDP Report (December 2008) shows that the unemployment rate in Togo is 6.1 per cent and the under-employment rate 27 per cent.

332. This is patently obvious in the case of the underprivileged sections of the population, namely women, the disabled and the young, who are increasingly subject to marginalization and exclusion on the labour market.

333. A certain number of measures have been taken since 2006 to revive the employment sector.

1.1 At legal and institutional level

334. With the technical and financial support of the International Labour Office, the Togolese Government produced, and subsequently adopted at the Council of Ministers meeting on 18 January 2006, an Employment and Poverty Alleviation Policy framework document.

335. This document identified the priority areas and the strategies that should enable the staggering rise in the unemployment rate to be reversed. This framework document was backed up by an operational Action Plan which constituted the executive arm of the employment policy.

336. On the basis of the above-mentioned documents, the Government established, in addition to the Ministry of Labour, Employment and Social Security, a Secretariat of State to the Prime Minister, responsible for Youth and Youth Employment and allocated a budget enabling it to launch programmes for young people.

337. The approval by the National Assembly of Act No. 2006-010 of 13 December 2006 establishing the Labour Code marked a turning point in the process of improving the legal framework in the employment sector. This new Labour Code covered areas that were both essential and innovative in the labour legislation, including:

- Health and safety at work (Title VII);
- Placement monitoring services (Title VIII);
- Social dialogue (Title VIII).

338. Similarly, a programme to modernize the public employment management structure was launched, in accordance with the provisions of articles 195 *et seq.* of the Labour Code of 13 December 2006. The public employment management structure currently comprises three departments:

(a) A department responsible for producing programmes inherent to the employment policy, the Directorate-General of Employment (DGE), which would replace the current National Employment Policy Directorate (DPNE).

(b) A department for the implementation of employment programmes for various target groups: the young, women, the disabled. This is the National Employment Agency, whose headquarters were officially opened on 30 April 2009 but which is not yet operational.

(c) A department for the collection, processing and dissemination of data on employment. This body, which will serve as an employment and workforce observatory, is at the design stage. There are plans for an embryo observatory of the same kind in the National Employment Agency.

339. It should be noted, however, that the fact that the National Employment Agency has not started work has delayed the implementation of a number of programmes that were to open up the employment market to vulnerable groups: women, the disabled, young people in difficulties, etc.

340. A framework for permanent dialogue has been established, bringing together on a tripartite basis the players in the labour market — Government, workers' trade unions, employers — to promote consensual decisions on all the problems caused by the conflicting interests of protagonists in the world of work.

341. Lastly, the Public Authorities' General Assembly held in December 2006 drew attention to a number of factors which undermine the productivity and performance of the

public authorities' services. Following this meeting, a special-interest group supported by two international experts was set up.

342. The Commission is ready to start work but the instruments, which were prepared and which are concerned with strengthening the public authorities' capacities (rehabilitation of the working framework, review of the general regulations as well as the specific and special regulations), have not yet been passed.

343. In conclusion, on the basis of the measures taken by the Government, the interim Poverty Reduction Strategy Paper took the development of social sectors, human resources and employment as "strategy 3". To that end, with the support of its development partners, the Government's goal is to improve the legal, institutional and economic framework for the creation of employment. This will involve, in particular:⁴⁷

- Getting the National Employment Agency up and running;
- Developing self-employment to give the young access to decent work;
- Improving the activities of the informal sector.

344. As regards the private sector, the document on the Business Charter was passed on 26 February 2009. The private sector players await the effective implementation of the guidelines set out in that Charter to give this sector a new lease of life.

1.2 *In the area of vocational training*

345. The promotion of vocational training is based on a broad approach. There is a dynamic interaction between the training, the intermediate support structures and the employers. The educational reforms aim to include business creation and management techniques in the syllabus. Similarly, an ad hoc committee has been established to harmonize the employers' requirements with the course content.

346. In the area of vocational training, the under-funding of the education and vocational training system was not conducive to matching supply with demand for employment in the formal sector. These variables resulted in a high rate of unemployment among the young. Government measures are based on a broad approach.⁴⁸

347. Civil servants benefit from measures to guarantee basic and advanced vocational training. The training may be on an individual or collective basis, depending on the needs of the service and the particular features of each body.⁴⁹

348. Technical education and vocational training fall within the remit of the Ministry of Technical Education and Vocational Training. It is responsible for the basic and advanced training of workers, technicians, executives and engineers in the modern sector and the basic training of apprentices in the formal and informal sectors. The training takes place in various public and private institutions under the supervision of the Ministry.

349. In terms of skilled workers and craftsmen, the number of apprentices in the dual system and in other vocational training centres was 1,592 of whom 231, i.e. 14.5 per cent, were girls.⁵⁰

⁴⁷ Source: UNDP: Monitoring the Millennium Development Goals in Togo, Second Report, Summary, December 2008.

⁴⁸ Source: UNDP: Monitoring the Millennium Development Goals in Togo, Second Report, Summary, December 2008.

⁴⁹ Arts. 38 to 43 of the Civil Service Regulations.

⁵⁰ Statistical Yearbook 1995-1996, Directorate of Studies, Research and Planning.

350. In conclusion, the number of girls in technical and vocational education is low compared with the number of boys. They are also under-represented in the industrial sector.

351. It is important to note that the prospects of employment in the civil service are reassuring, especially with the resumption of cooperation between Togo and its development partners.

352. An Employment and Poverty Alleviation Policy framework document was prepared in 2004. In this document, the Togolese Government, with the support of the ILO and the UNDP, established a framework for training and for the implementation of an Employment and Poverty Alleviation Policy.⁵¹ The broad objectives governing this framework document, prepared in 2004, are:

- (a) To establish greater visibility on the labour and employment market;
- (b) To establish a legal and institutional environment conducive to productive employment;
- (c) To expand various systems of credit to make them accessible to all developing companies, from micro- and small enterprises to medium-sized and large enterprises;
- (d) To improve the quality of supervision, support and advisory services for developing companies and businesses;
- (e) To establish and ensure the operation of various forms of social welfare for the different categories of workers.

353. In order to achieve these objectives, the following strategies were defined:⁵²

- (a) Strengthening the capacities of the institutions promoting employment;
- (b) Restructuring the National Employment Promotion Directorate;
- (c) Strengthening the systems of information on the labour market;
- (d) Boosting training leading to qualifications;
- (e) Improving the legal framework;
- (f) Promoting the right to work;
- (g) Political will and commitment;
- (h) Development of self-employment;
- (i) Strengthening the social dialogue.

354. It should be noted that the Advanced Technician Diploma option has developed so well in the past few years that it now has its own directorate in the Ministry of Technical Education and Vocational Training.

2. The results

355. It is too early to make an exhaustive assessment of the results of this reform, which is half-way through the implementation process. Nevertheless, we can already state that more than 13,000 young people have been recruited into the civil service since 2006, a

⁵¹ Source: F-PRSP.

⁵² Source: Ministry of the Civil Service, Labour and Employment (2004).

substantial number of them being employed part-time in High-intensity Labour Activities: cleaning gutters, paving streets, site maintenance, etc.

356. Also, the steady improvement in the economy's legal and institutional framework, particularly in the private sector, and the programme of public authority reforms both constitute parameters that encourage expectation of an improvement in the short- and medium-term employment figures.

357. In terms of action, the Government identified as priority measures, in the full Poverty Reduction Strategy Paper:⁵³

(a) Developing self-employment and access for women to more and better employment, access for young people and vulnerable groups to decent employment, and improving activities in the informal sector;

(b) Strengthening micro-credit and micro-insurance mechanisms

(c) Strengthening training leading to qualifications, reviving the National Apprenticeship and Basic and Advanced Vocational Training Fund (FNAFPP), the Youth Economic Initiatives Support Fund (FAIEJ) and the Youth Integration Fund.

3. The limits to this right

358. The last census was taken in 1981. The lack of reliable statistics effectively prevents any serious study of the subject, and any diagnosis of the real state of affairs is generally flawed. Nevertheless, there are credible indicators from which it is possible form an idea of the situation.

359. The correlation between the state of the economy and the employment situation is obvious, and the facts are not entirely consistent with the principle of the right to work. A prolonged social and political crisis (1990-2005) undermined Togo's social structures and shattered its economy.

360. The economic slump had a harmful impact on the social situation and aggravated poverty. Indeed, 61.7 per cent of the Togolese are living in poverty;⁵⁴ the situation is even harder in rural areas where 79.7 per cent of the poor live. The geographical areas most affected are the Savanes, Centrale and Kara regions where the poverty rate is 90.5 per cent, 77 per cent, and 69.4 per cent respectively. In addition to this poverty on a massive scale, there has been an unprecedented increase in vulnerability, one of the consequences of the social and political crisis. This situation is attributable to poor production capacity in this section of the population, particularly among the vulnerable groups in rural society, which in turn is caused mainly by the difficulty in accessing resources (land, funding, inputs, etc.).

361. The situation on the labour market is marked by a high level of participation in the employment system, inasmuch as 85.1 per cent of all people of working age are at work. This situation is mainly ascribable to the informal sector, particularly the agricultural sector, fishing and stockbreeding, which includes almost 70.3 per cent of the poor. This high level of participation in the employment system conceals a high rate of under-employment, estimated at 27 per cent, mainly among the young.

362. The relatively low unemployment rate is explained by the fact that the collapse of the formal economy encouraged an exponential growth in the informal sector, which includes 28 per cent of the working population (motorcycle taxi services, street traders,

⁵³ F-PRSP, pp. 69 and 70.

⁵⁴ Long-term National Development Strategy based on the MDGs-Government of Togo/UNDP-May 2007.

craftsmen and artisans, personal service providers, etc.). This sector, over which the authorities have no control, has the merit of employing a great many workers.

363. In conclusion, the principle of the right to employment is guaranteed in Togo but the social and political crisis, exacerbated by the global financial slump, substantially limits the implementation of this principle.

4. Violations of the principle of equality

364. Despite the Togolese Government's laudable efforts to give genuine effect to the universal right to freely chosen employment and to equal opportunities in this connection, there are still a number of grey areas. These are:

- (a) Sexual harassment in the workplace;
- (b) Discrimination in relation to guidance, vocational training, employment and occupation, and ethnic discrimination during recruitment or in the workplace.

4.1 Sexual harassment

365. Although the Labour Code of 13 December 2006 mentions sexual harassment⁵⁵ and provides measures to protect victims, customs related to the practice persist. It is most prevalent during the job-seeking and recruitment process.

366. The victims, mainly women, are reluctant to bring an action before the criminal courts for fear of losing their jobs or for lack of any irrefutable evidence. A number of NGOs working in the area of women's rights are campaigning to draw the Government's attention to the need to take appropriate measures to limit sexual harassment, mainly in the workplace.

367. The International Labour Organization regularly intervenes to provide valuable technical assistance in the exercise of the right to work.

4.2 Discrimination in the areas of guidance, vocational training, employment and occupation, and ethnic discrimination during recruitment or in the workplace

368. A number of NGOs have criticized the knee jerk responses to identity or community during recruitment or in the workplace. This situation is seen in the informal sector where production units and services are essentially family-based.

369. In the civil service, a number of measures are taken to deal with this phenomenon. In the same spirit, references to ethnic origin are prohibited under the new Act on civil status, adopted by the National Assembly on 9 June 2009. It must however be pointed out that all these stipulations cannot put an end to the practice because names still indicate ethnic origin.

370. Also, no discrimination has been found in the areas of guidance, vocational training and employment. In practice, problems and habits have tended to "categorize" the choice of option and occupation.

371. It has been noted that girls are more inclined to choose literary options, social sciences and secretarial or management training rather options connected with science or industry. This clearly has consequences for their occupation. An awareness campaign, part of the promotion of the gender concept, aims to correct this imbalance.

⁵⁵ Art. 40 of the Labour Code.

Article 7

The right to fair and favourable working conditions

372. Togo has ratified the following conventions:

- (a) ILO Convention No. 14 on Weekly Rest (industry) (ratified on 12 June 1960);
- (b) ILO Convention No. 100 on Equal Remuneration (ratified on 20 June 1983).

373. A Togolese delegation submits a list of the conventions ratified by Togo at the ILO International Labour Conference held in June each year.

374. The principle of equal remuneration was described on pages 59 and 60, paragraphs 301 to 305.

1. The system of pay

375. Wages are fixed on the basis of what specialists call the “household budget” principle. Wages depend on the cost of basic commodities (essential foodstuffs, bread, soap, oil, paraffin, running water, electricity, etc) and the cost of the necessities of life.

376. The Government offers no explanation as to the objective standards and the criteria by which it was guided in its decisions on fixing the Minimum Guaranteed Interprofessional Wage (SMIG). Traditional practice is to fix the Minimum Guaranteed Interprofessional Wage on the basis of the simple needs of a single unskilled worker with no dependants. It was the dialogue between management and labour that introduced the household budget principle as a basis for fixing the Minimum Guaranteed Interprofessional Wage.

377. In practice, the Government fixes wages and wage increases on the basis of a number of parameters. In order to enable workers to cope with the increase in the price of basic commodities (flour, petrol, foodstuffs, etc.), the Government introduced a number of small wage increases: 5 per cent in 1996, 3 per cent in 2007 and a further 5 per cent in 2008, amounting to 13 per cent in all.

378. In addition to these agreed efforts, Decision No. 2008-009/MTSS/DGTLs of 13 August 2008 revising minimum guaranteed wages increased the Minimum Guaranteed Interprofessional Wage from 13,565 to 28,000 CFAF. In the civil service, the SMIG applies to unskilled workers, guards and caretakers, office boys, postmen, etc. The competent authority responsible for defining these groups is the Ministry of Labour. The Minimum Guaranteed Interprofessional Wage is mandatory both in public authority employment and in the private sector.

379. The Government promised to raise the civil service salary scale index for 2010.

380. In general, the principle of equal pay is obeyed to the letter in the civil service and in the private sector, without any discrimination. Equal pay is guaranteed under the Labour Code and the various collective agreements, and labour inspectors monitor application in the private sector.

381. In the informal and agricultural sectors, however, wages are fixed in various ways. In fact, the authorities have no control over wages in these sectors. This situation disrupts the system of remuneration. Domestic servants, particularly women, are the first to suffer from the situation because they have no guarantees and mostly receive only a small monthly income (less than 10,000 CFAF).

Methods of monitoring wages

382. In the public sector, wages are checked by means of itemized pay statements. The labour inspectors carry out these checks in the private sector. The informal sector is not subject to any checks.

2. Health and safety at work

383. The Labour Code lays down provisions on health and safety at work.⁵⁶ To this end, a consultative technical committee has been established in the Ministry of Labour, under the chairmanship of the Director-General of Labour, to study questions concerning the health and safety of workers.

384. This committee has the following duties:

- (a) To give its opinion on cases covered by the law;
- (b) To study applications for approval of safety devices on dangerous appliances to be installed in workplaces;
- (c) To give its opinion on general conditions of health and safety at work.

3. Health and safety at work services

385. All business undertakings or establishments are required by law to provide health and safety services for their workers.⁵⁷

386. Togo has various specialized medical services. The most important of these is the occupational health service, which has competent staff at its disposal. Unfortunately, the deterioration in the country's infrastructures as a result of the prolonged social and economic crisis makes it difficult and, in many cases, even impossible to apply the above-mentioned provisions.

387. It should be noted that, in practice, agricultural workers in rural areas, domestic servants (household helps, etc.) and employees in the informal sector do not benefit from these measures, not because there is any intention to discriminate against them but because the State has no control over these sectors.

388. The International Labour Organization regularly conducts missions to verify the applicability of the various measures described above. Failing that, workshops are organized by experts on labour law, with a view to training the various national experts who will be called upon to intervene in the application and interpretation of labour law.

Article 8**The right to form trade unions**

389. Togo has ratified the following conventions on freedom of association:

- (a) ILO Convention No. 87 on Freedom of Association and Protection of the Right to Organize (ratified on 12 June 1960);
- (b) ILO Convention No. 98 on the Right to Organize and Collective Bargaining (ratified on 20 June 1983).

⁵⁶ Art. 168 *et seq.* of the Labour Code.

⁵⁷ Art. 175 of the Labour Code.

390. Togo has incorporated into its Constitution the Universal Declaration of Human Rights of 10 December 1948, article 23 of which recognizes workers' right to form and to join trade unions for the protection of their interests.

391. In fact, article 39, paragraphs 2 and 3, of the Basic Law recognizes the right of workers to form trade unions or to join trade unions of their choice and to protect their interests individually, collectively or by trade union action. Article 6 of the Labour Code recognizes the same workers' rights.

392. In order to form a trade union, workers in the same sector, pursuing the same activity or related activities meet in constituent assembly, adopt regulations and rules of procedure, elect officers and submit the minutes of the meeting to the Ministry of Territorial Administration, Decentralization and Local Authorities to obtain a certificate.

393. Togo currently has at least six central trade unions,⁵⁸ all affiliated to international trade union organizations. Membership of these various trade union organizations is free.

Exercise of the right to strike

394. The right to strike is guaranteed under article 39, paragraph 1, of the Constitution and under articles 256 *et seq.* of the Labour Code. However, the law requires that workers should exhaust all available ways of reaching an amicable settlement, namely conciliation and arbitration, before embarking on a strike. Workers must give their employer advance notice of any strike.

395. Failure to comply with these provisions entails, "for workers, loss of the right to compensation for advance notice and to damages for breach of contract".⁵⁹ The law recognizes civil servants' right to strike for professional reasons.

396. However, the Labour Code of 13 December 2006 introduces restrictions on the exercise of the right to strike. Thus workers are required, in accordance with the provisions of articles 271 *et seq.* of the Labour Code, to ensure minimum services in the undertaking even during a strike. Similarly, certain professional bodies (police and the judiciary) are not allowed to exercise the right to strike, because of the special nature of their duties.

397. Dialogue between management and labour provides an ideal framework for free collective bargaining. However, the Government may, through its representatives, engage in direct negotiations with the unions in order to defuse the threat of strikes in strategic sectors. This was the case with the teachers' union in 2006 and with representatives of the health workers' union in 2008.

Article 9 The right to social security

398. Togo has acceded to ILO Conventions Nos. 102, 121, 128, 130 and 168 on social security.

⁵⁸ The National Confederation of Workers of Togo (CNTT).
The Workers' Trade Union Confederation of Togo (CSTT).
The General Union of Free Trade Unions (UGSL).
The National Union of Independent Trade Unions of Togo (UNSI).
The Group of Autonomous Trade Unions (GSA).
The General Confederation of Managers of Togo (CGCT).

⁵⁹ Art. 266-2 of the Labour Code.

399. The aspect of health and safety at work, which constitutes a basic pillar of social welfare, was neglected for a long time. Work-related diseases, deaths and accidents are legion. This is because the legislation is out of date or incomplete, the institutions atrophied or non-operational, risk mapping is non-existent, qualified staff are not available and because the players have only a vague idea of their rights and obligations. In other words, Togolese workers, whether in the formal sector or in the informal economy, in the agricultural sector, in urban or in rural areas, are not generally protected against the major risks to which they are exposed in the course of their activities.

400. To this end, the following priority measures will be taken:

- (a) Expediting an exploratory study to determine the true situation with regard to social security cover;
- (b) Conducting a diagnostic audit of the bodies currently providing social welfare services;
- (c) Producing a national social welfare policy;
- (d) Drawing people's attention to the implications and to the responsibilities incumbent on them in ensuring that the solutions to be adopted are durable;
- (e) Establishing an action plan with an operational policy in mind.

A. Social benefits, social security and retirement benefits

401. Family benefits differ depending on whether the beneficiary is in the public sector or the private sector;⁶⁰ there is no provision for unemployment benefits.

1. Old-age pensions

402. Retirement pensions are built up in advance by the civil servant or employee by monthly contributions deducted from salary or wages. The deduction is 7 per cent of salary for civil servants⁶¹ and 2.4 per cent of wages in the case of workers.⁶² The old-age pension is a life annuity. On death, part of the income reverts to the surviving spouse and children.

403. The Togo Pension Fund scheme is distributive, not cumulative. As a result, the pensions provided on retirement do not represent the sum total of the pension contributions paid by workers and their employers.

404. There are two types of retirement pension scheme, apart from voluntary affiliation to a complementary pension scheme:

- (a) The Togo Pension Fund, which covers only established civil servants in the broad sense of the term;
- (b) The National Social Security Fund (CNSS), which covers the retirement pensions of permanent, contract and temporary civil servants, decision-makers, and employees in the private and semi-public sectors.

405. Recruitment to the Civil Service has been frozen for more than 10 years as a result of Togo's adoption of the Structural Adjustment Programmes.

⁶⁰ In the public service, the various benefits are governed by Act No. 91-11 of 23 May 1991 fixing civil and military pension schemes; this scheme is managed by the Togo Pension Fund. In the semi-public private sector, the system of benefits is governed by the 1973 Social Security Code; the system is managed by the National Social Security Fund.

⁶¹ Art. 3 of the 1991 Act fixing civil and military pension schemes.

⁶² Guide to social security benefits, CNSS 1972, p. 12.

406. The combination of these two factors has resulted, on the one hand, in a dangerous imbalance in the ratio of active/retired members of the population, a ratio of six active to four retired in 2000; a situation that threatened to cause the entire system of pension schemes to implode. Also, as a result of the State's financial and budgetary difficulties, some established retirement benefits, including the lump sum payable on retirement, have been shelved.

407. This situation has caused general unease among pensioners, who are suffering months of privation before receiving the pension to which they are entitled, because of the complex nature of the procedures. Retired managerial staff have now formed an association and are holding talks with the authorities to obtain decisions on their claims as a matter of urgency.

2. Pensions for widowers and widows of civil servants

408. Widowers and widows of civil servants are entitled to a pension amounting to 50 per cent of the pension drawn by their spouse or the pension to which their spouse would have been entitled at the time of death, together with half the invalidity pension he or she received or could have received, as the case may be.⁶³ Pensions are paid monthly at the pension fund office, the treasury, or the prefecture, or by bank transfer. In cases where the person entitled to the pension was polygamous, the widow's pension is allocated and is divided equally among the widows.

3. Pensions for widowers and widows of other workers

409. In order to be entitled to a standard old-age pension, workers must:

- Have reached the age of 60;
- Have completed at least 180 months' insurance;
- Cease all paid work.⁶⁴

410. Insured persons over 55 who suffer from premature deterioration of their physical or mental faculties rendering them incapable of exercising any paid activity, and who fulfil the conditions mentioned in the preceding paragraph, may apply for an early retirement pension.

411. On the death of persons drawing an old-age or disability pension or an early retirement pension, or on the death of insured persons who, at the time of their death, fulfilled the necessary conditions to receive an old-age or disability pension or had 180 insurance points to their credit, the widow or widower is entitled to a pension. The following persons are eligible:

(a) Widows who are over 45 or who suffer from a disability duly certified by the doctor appointed or approved by the Fund, provided that the marriage was entered in the registry of births, marriages and deaths at least one year before the death, unless a child has been born of the conjugal union or unless the widow is pregnant at the time of her spouse's death;

(b) Widowers who are disabled and who were dependent on the insured person, provided that the marriage was entered in the registry of births, marriages and deaths at least one year before the spouse's death.

⁶³ Art. 27 of Act No. 91-11 of 23 May 1991 fixing civil and military pension schemes.

⁶⁴ Art. 26 of the new Social Security Code.

B. Measures to protect the health of civil servants and other workers

412. There are provisions for maternity leave, sick leave and convalescent leave to protect the health of civil servants and other workers.

1. In the public services*1.1 Maternity leave*

413. Women civil servants are entitled to maternity leave on full pay during the period preceding and immediately following confinement. The maximum duration of leave is six weeks before the expected date of delivery and eight weeks after the date of delivery.

1.2 Short-term sick leave

414. Civil servants who are unable to perform their duties are allowed sick leave, whether or not they are admitted to hospital. However, they must first obtain a medical certificate, supported by an application, to be forwarded to the Civil Service Minister through the official channels. Civil servants on sick leave continue to draw full pay.

415. The duration of sick leave is nine months. Sick leave may be followed by convalescent leave only if it lasts less than nine months.

1.3 Long-term sick leave

416. The maximum duration of long-term sick leave is five years, including three years on full pay and two years on half pay. However, if the illness entitling the civil servants to sick leave was contracted in the course of performing their duties, the duration of leave is then eight years, including five years on full pay and three years on half pay.

417. Civil servants who are ill are normally entitled to reimbursement of medical fees and expenses directly connected with the illness.

1.4 Convalescent leave

418. Convalescent leave is designed to enable civil servants who have been ill to regain their strength in a gradual return to health. Civil servants on convalescent leave continue to draw full pay for six months. This is reduced to half pay for the following three months. However, civil servants continue to be entitled to all family allowances.

1.5 Responsibility for the care of civil servants who are ill

419. Decree No. 61-14 of 11 February 1961 on the internal regulations of the Lomé National Hospital Centre contains the rules on medical care for public sector staff and members of their families. Public sector staff bear 50 per cent of the cost of consultation or treatment. The State is responsible for paying the remaining 50 per cent. In practice, the State does not pay hospitals its 50 per cent share of the costs, and this poses enormous problems for hospitals.

420. Similarly, Decree No. 73-51 of 26 February 1973 establishing a special commission to regulate medical evacuation to destinations outside national territory specified the conditions governing medical evacuation. The commission is chaired by the Director-General for Health. The State is responsible for settling the travel and medical expenses in this connection, and for recovering one third of these expenses from the beneficiary. The commission is currently suspended for alleged abuses.

1.6 *The problems identified*

421. In actual fact, the provisions described above are by no means applied. The technical committees (bodies) including the Health Council and most of the consultative committees exist in name only.

422. As a result of the social and political upheaval, the mechanisms for public payment of medical fees and expenses directly connected with sickness are in a state of deep disarray.

423. After the Public Authorities' General Assembly held in December 2006, a Technical Committee was established to implement the Assembly's recommendations, with support from two international consultants, within the framework of the programme to modernize the civil service. The Government promises that the anomalies in connection with the security of members of the civil service will be gradually corrected, and improvements will even be introduced, as the country recovers its social and economic potential.

2. In the private sector

424. Employees suffering from an illness duly confirmed by an approved doctor may take leave of absence. Leave of absence in this case is covered by the employer for up to six months. It is not deducted from the leave to which the employee is entitled.

425. Workers admitted to hospital on the advice or under the supervision of the works doctor are covered by the deposit paid by the employer to the hospital to guarantee payment of the relevant costs. On completion of their treatment, employees pay 50 per cent of the costs in question, which are deducted from their wages.

426. All female employees are entitled to stop work for more than 14 consecutive weeks on confinement, including six weeks after giving birth, and this may not be regarded as grounds for terminating their contract.

427. It should be noted that many employees are not entitled to this protection: temporary civil service employees do not qualify for social security services, including family allowances. Employees in the informal sector who are not affiliated to the National Social Security Fund are not covered either, and nor are rural agricultural employees.

428. Social security in Togo comprises three main branches:

(a) The family benefits branch: this covers family allowances, workers' household allowances (2,000 CFAF per child for the first six births), antenatal allowances and maternity allowances;

(b) The occupational risks branch: this is concerned with accidents at work and occupational diseases;

(c) The old-age and invalidity pensions branch: this deals with survivor's pensions, invalidity pensions, old-age pensions and old-age benefits.

429. The social security cover does not at present include cash sickness or unemployment benefits.

430. The National Social Security Fund has not reimbursed workers for the costs of medical care for a number of years now. Its officials maintain that reimbursement of medical expenses is guaranteed when the necessary conditions are fulfilled. They claim that conflicts arise when workers or employers fail to understand the procedures.

431. Workers in the private sector are entitled to social security cover if such cover is provided in their sector of activity and if the collective agreements in that sector allow it.

This strand of workers is very small; it represents less than two per cent of workers in all sectors taken together.

432. As regards public authority services, a feasibility study is currently being carried out under the aegis of the Directorate-General of Labour, with the assistance of the International Labour Organization and UNDP funding. The objective is to establish a mutual health insurance association for all State employees.

433. The funding of social security cover in Togo is based on the principle of solidarity: the working population pays contributions for the inactive victims of occupational risks and old age. In the absence of social security cover for State employees, the relevant trade and professional bodies form their own mutual insurance associations. This is the case with teachers.

434. Civil servants in the Ministry of Economy and Finance have established a mutual insurance association. It operates as a micro-financial institution. It offers its members savings and loan facilities, student loans and building loans. However, they have not yet extended the scheme to cover health.

435. The State encourages the system of mutual insurance organized by trade and professional bodies. Schemes of this type are expected to become widespread in years to come. The vast majority of workers, including State employees are not insured, No data are available on the situation of women.

436. As the State's means are limited, the strategy that has been adopted is to extend the mutual insurance schemes step by step until the whole population is covered.

Article 10

Assistance and protection for families

437. Togo has ratified or acceded to several conventions concerning the protection of families, including:

- (a) The International Covenant on Civil and Political Rights (24 May 1984);
- (b) The Convention on the Rights of the Child (1 August 1990);
- (c) The Convention on the Elimination of all Forms of Discrimination against Women (26 September 1983);
- d) ILO Convention No. 138 on the Minimum Age (16 March 1984).

438. Two concepts collide when it comes to defining the family. The first definition is restrictive and refers to the nuclear family made up of father, mother and children. The second definition is broad and encompasses clan, community and tribe. Without taking the traditional approach whereby the family is equivalent to the clan, the Togolese legislature did not want to restrict the term to the basic nuclear family.

439. The concept of family involving father, mother and children also extends to family members in the ascending line and collateral family members.

440. The law governing individuals and the family is laid down and organized in the Togolese Individuals and Family Code of 31 January 1980 which establishes:

- The freedom to choose one's spouse and personally consent to marriage (art. 44);
- The celebration of marriage (art. 75 *et seq.*);
- The benefit of reciprocity in relations between spouses (art. 99 *et seq.*);

- The legal capacity to perform all civil acts (arts. 105 and 316);
- The right [for women] to petition for divorce under the same conditions as men (art. 119);
- Protection in the event of the dissolution of the marriage (art. 137 *et seq.*);
- The exercise of parental authority by both spouses (art. 238);
- Freedom of choice as to matrimonial regime (art. 348);
- The capacity to inherit (art. 391 *et seq.*).

441. A number of measures have been taken for the benefit of families at legal, economic, social and cultural level.

Legislative measures

442. **The legislation governing family relationships:** Family relationships are governed by law, particularly the Individuals and Family Code in the case of conventional marriages. The Code in fact governs marriage, divorce, parental authority, the matrimonial regime and inheritance. In daily life, however, family relationships continue to be strongly influenced by religious and customary law.

443. **Custody of children:** Where the parents are divorced, the children are placed in the care of the mother up to the age of 7, unless, at the request of the husband, or, failing that, at the request of the family council or the public prosecutor's office, and in the light of the outcome of a social services' investigation, a court rules that, in the best interests of the child, all or some of the children should be placed in the care of either the husband or a third person.⁶⁵ After the age of 7, it is solely the interest of the child that determines which of the parents should care for him or her. Guardianship, the protection the child is due, comes into question when both mother and father are dead or have been deprived of the exercise of parental authority.

Administrative, economic and social measures

444. **Family benefits:** The State accords family benefits for the care of children whose parents are in employment. The amount is 2,000 CFAF per child until they reach the age of majority and extends to a maximum of six children.

445. **Support for children's education:** Conscious of the difficulties faced by parents in enrolling their children in schools, through Decree No. 2008-129/PR of 2 October 2008 abolishing school fees in nursery and primary establishments, the Government has made nursery and primary education free of charge. Since 2000, the Government has also been applying a policy of positive discrimination, as far as paying for education is concerned, for the benefit of poor households, by setting the enrolment fees by region according to the standard of living in individual regions. In order to take gender into consideration, education for girls at the levels at which fees are payable costs less than for boys.

446. **Health education:** Health education has been improved in recent years in State and private educational establishments, as well as in health centres, medical-social welfare centres, in the media and within communities because of the HIV/AIDS pandemic and the destructive impact of malaria. Throughout the country, counselling and support centres have been set up for families and the victims of violence.

⁶⁵ Art. 142 of the Individuals and Family Code.

447. **Improving purchasing power:** Microfinance programmes have been set in place to make it possible to accord credits to women with low purchasing power to enable them to develop income-generating activities.

448. In order to facilitate the mobilization of resources for the benefit of families, the Ministry of Social Action, the Advancement of Women and the Protection of Children and the Elderly is planning to devise a family protection policy for Togo.

1. *The age of majority*

449. The Children's Code of 6 July 2007 sets the age of majority at 18 years, which is also the voting age.

450. In the case of marriage, the age distinction between men and women established by article 43 of the Individuals and Family Code which provides that "men may not contract marriage before the age of 20 and women before the age of 17" is no longer applicable, as article 267 of the Children's Code now sets marriageable age for both sexes at 18 years. However, the president of the court or divisional judge may grant age exemptions if there are serious grounds for doing so.

2. *The freedom to choose a spouse*

451. Each of the future spouses must give their individual consent to the marriage. Consent to marriage is not deemed valid if it has been obtained through violence, or if it has been given only because of a mistake in relation to the physical or civil identity or a basic feature of the other spouse, and the person giving the consent would not have contracted the marriage, had he or she been aware of this.

452. Only a marriage performed by a registrar of births, marriages and deaths, or by a tribal chief in whom the powers of the registrar are vested, is legally valid. The law does not recognize early or forced marriages. However, there continue to be early and forced marriages in some areas of the country because of the influence of customs and religious practices.

453. The measures taken to combat these ills involve raising awareness among the population and widely publicizing the Children's Code widely known. The State is supported in this task by the NGOs and associations.

3. *Protecting motherhood*

454. Motherhood, traditionally, has a social significance. A woman who gives birth benefits from the care and special attention of family members. Motherhood involves the family, the clan and even the whole community.

455. In urban areas, and in the public administration in particular, this social significance has been preserved.

456. Maternity and child protection services and social welfare services have been set in place in both rural and urban areas to help women by providing them with care and counselling. A commendable effort is being made to publicize and encourage the practice of family planning.

457. Despite the measures to protect maternity set in place by the Government in the fields of employment and health care, some groups in society are excluded from benefiting from such measures. This is because of the remoteness from health centres of some rural communities and the fact that the low incomes of some households leave them unable to pay for prenatal consultations and care. Similarly, the lack of direct State aid to pregnant

women affects their income and thus has an effect on maternity. What is more, domestic workers (maids) do not have paid maternity leave.

4. *Protecting child workers*

458. The protection of child workers is guaranteed by articles 262 to 264 of the Children's Code and articles 150 and 151 of the Labour Code.

459. Pursuant to article 262 of the Children's Code and articles 150 and 151 of the Labour Code, "children of neither sex may be employed in any undertaking or carry out any form of work, even on their own behalf, before the age of 15, unless an exception is made by decree of the Minister for Employment, adopted on the advice of the National Labour Council, and taking into consideration local circumstances and the tasks which may be required of them. Children over the age of 15 may carry out light work, the list of which is determined by decree of the Minister for Employment, adopted on the advice of the National Labour Council. That decree shall lay down the conditions in which such work may be carried out". The decree in question is Decree No. 1461/MTEFP/DGTLS of 12 November 2007 determining the work prohibited for children.

460. Article 263 meantime prohibits the employment of children in the worst forms of labour.

461. Pursuant to article 264, the worst forms of labour include:

(a) All forms of slavery or slavery-like practices such as the sale and trafficking of children, debt servitude and serfdom, and forced or compulsory labour, including forced or compulsory recruitment of children in order to use them in armed conflict;

(b) The use, recruitment or offering up of a child for the purposes of prostitution, the production of pornographic material or pornographic shows;

(c) The use, recruitment or offering up of a child for illicit activities, especially the production and trafficking of narcotic drugs as defined in the relevant international conventions;

(d) Work which, by its nature or conditions, is likely to be prejudicial to the child's health, security or morality.

462. An Apprenticeship Code is being studied and should be adopted in 2010. The code will make it possible to define the methods of apprenticeship for children in Togo.

463. The contribution rate for old-age pensions, which is set at 8 per cent, is reduced to 7.4 per cent for undertakings in which at least 50 per cent of the staff are persons with a disability.

464. Article 5, subparagraph 2, of Decree No. 099/MFPTE of 16 June 2002 laying down the procedures for applying Decree No. 2000-046/PR of 6 June determining the rate of contributions to the National Social Security Fund stipulates that condition as a way of encouraging undertakings to recruit persons with a disability.

465. According to the Labour Code, the conditions of employment of persons with a disability are determined by decree taken within the Council of Ministers. It should be emphasized that the legislation implementing the Labour Code is currently being drafted by a national consultant.

Article 11

The right to an adequate standard of living

466. The last general census of Togo's population dates back to 1981. Currently, some estimates suggest that in a population estimated at 5,596,000 in 2008, the poverty rate is 61.7 per cent, thus affecting nearly 3,242,257 individuals spread across 535,486 households.

467. The incidence of poverty remains high because of the following factors:

(a) The floods of 2007-2008 and the general increase in the cost of foodstuffs, up by more than 8.4 per cent, have led to increased poverty;

(b) The natural growth rate is 2.4 per cent, whereas the average growth rate is 1.1 per cent, which means that households are unable to generate an increase in income to offset the imbalance caused by the increase in prices.

468. As a result, per capita GDP fell by 1.4 per cent in 2007 and 0.8 per cent in 2008, and this shows that the economic situation of households has deteriorated.

469. The poverty lines calculated on the basis of the survey conducted using the Uniform Questionnaire of Basic Well-being Indicators (QUIBB), in accordance with the methods based on dietary needs (2,400 kilocalories per adult equivalent per day) and the non-dietary needs for the five economic regions of Togo and Lomé City are as follows: Maritime: 156,115 CFAF; Plateaux: 154,853 CFAF; Centrale: 179,813 CFAF; Kara: 155,025 CFAF; Savanes: 157,294 CFAF; and Lomé City: 242,094 CFAF. The national average is estimated at 242,094 CFAF per adult equivalent and per year.

470. In order to produce an official document on poverty in Togo, the Government of the Togolese Republic organized, in Lomé, from 10 to 12 October 2001, a national seminar to launch the "process of devising poverty reduction strategies". The process resulted in the adoption, in March 2008, of an Interim Poverty Reduction Strategy Paper (I-PRSP). The guidelines set out in the interim paper have mapped out the way to national reconstruction and the resumption of cooperation with all development partners.

471. Following publication of the interim paper, the Togolese Government requested and obtained from the International Monetary Fund (IMF) a triennial programme under the Poverty Reduction and Growth Facility (PRGF). Agreements on the settlement of arrears or debt rescheduling with bilateral and multilateral creditors were entered into, and Togo reached the decision point for the Heavily Indebted Poor Countries Initiative in November 2008.

472. Taking up the guidelines in the interim paper, which it supplements and expands based on current priorities, the Full Poverty Reduction Strategy Paper (F-PRSP), adopted in 2009, sets out in three points, for the year 2011, the following priority measures to bring the populations out of extreme poverty:

(a) Support in the social field (education, health, drinking water and the supply of essential goods);

(b) Promotion of youth employment, income-generating activities and access to credit;

(c) Promotion of good governance.

A. The right to adequate food

473. Since 1977, the Government has been working towards securing food self-sufficiency for the population. Consequently, 1977 was declared the year of the peasant

farmer, and this was accompanied by incentives to benefit peasant farmers (exemption from head tax and an attempt to reform land law, etc). In 2006, the results of the MICS (multiple indicator cluster survey) revealed that 26 per cent of children under 5 were underweight and almost 24 per cent of children exhibited growth retardation. Generally speaking, the northern regions, and the region of the Savanes more particularly, are the zones in which malnutrition is most endemic. Malnutrition rates are worse in rural than in urban areas, and there is often a positive correlation between the mother's level of education and improved nutrition indicators in children.

474. All of the surveys conducted between 1988 and the present in Togo show that the nutrition indicators are definitely higher than the levels accepted by the World Health Organization. A review of the anthropometric indicators shows that the nutritional status of children under 5 is barely improving and is actually getting slightly worse. In point of fact, on the basis of the weight for age indicator, in 2006, 26 per cent of children under 3 were underweight, 7 per cent of them severely underweight, compared with 25 per cent in 1998 and 18.3 per cent in 1988. The geographic distribution of underweight children in 2006 shows that:

(a) The tendency is more marked in rural areas (32 per cent, with 9 per cent severely underweight) than in urban areas (16 per cent, with 3 per cent severely underweight);

(b) The difference according to gender is insignificant (27 per cent of boys compared with 26 per cent of girls).

475. Thus, in terms of nutrition and access to food, the most vulnerable sectors of the population are children under 5 and women.⁶⁶

476. In terms of food security, the available food resources seem to meet the needs of the population. However, poverty means that food stability, accessibility and quality remain a problem for a large part of the population. Overall, the north of the country is clearly worse affected than the south, and rural and periurban areas are worse off than urban areas. In Togo, there are no problems as far as the quality of the food supply is concerned.

477. The lack of food security is reflected in the population's lack of access to food. This is very marked in rural areas where the inadequate food supply of these poor population groups is compounded by poor sanitary conditions, which are at the root of the relatively high rate of malnutrition identified in such areas. It is also necessary to take account of the seasonal variability of food supplies, households' low or unsecure incomes and the derisory value attached to the contribution of women.⁶⁷

478. In the light of the concerning situation regarding nutrition in Togo, the Government has set itself the following objectives:

(a) To improve the effectiveness of the existing programmes and promote new programmes to combat dietary deficiencies in mothers and children

(b) To make the population generally, and vulnerable population groups in particular, aware of the impact of a proper diet

(c) To improve the institution framework of diet and nutrition.⁶⁸

⁶⁶ Source: UNDP: *Suivi des objectifs du Millénaire pour le développement au Togo* [Monitoring the Millennium Development Goals in Togo], second report, summary, December 2008.

⁶⁷ Source: UNDP: *Suivi des objectifs du Millénaire pour le développement au Togo* [Monitoring the Millennium Development Goals in Togo], second report, summary, December 2008.

⁶⁸ Source: I-PRSP.

479. In addition, a national strategy to feed babies and young children will be implemented in the context of HIV, and school canteens will be set up in nursery and primary schools in areas at risk.

480. Generally speaking, agricultural productivity is weak and income from farming low, natural resources are being eroded, and there is an absence of effective technologies for processing and preserving foodstuffs. These are all aggravating factors which accelerate the onset of poverty and malnutrition

B. The right to improved living conditions

481. In 2006, the proportion of the Togolese population living below the poverty line was 61.7 per cent. The incidence of monetary poverty has increased since 1990 when it was estimated at 32.3 per cent. Poverty is essentially a rural issue: in rural areas, the incidence of poverty is 74.3 per cent compared with 36.8 per cent in urban areas. The regions worst affected by monetary poverty are the Savanes, Centrale, Kara and Maritime.

Table No.15

Incidence of monetary poverty by area of residence and by region

(As a percentage)

	<i>Lomé</i>	<i>Maritime</i>	<i>Plateaux</i>	<i>Centrale</i>	<i>Kara</i>	<i>Savanes</i>	<i>National</i>
Urban area	24.5	54.3	36.5	60.2	60.9	76.8	36.6
Rural area	-	71.1	60.2	84.0	80.0	92.4	74.3
Total	24.5	69.4	56.2	77.7	75.0	90.5	61.7

Source: Calculations based on the QUIBB survey, 2006.

482. Faced with increasing food insecurity, particularly as a result of natural disasters, Togo embarked, in February 2007, on a wide-ranging process of consultation for the purposes of establishing, on a participative basis, its National Food Security Programme. The programme is designed to ensure that all population groups enjoy food security, at national level and without discrimination. In order to achieve that objective, six intervention strategies have been adopted, namely:

- (a) Promoting the right to food and good governance in relation to food security;
- (b) Improving the productivity and development of crop and livestock production and of fisheries;
- (c) Optimizing crop and livestock production and fisheries;
- (d) Sustainably managing natural resources and the environment;
- (e) Promoting water control and village water supplies for a variety of purposes;
- (f) Promoting nutrition and education in nutrition.

483. The institutional framework set in place to monitor the implementation of the National Food Security Programme is structured at various levels, including the reference body, the decision-making body, the coordination and consultation bodies and, finally the programme's management and monitoring-evaluation structure. The overall cost of the National Food Security Programme is estimated, for the period to 2015, at 100 billion CFAF. External resources will provide 85 per cent of the programme's funding.

484. Moreover, given the concerning situation in regard to nutrition in Togo, the Government has set itself the following objectives, through the Full Poverty Reduction Strategy Paper:

(a) To increase the effectiveness of existing programmes and promote new programme to prevent and control nutritional deficiencies. This will involve implementing the Accelerated Strategy for Child Survival and Development, the promotion of foods rich in micronutrients and the enrichment and fortification of foods. In addition, a national strategy for infants and young children will be developed, along with the development of school meal programmes in nursery and primary schools in vulnerable areas. The Government will also see to the implementation of a nutritional programme for adolescent girls, pregnant women and nursing women, on the one hand, and the introduction of a system of animal-health, plant-health, dietary and nutritional monitoring, on the other. Lastly, the Government will also initiate and implement specific programmes for dietary coverage of vulnerable persons (the elderly, HIV/AIDS patients and mothers and children with severe nutritional deficiencies).

(b) Raising the awareness of vulnerable groups about the importance of a healthy diet. This will involve information, awareness-raising and educational campaigns, targeting all public actors and civil society, concerning the importance of a good diet to maintain good health.

(c) Efforts to improve the institutional framework will focus on the implementation of measures designed to strengthen institutional capacities and the legal framework for promoting good diet and nutrition, and measures to improve the diet and nutrition sector's information system and data collection mechanism.

C. The situation of particularly vulnerable or disadvantaged groups

485. Since the socio-political crisis, the sector for Social Action, the Advancement of Women, the Protection of Children and the Elderly has had increasingly to face the difficulties bound up with caring for people in difficult situations. That group includes significant numbers of women, children and elderly people, but also persons with a disability who are already vulnerable. These target groups, whose living conditions are precarious, have exposed the limitations on the sector's capacity to provide basic social services. Those limitations are in the form of shortcomings at different levels. The response has resulted in the establishment of a programme divided into four coherent subsections, and responsibility for implementing them falls to four main directorates-general which have been decentralized to community level.

486. Togo's current socio-economic status is characterized by poverty affecting 61.7 per cent of the population (QUIBB 2006).

1. Landless peasants and rural workers

487. The national report which Togo presented to the World Summit for Social Development show that the practices in force in relation to land ownership cause great problems in terms of access to land. Those practices are largely based on the fact that inheritance, which is the main method of accessing land, is based on rules which exclude certain categories of person.

488. Women are the main victims of this exclusion. When, exceptionally, women have access to factors of production (to land, for example), such access is precarious because it is dependent on the arbitrary factor of their lineage. The rights accorded to women in relation to land are also precarious in nature.

489. Women take part very directly and very extensively in the production of foodstuffs and the cultivation of cash crops at harvest time (except for cotton), but without receiving particular payment. It has been estimated that women receive only 10 per cent of the cash income from agricultural activity.

2. The elderly

490. The population group aged 60 and over is increasing rapidly in Togo and, according to Togo's Directorate-General for Statistics and National Accounts, it accounted for 6.2 per cent of the total population in 2007, that is to say 337,800 elderly persons in a total population of 5,465,000. As people get older, their needs change and tend to increase, both at social level and in terms of legal protection and health-care provision.

491. Nowadays, the major social changes which Togo has experienced have led to life becoming more complicated, with people taking a more selfish and individualist approach and thus destroying the community-based social model founded on protecting the elderly, and on solidarity and mutual assistance between the generations. This form of social solidarity, like the respect and deference due to the elderly, is no longer able to withstand the pressure resulting from economic and professional constraints. Members of family units on modest incomes are no longer able to support, maintain and contribute to the protection and support of the elderly.

492. Alongside this, in the process of establishing State structures there has, frequently, been a failure to take account of the ageing population into account. As a result, the social and legal protection of the elderly has become uncertain to such an extent that their lives are often destabilized as a result of age, concerns and the lack of resources enabling them to take care of themselves. The rights of the elderly, and their actual enjoyment of those rights, are often not guaranteed.

493. The situation is more striking still in relation to elderly persons in rural areas and those working in the informal sector who lack any form of social security, despite having worked for years. The sociodemographic analysis, which is the basic document for drawing up Togo's national policy, reveals that elderly people are exposed to problems of health, isolation and inactivity, as a result, above all, of the loosening of traditional family bonds.

494. Measures to secure the social protection and care of the elderly have, therefore, to be taken as a matter of urgency, particularly in order to provide them with access to basic social services. Initiatives have already been taken in the past to devise policies that take account of the elderly.

495. For instance, one objective of the national policy on the population, which was adopted by the Government, on 14 October 1998, is to improve conditions for the elderly. Strategies for this have been advocated, including:

- (a) Restoring the status of the African concept of the family;
- (b) Promoting new forms of solidarity;
- (c) Creating recreation and leisure centres for the elderly;
- (d) Extending the social security system to all groups and occupations in society to prevent a difficult old-age.

496. However, the economic difficulties which Togo has been experiencing for decades, but also the lack of an extensive structure capable of providing robust coordination in this area, has meant that it has not been possible to implement the proposed measures for the benefit of the elderly effectively.

497. Aware of all of these shortcomings and urgent needs, in 2006, the Government set up a Directorate-General for the Elderly within the Ministry for Social Action, the Advancement of Women, the Protection of Children and the Elderly.

498. The Directorate's responsibilities include drawing up a national plan for the protection and care of the elderly, in order to bring into effect the guidelines recommended

in the national policy on the population, as well as the other guidelines in sectoral policies designed to improve the living conditions of this vulnerable target group.

2.1 *The situation of the elderly*

499. The structures of the traditional African societies were designed to operate in such a way as to allow a system of interaction between the different elements in society. The elderly were the source of major decisions and regarded as an asset to be treasured. However, the erosion of these structures in response to the pressures of modernization and poverty has inevitably led to the abandonment and marginalization of the elderly, who have now been rejected and become problem cases.

500. On this subject, the study carried out, at the request of the World Health Organization, in 1999, in Golfe prefecture by a team of Togolese researchers, revealed the following in relation to the people who took part in the survey:

- 80 per cent were illiterate, 61 per cent of them men and 93 per cent women;
- 40 per cent were heads of household;
- 39 per cent had a monthly income of less than 10,000 CFAF (and were sometimes responsible for an average of six children);
- 5 per cent lived in rented accommodation;
- 35.9 per cent had no latrines;
- 5 per cent needed help to live (with sanitation, travel and food);
- 18 per cent were without resources.

501. Although these statistics provide a general picture of the situation of the elderly, it would be desirable for a study to be conducted at national level.

2.2 *The needs of the elderly*

2.2.1 Health-care and nutritional needs

502. In the field of health care, the Togolese State has made many efforts: the three university hospitals and the regional and prefectural centres have been provided by the State with staff and equipment and also with drugs. But much remains to be done, as Togo, currently, has neither a geriatrician nor a gerontologist to provide full care for the elderly.

503. Most of the elderly are in remote rural areas and are not even able to travel to reach these health-care centres, as they lack the resources. The result is that they are left to their own devices.

504. The problem of nutrition is connected to poverty. The extent of poverty is substantial: it impacts hugely on the Togolese population and thus prejudices the achievement of its economic and social rights. According to the 2006 QUIBB, the highest rate of poverty in the poorest locality is 90.5 per cent. The floods, of course, aggravated the situation.

505. Consequently, the elderly are basically affected by malnutrition because they lack the resources to meet their needs.

2.2.2 Developments in the situation of the elderly

506. The Directorate-General for the Elderly has taken the following specific measures:

- (a) It has drafted, published and distributed more than 10,000 copies of the document entitled: "A guide to retirement: from starting work to retiring";
- (b) It has drafted, published and distributed more than 10,000 copies of the document entitled: "Ageing in good health: the precautions to take";
- (c) It has created and fitted out a recreation and leisure centre for the elderly;
- (d) The centre has been partially equipped with chairs, tables, audio-visual and games apparatus;
- (e) On 1 October every year, the International day of Older Persons is celebrated.

2.2.3 The projects under way

507. The following projects are under preparation:

- (a) A qualitative and quantitative study of the protection and care of the elderly;
- (b) An action plan in relation to that study;
- (c) A preliminary draft act on the protection of the elderly;
- (d) A qualitative study on the opinions of adults (aged between 35 and 45) and their attitudes towards preparing for old age.

508. The first three documents were approved at a workshop held on 17 and 18 September 2009 in Lomé.

2.2.4 Looking ahead

509. The Directorate envisages:

- (a) Drafting and adopting a national policy on the elderly;
- (b) Getting a recreation and leisure centre for the elderly up and running in Lomé;
- (c) Setting up recreation and leisure centres for the elderly in the regional principal towns and, subsequently, in the prefectures;
- (d) Advocating the downward revision of medical consultation fees for the elderly in State hospitals;
- (e) Advocating social welfare protection for all the elderly;
- (f) Advocating better care for the elderly.

3. Displaced families

510. Regardless of whether the affected families are compelled to leave their ancestral land or are encouraged to do (while being given the freedom to decide for themselves), a fundamental aspect of displacement is that it results in a far-reaching and sudden separation from the existing forms of social organization, and this has significant repercussions on the structures of economic and social life: the system of production is dismantled; informal networks of solidarity are put out of action; traditional authority and laws are sometimes called into question (by the receiving population); elements of symbolic significance (sacred trees and forest) are abandoned — all of these are factors which may destroy the roots of cultural identity and result in deep-seated alienation.

511. The consequences of displacement vary greatly, depending on how it occurs, the attitude of the receiving population, the extent of losses and of new opportunities to earn, and also depending on the hostility or vulnerability of the displaced persons.

3.1 *The displacements consequent on the floods*

512. Since 2007, Togo has experienced rainfall and floods which have resulted in loss of life and substantial material damage. All regions of the country have been affected. The emergency assistance has been organized by the Government with the support of technical and financial partners. The NGOs have also acted as intermediaries to ensure the distribution of aid.

513. In 2007, more than 231,147 people were affected. The Savanes and Maritime regions were hardest hit. The people affected by the disaster in the Savanes and Maritime regions benefited from a range of support and aid in the form of foodstuffs and non-foodstuffs. A number of localized measures were reported in the prefectures of Agou and Dankpen. For example, the Togolese State and agencies of the United Nations (including the World Food Programme, the United Nations Population Fund, the FAO, UNICEF and the World Health Organization) and friendly countries (particularly South Korea) played an active role in providing and distributing aid in the form of foodstuffs and non-foodstuffs.

514. It should be noted that the State had to release funds to:

(a) The Ministry for Social Action and the prefects for the relief and assistance operations to provide foodstuffs to the populations of the Savanes, Kara, Plateaux and Maritime regions;

(b) The Togolese armed forces to care for the disaster-stricken populations who were displaced in the Maritime region;

(c) The Ministry of Public Works for the emergency repair/construction work on infrastructure, roads and certain structures (bridges, sewage pipes, culverts);

(d) The regional and prefectural health-care services to care for those affected by the floods (the injured and the sick and for water disinfections, etc.).

515. The floods damaged a great deal of road infrastructure and many artworks. Much urgent work was undertaken, including the construction and repair of hydraulic structures, and their rehabilitation using heavy re-profiling followed by systematic resurfacing to a depth of 20 cm.

516. In 2008, four economic regions (Maritime, Plateaux, Centrale and Kara) and Lomé were seriously affected. Some 80,000 individuals were affected by the disaster, and 4,564 people — that is 1,066 households — were left homeless, and were rehoused in eight rescue centres, where they were provided with food and school supplies. The different types of aid made it possible to maximize the Government's efforts:

(a) To provide support for disaster victims at the rescue centres;

(b) To help the disaster victims return home;

(c) To provide aid to the affected districts by land where access was easy and by air where it was difficult.

517. A total of 181 districts were provided with aid by the Ministry for Social Action, with the support of partners, particularly the World Food Programme, the Red Cross, Caritas Togo and Humanity First.

518. Once the flood victims realized that their homes were no longer under water, the majority wished to return home. Consequently, food kits were provided to each of the 1,066 households and school kits to each of the 1,394 registered pupils.

519. In 2009, a centre was opened at Bè-Kpota, and 512 disaster victims were registered there, including 171 students; foodstuffs and non-foodstuffs were distributed to the victims.

The Department for Social Action was tasked with receiving the victims into the centres, registering them, accommodating and feeding them.

520. In Lomé, 13,918 flood victims were registered. There were also floods in Centrale region.

521. A great deal of road infrastructure and many artworks were also damaged by the floods in the regions. Emergency work was undertaken, including the construction or repair of hydraulic structures.

3.2 *Displacement caused by socio-political unrest*

522. Following the socio-political unrest that occurred in Togo between 1990 and April 2005, a number of people went into exile in neighbouring countries, particularly Benin and Ghana. Having embarked on a process of reconciliation, the various governments in place since April 2005 have endeavoured to repatriate these refugees.

523. The statistics collected from United Nations High Commissioner for Refugees and the High Commissioner in charge of the Repatriates and Humanitarian Action (HCRAH), set up in June 2005, that:

(a) In Benin, in June 2005, there were a total of 26,500 refugees distributed as follows:

- (i) In Agamé camp: 93,000;
- (ii) In Comé camp: 1,700;
- (iii) In the towns of Benin (in families): 5,000.

(b) In Ghana,⁶⁹ in June 2005, there were a total of 23,826 refugees distributed as follows:

- (i) Refugees from 2005: 17,500;
- (ii) Refugees from the period 1992 to 1994 who refused to be repatriated following the general amnesty of 22 December 1994: 6,326.

524. Set in place in June 2005, the High Commissioner in charge of the Repatriates and Humanitarian Action and the Office of the High Commissioner for Refugees undertook operations to repatriate refugees in those two countries. The repatriation statistics for the period 2005 to 2009 are as follows:

(a) In Benin, 9,003 refugees⁷⁰ were repatriated as follows:

- (i) In 2005: 1,036 refugees were repatriated by the High Commissioner in charge of the Repatriates and Humanitarian Action alone;
- (ii) In 2006: 3,717 refugees were repatriated, 1,001 of them by the High Commissioner in charge of the Repatriates and Humanitarian Action alone;
- (iii) In 2007: 3,826 refugees were repatriated, 2,410 by the High Commissioner in charge of the Repatriates and Humanitarian Action alone;

⁶⁹ There is no refugee camp in Ghana. According to the Office of the High Commissioner for Refugees, refugees are housed with host families.

⁷⁰ The number of Togolese refugees remaining in Benin (at 31 March 2009) was 3,220 individuals, with a further 2,000 outside the camp.

(iv) In 2008: 403 refugees were repatriated by the High Commissioner in charge of the Repatriates and Humanitarian Action and the Office of the High Commissioner for Refugees working together;

(v) In 2009: 21 refugees were repatriated by the High Commissioner in charge of the Repatriates and Humanitarian Action and the Office of the High Commissioner for Refugees.

(b) In Ghana, 6,298 refugees had been repatriated by 31 March 2009 according to the following timetable:

(i) In 2005: 118 refugees were repatriated by the High Commissioner in charge of the Repatriates and Humanitarian Action alone;

(ii) In 2006: 611 refugees were repatriated by the High Commissioner in charge of the Repatriates and Humanitarian Action alone;

(iii) In 2007: 1,331 refugees were repatriated by the High Commissioner in charge of the Repatriates and Humanitarian Action and the Office of the High Commissioner for Refugees working together;

(iv) In 2008: 4,238 refugees were repatriated by the High Commissioner in charge of the Repatriates and Humanitarian Action and the Office of the High Commissioner for Refugees working together.

525. To summarize, 15,301 Togolese refugees were repatriated from Benin and Ghana between June 2005 and 31 March 2009. In addition, some 3,000 people returned of their own volition from various locations and made themselves know to the High Commissioner in charge of the Repatriates and Humanitarian Action.⁷¹ As at 31 March 2009, there were still 5,220 Togolese refugees in Benin and 6,765 in Ghana.

4. The right to decent housing

526. The housing problem in Togo, which is a problem of both quantity and quality, has become more acute since the 1980s as a result of declining incomes and, above all, the devaluation of the CFAF in 1994.

527. According to the last general census of the population and housing, conducted in 1981:

- 68 per cent of homes have no lavatory;
- 10 per cent have to use public lavatories;
- Only 2 per cent have flush lavatories;
- 37 per cent of families are poorly housed, with no amenities;
- 56.15 per cent of people live in overcrowded conditions.⁷²

528. Decree No. 61-121 of 22 December 1961 regulating rents for residential premises lays down provisions which apply exclusively to relations between lessors and lessees or occupiers of premises used solely for residential purposes.

⁷¹ The latter statistics have still to be confirmed by the forthcoming censuses which the Office of the High Commissioner for Refugees will conduct in Benin and Ghana. They do not take account of the Togolese refugees in Europe and America.

⁷² *Source:* Census of 9 to 22 November 1981, volume VII (Housing).

529. According to article 5 of the decree, “[t]he maximum annual rent shall be set at 12 per cent of the actual value of the property. If the rent is paid monthly, it may not, in any event, exceed one-twelfth of the annual rent. Unless specially agreed between the parties, the amount of the deposit and rent to be paid in advance by way of guarantee may not exceed a sum corresponding to two months’ rent where rent is paid monthly and one-quarter of the annual rent in other cases”.

530. In practice, there is a failure to comply with the provisions of the decree. In point of fact, rents are set unilaterally, and sometimes arbitrarily, by the proprietor. The same applies to the amount required by way of deposit or guarantee, which is often exorbitant (between six months and a year, depending on the case).

531. In addition, as far as urban development is concerned, Decree No. 67-228 of 24 October 1967 on urban development and planning permission in built-up areas covers urban development plans, building regulations, planning permission and building plots. Unfortunately, very few Togolese apply for planning permission. The failure to comply with that requirement has regrettable consequences for populations: in the rainy season, flooding is frequent and makes homes insanitary.

532. There are four basic reasons for this situation of extreme poverty, namely:

(a) The damaging effects of structural adjustment which failed completely to take account of the social problem;

(b) The suspension of cooperation with the European Union and a number of other financial institutions;

(c) The devaluation of the CFA franc in 1994 which dealt the final blow as far as the economic and social situation of the Togolese was concerned, as the devaluation was not followed by support measures;

(d) The lack of a national housing policy.

533. The housing sector, which occupies an important place among the Government’s priority measures, has yet to form the subject-matter of a genuine policy geared towards the needy. With that in mind, on 24 June 2009, the Government approved, in the Council of Ministers, the declaration of national policy on the housing sector. The adoption of this national strategy demonstrates the Government’s determination to provide the less affluent social classes with decent housing.

534. The declaration provides for a national housing strategy with specific objectives, including the reorganization of the sector, improvement of the housing stock and the mobilization and allocation of financial resources to housing. Surveys carried out in the context of the development of this strategy estimated the demand for housing at 23,000 [units] per year.

535. Consequently, for the five-year period 2009-2013, 15 projects have been included in the national housing programme and should make it possible to produce 2,500 social housing units a year between the present and 2013. This will make it possible, for example, to produce, as of 2010 and annually, between 300 and 350 housing units for the target sections of the population.

Article 12

The right to health

1. Health status

536. The health status of the Togolese people remains precarious, as a result, in particular, of the consequences of the socio-political crisis on sectors of society. The mortality rate remains very high, particularly for children. The infant mortality rate (infants under a year-old) is estimated at 77 per cent, and the child mortality rate at 123 per cent. Moreover, the mortality rate is markedly higher in rural areas where the infant mortality rate is 89 per cent compared with 49 per cent in urban areas, and the child mortality rate is 143 per cent compared with 73 per cent in urban areas. Life expectancy is 57.5 years (56.5 years for men and 58.5 years for women).

537. Most ailments and health problems are caused by transmissible and non-transmissible diseases, the majority of which can be prevented but are caused or aggravated by poverty and behaviour.

538. Some of these diseases can be prevented by vaccination: tuberculosis, diphtheria, tetanus, measles and poliomyelitis which have been covered by the Expanded Programme of Immunization since 1980. In the case of maternal and neonatal tetanus, children from birth to 11 months are targeted, as are pregnant women. In addition to these diseases come yellow fever, hepatitis B and *haemophilus influenzae* B.

539. As regards immunization status, according to the data from MICS3 2006, 49.2 per cent of children had received all eight doses of the vaccines under the Expanded Programme of Immunization before their first birthday, while 43 per cent had been fully vaccinated before their first birthday. At the same time, 6 per cent of children had received no dose of vaccine by the time they were one year-old.

540. This average level of immunization cover conceals relatively significant disparities by gender and environment.

541. Thanks to the support of the Global Alliance for Vaccines and Immunization (GAVI), in July 2008, Togo was able to introduce into the standard Expanded Programme of Immunization the pentavalent vaccine DTC-HepB-Hib against diphtheria, pertussis, tetanus, hepatitis B and *haemophilus influenzae* B.

542. Organized in 2001, the mass immunization campaign against measles for children between 9 months and 14 years of age made it possible to achieve a 100 per cent reduction in deaths from that disease, as well as an 84 per cent reduction in morbidity, putting an end, in 2002 and 2003, to the more or less annual measles epidemics. In the light of these encouraging outcomes, a new campaign to combat measles was organized in December 2004 and January 2008.

543. Attempts to eradicate poliomyelitis have also made significant progress in Togo, as shown by the very satisfactory surveillance indicators (3 per 100,000 children under 15 years have presented a level of non-polio acute flaccid paralysis (AFP) since 2000 [...] and 100 per cent of stool samples collected within 14 days [sic]). In 2007, Togo was certified as having eradicated poliomyelitis. Against all expectations, three new cases were notified and confirmed in the Tône and Oti districts in November 2008. An anti-polio response immunization campaign was organized, in December 2008, in the Tône district and extended throughout the country in January 2009.

544. As far as maternal and neonatal tetanus is concerned, the immunization results achieved by Togo led to confirmation of the elimination of neonatal tetanus in Togo in 2005.

545. Generally speaking, particular attention must be paid to reinforcing epidemiological surveillance in order to obtain a better understanding of current trends in the development of vaccine-preventable transmissible diseases.

546. The transmissible diseases which are not vaccine-preventable encompass HIV/AIDS, tuberculosis, malaria, dracunculiasis, onchocercosis, meningitis and the other diarrhoeal diseases, but also avian influenza, Buruli ulcer, noma, lymphatic filariasis, bilharziasis, leprosy, trypanosomiasis and yaws, as set out below.

547. HIV/AIDS: the prevalence of HIV in Togo was estimated at 3.2 per cent in 2006 for 15 to 49 year-olds (UNAIDS/WHO), that is to say some 110,000 adults living with HIV. For sex workers in Lomé, the figure is 44.5 per cent, and for soldiers, 9.7 per cent. In late 2007, total AIDS cases numbered in the region of 21,740. The total number of children and adolescents orphaned as a result of AIDS is put at 88,000. The frequency of HIV infection among children aged 18 months fell from 16.1 per cent in 2006 to 13.2 per cent in 2007.

548. The number of patients on antiretroviral treatment rose from 6,579 to 7,980 between 2006 and 2007, increasing the rate of coverage from 24 per cent to 30.4 per cent. The percentage of seropositive pregnant women who are treated to reduce mother-child transmission rose from 1.8 per cent in 2005 to 6.8 per cent in 2007.

549. Tuberculosis: in 2005, according to the World Health Organization, the number of cases of microscopy-positive tuberculosis (MPT+) was estimated at 150 per 100,000 inhabitants and at 300 cases, including all forms of tuberculosis, per 100,000 inhabitants. In order to improve treatment success rates, the Direct Observing Treatment Short course strategy (DOTS), has been applied in Togo since 1996, in accordance with international guidelines. The detection rate for tuberculosis has improved, rising from 30.66 per cent in 2004 to 39 per cent in 2006. Unfortunately, during that same period, the recovery rate fell from 66.6 per cent to 60 per cent, the "lost to follow-up" rate rose from 13.51 per cent to 15 per cent and the death rate rose from 10.13 per cent to 11 per cent.

550. A national survey on HIV/TB coinfection carried out, in 2005, on 340 new MPT+ patients revealed a 27 per cent rate of HIV seroprevalence. In the light of that situation, a plan for coordination between the national programmes for the prevention of those two diseases was devised and implemented. There are no recent data at national level concerning cases of multi-drug-resistant tuberculosis. However, the results of a survey conducted in Lomé, in 2004, on 268 strains revealed a 0.5 per cent MDR-TB rate.

551. Malaria: the proportional morbidity rate for malaria in outpatients has fallen from 53 per cent in 2007 to 42 per cent in 2008, while the hospital death rate from malaria fell from 23.1 per cent in 1998 to 20 per cent in 2008. Malaria is thus foremost among the distinctive pathologies with an average case fatality rate of 8 per cent. Children from birth to 5 years are the worst affected, accounting for 37 per cent of recorded cases among all age groups.

552. As far as prevention is concerned, the 2004 integrated campaign of immunization and the distribution of insecticide-impregnated mosquito nets has made it possible to increase the availability and use of those nets. In 2006, the percentage of children under 5 who slept under insecticide-impregnated mosquito nets was 38.4 per cent, and the percentage of pregnant women 57.8 per cent, with the target set at 100 per cent coverage in 2015. In December 2008, a second integrated campaign to distribute insecticide-impregnated mosquito nets and distribute vitamin A and albendazol was conducted in order to build on the progress already made.

553. As far as the new policy on treating malaria is concerned, the artemisinin-based combination therapies are used to treat uncomplicated malaria at the expense of chloroquine which is no longer effective. During this period, the combination of

sulfadoxine-pyrimethamine is used as an intermittent preventive treatment to ward off malaria during pregnancy.

554. Dracunculiasis or Guinea worm: characteristic of this incapacitating disease, which is endemic in many areas of the country and is transmitted by drinking water that is contaminated by water fleas (Cyclops) infected with medina worms, is its link to sources of water that is unfit for human consumption. The main prevention strategies are: filtering the infected water, treating the sources of contaminated water and the use of boreholes or piped water. These strategies made it possible to cut the number of cases from 10,390 in 1993 to zero in December 2008, which has allowed Togo to qualify for certification.

555. Onchocercosis or “river blindness”: efforts to combat this incapacitating disease have been boosted by the subregional (multi-country) programme supported by the World Health Organization. When the regional programme came to an end in December 2002, areas which had not performed well were selected for special measures up to December 2007. Togo is particularly affected in the regions situated along the Kara, Kéran and Mò rivers where the Togolese State will have to take action as of January 2008.

556. Meningitis, cholera and the other diarrhoeal diseases: recurrent epidemics of cholera and meningitis continue to claim many victims and the fatality rates remain high. Since 1980, cerebro-spinal meningitis has occurred unevenly in Togo, with epidemic peaks, and decreasing periods between epidemics, shrinking from 10 to 5 or 3 years. Cholera is developing on an endemo-epidemic basis in Lomé and in other urban areas and the maritime region. Shingellosis is sporadically rampant throughout the country.

557. The spread of diarrhoeal diseases is closely bound up with the lack of food hygiene and basic sanitation measures. As far as treatment is concerned, the structures and resources are not always adequate to cope with epidemics.

558. Avian influenza: the sporadic emergence in Togo and the subregion of new ailments, such as avian influenza (caused by the H5N1 virus), constitute a threat to public health.

559. Efforts in relation to Buruli ulcer, noma, lymphatic filariasis, bilharziasis, leprosy, trypanosomiasis and yaw need to be stepped up.

560. Another element in the health situation in Togo is the emergence of non-transmissible diseases, most of which are linked to lifestyle and behaviour. These include, more particularly, cardio-vascular diseases, mental illness, diabetes, accidents in the home, violence in the home, early and unwanted pregnancies and sickle-cell anaemia.

561. Wounds and trauma: there is a high incidence of such injuries. They are consistently the second most frequent cause of consultation in health-care structures. The main causes are accidents on the public highway, accidents in the home and injuries sustained in the fields.

562. Mental health: the problems of mental health and neurological disorders have yet to be the subject of systematic analysis, and the national programme is in its infancy. In the case of epilepsy specifically, the pilot concerning the detection and treatment of epileptics in the Temberma region has not been extended to national level because of a lack of funding. The treatment of the mentally ill in the only national centre in Zébé (Aného) in the prefecture des Lacs has become expensive for the patients and their families.

563. Malnutrition and nutritional deficiency: the results of the 2006 MICS survey revealed 23.7 per cent chronic malnutrition (T/A <2 ET) at national level and 14.3 per cent severe malnutrition among children under 5. These conditions take the form of the child being underweight, of growth retardation, emaciation and obesity. According to the results of the MICS3 survey (2006), being underweight means that a child does not weigh what it should for its age. The incidence is 26 per cent among children under 5, 7 per cent of whom

are severely underweight. The percentage is as high as 32 per cent in rural areas compared with 16 per cent in towns. The figure is 55 per cent in the Savanes region compared with 15 per cent in Lomé.

564. Growth retardation means that children are smaller than they should be for their age, as a result of chronic undernutrition. It affects 23.7 per cent of children, with 10 per cent presenting a severe form. Emaciation or acute wasting means that children's weight is too low for their height. It affects 14.3 per cent of children, with 3.2 per cent presenting a severe form.

565. The incidence of obesity within the same group is 3 per cent. Overall, children in rural areas are worse off than those living in urban areas.

566. Micronutrient deficiency (iron, iodine and vitamin A) also occurs frequently. The coverage rate for vitamin A supplement incorporated into the standard Expanded Programme of Immunization is 80 per cent for 9 month-old children and 58 per cent for nursing mothers respectively. The rate is 100.9 per cent for children between 6 and 59 months during the mass immunization campaigns.⁷³ The incidence of anaemia remains high and is estimated at more than 40 per cent among pregnant women and between 76 per cent and 91 per cent among children between the ages of 6 and 36 months.⁷⁴

567. The Analysis of Health and Reproductive Status in Togo, conducted in 2003, indicated that 11.3 per cent of women of child-bearing age were using modern contraception compared with 8 per cent according to the EDST-1998 and 16.8 per cent in 2006 according to the MICS3 survey. However, there continues to be a shortfall in meeting family planning requirements, although the figure fell from 35 per cent to 25 per cent between 1998 and 2003 before rising to 40.6 per cent in 2006 (MICS3).

568. The percentage of births attended by a qualified health-care worker rose from 51 per cent in 1998 (EDST-1998) to 62 per cent in 2006 (MICS3). The rate of contraception use has risen, increasing from 24 per cent (EDST-1998) to 25.7 per cent in 2003 for all methods (including natural methods of birth control). The percentage of mothers who received prenatal care was 83.8 per cent in 2006 (MICS3).

569. For mothers, despite the progress in prenatal monitoring (84 per cent of pregnant women benefit from prenatal care) and the specialist supervision of births, maternal mortality remains high (478 deaths per 100,000 live births).

570. The inadequate nature of the provision of maternal and neonatal care is further confirmation of this. According to the assessment of emergency obstetric and neonatal care:

- (a) Birth rate in emergency obstetric and neonatal care centres: 1.6 per cent;
- (b) Issues involving neonatal complications resolved: 5 per cent;
- (c) Hospital Caesarean rate: 1.6 per cent.

571. The desire is to make Caesarean sections free of charge for women. On this issue, a pressure group wanting to see Caesarean sections made free of charge, and made up of women's organizations, has been set up to argue to the authorities the case for making Caesarean sections financially accessible to women. According to the estimates of the United Nations Population Fund, the average cost of a Caesarean section is CFAF 80,000.

572. At a strategic level, Togo intends to make reproductive health services available and accessible and thus meet all needs. In order to do this, a multi-year plan to secure the supply

⁷³ National Nutrition Service, Activity Report, Ministry of Health, Lomé, 2003.

⁷⁴ National Nutrition Service, Survey on anaemia in Togo 1999-2000, Ministry of Health, Lomé, 2000.

of contraceptive products in Togo has been set in place. The health-care measures for young people and adolescents are basically the services provided in the health-care structures, particularly those which include reproductive health care.

573. The health problems that are specific to children in situations of difficulty, including drug addiction, sexual abuse and other forms of violence — particularly trafficking in children — are the focus of increasing attention on the part of the national authorities, which are able to count on the support of international partners. According to national surveys, smoking has become an increasing problem in schools, with an incidence rate of 32 per cent. Draft legislation adopted by the Government is currently being considered by the National Assembly. Togo also ratified the World Health Organization's Framework Convention on Tobacco Control in 2006.

574. Inadequate access to drinking water and a lack of hygiene and sanitation are major problems, particularly in rural areas. In point of fact, the monitoring of water and food quality is poorly organized and unsystematic. Similarly, the evacuation of waste water is not properly managed in either urban or rural areas. Despite private [sector] initiatives for the hygienic evacuation of solid waste in Togo's main towns, more often than not, it is evacuated into improvised dumps. Data from the MICS3 survey indicate a 57.1 per cent rate of access to a source of improved quality drinking water. As far as sanitation is concerned, the rate of access to improved facilities remains low (31.7 per cent). The lack of sanitary facilities and good hygiene are at the root of many infectious and parasitic diseases.

575. The data available in relation to disabilities and incapacity date back to the 1981 population census and indicate an incidence rate of disability of 2 per cent. However, the World Health Organization has estimated the incidence rate of disability among African populations to be 10 per cent. There are three main types of disability: deaf-mutism (37.3 per cent), paralysis (32.8 per cent) and blindness (27.9 per cent). Treatment for these disabilities is not as yet effectively provided under the national programme.

576. In the case of motor disabilities, one national centre (Lomé), four regional orthopaedic appliance centres (Atakpamé, Sokodé, Kara and Dapaong) and two private centres (Afagnan and Bombouaka) provide care services. The main reasons for consultations at the Lomé national orthopaedic appliance centre are lumbalgia, deformities, malformations and the after-effects of injection. The after-effects of polio are the reason for 3.43 per cent of consultations.

577. Togo has also to cope with emergencies as a result of socio-political crises or epidemics, as well as natural disasters (floods and landslides, etc.). In such situations, the national capacity to respond is generally poor.

2. National health policy

578. The national health policy was adopted in October 1996 and sets the general framework for Government action in relation to health care; the aim of the policy is to secure for the population a health status that enables all citizens to live a socially and economically productive life.

579. The introductory clauses of the policy on health accord priority to the following measures:

- (a) Setting in place health-care coverage that is as extensive as possible and designed to bring health-care services to the people;
- (b) Reinforcing efforts to inform and educate and prevent the principal diseases;
- (c) Encouraging the private sector to contribute towards improving health-care cover in both urban and rural areas;

- (d) Securing the supply of essential drugs for all health-care structures;
- (e) Encouraging applied research into traditional medicines;
- (f) Training sufficient numbers of staff capable of meeting the social and health-care needs of the people.

580. As part of the National Health-care Programme, the Government has also adopted a policy on immunization coverage and a strategy for the distribution of insecticide-impregnated mosquito nets.

581. Before broaching the sectoral strategies relating to health-care development, prevention, treatment and rehabilitation, the national health policy document has set out, in three categories, the priority issues for the sector generally. These are:

- (a) Problems of health status, infectious and parasitic diseases, nutritional deficiency and new health problems;

- (b) Underlying problems of the health-care system, including the inadequate nature of health-care coverage, as well as the shortage of drugs, vaccines and consumables, the poor capacity to organize and manage the sector, the failure of health districts to operate and the lack of funding in the sector;

- (c) Underlying problems outside the health-care system, including the lack of drinking water and poor conditions of hygiene, the poor quality of information, education and communications, the low level of participation in health-care development by the population, the low contribution of the other sectors and, finally, the substantial demographic pressure.

582. By and large, the guidelines set are quite vague, implying the possibility of support measures. In that context, a sector strategy paper and a national health-care development plan were adopted in 2001. This five-year plan (2002-2006) was drawn up around three strategic priorities, namely:

- (a) Reforming the health-care system in line with the new challenges facing the sector;

- (b) Steering the development of the health-care system to ensure it is able to meet the needs of the most vulnerable and poorest sections of the population;

- (c) Promoting a health-friendly physical, economic and political environment and advocating that health care should be at the core of economic and social development.

583. On completion of the plan's implementation, an assessment was carried out in 2007. The following progress was achieved in each of the strategic priorities:

- (a) In terms of reform of the health-care system, annual reviews have been introduced at all levels of the health pyramid, and several national reference documents have been drawn up, including: the national health-care development strategy based on the Millennium Development Goals; the health and Millennium Development Goal indicators; the national policy of universal access to treatment with antiretrovirals; the new policy of treating malaria using the artemisinin-based combination therapies; the road map for the reduction of maternal and neonatal mortality; the strategic plan for the health of young people and adolescents; the integrated supervision guide; the national health accounts; the mapping of health-care provision; the national plan for the development and management of human health-care resources; the health code; the legislation protecting people against HIV; the legislation on the environment and the legislation on reproductive health care.

- (b) The development of the health-care system is to be achieved by: improving the skills of health-care workers through training; revising the regulations governing the

Lomé Public Health-care Training Centre and expanding its partnership framework; revising the training syllabuses of the health-care colleges; undertaking reviews and assessments of the priority programmes; reinforcing the Direct Observing Treatment Short course strategy; drawing up a cooperation plan in the context of HIV/TB activities; introducing drug monitoring; organizing the very first campaign for the distribution of insecticide-impregnated mosquito nets throughout the country; and drawing up the new national plans for the prevention of Buruli's ulcer and noma. There have also been several national immunization campaigns (polio, measles, yellow fever); new vaccines have been introduced; the clinical and community aspects of the implementation of the integrated management of childhood illness have been expanded, and, as far as teaching in the training colleges for health-care professionals is concerned, reviews/audits of maternal and neonatal deaths have been introduced; a computerized management system for health-care data in Kloto district has been developed, with a view to extending it to the whole of the country; and resources have been mobilized, particularly through the Global Fund to fight AIDS, Tuberculosis and Malaria, the Global Alliance for Vaccines and Immunization, etc.

(c) As far as third strategic priority is concerned, most of the progress described above is the product of the support of the different national and international development partners, of intersectoral cooperation and of advocacy. The arrangements set in place for that purpose include the national Coordinating Body for projects financed by the Global Fund, the Coordinating Committee for the Health-care Sector, the Inter-agency Coordinating Committee within the Expanded Programme on Immunization and the National Relief Planning Committee in relation to the plan for the Organization of Relief in the event of a disaster in Togo.

584. Based on the conclusions and recommendations of the evaluation report for the last plan (2002-2006), on Togo's priorities as set out in the Poverty Reduction Strategy Paper, as well as the subregional and international guidelines on health care, including the Millennium Development Goals, a new Health-care Development Plan 2009-2013 was drawn up and approved on 25 March 2009 to enable the health department to continue the process of developing health- based on a participative and bottom-up approach.

3. Financing health care

585. The health-care system is suffering from acknowledged public underfunding, with the result that the financial burden is shifted on to households.

586. After rising from 9.4 billion CFAF (6.3 per cent of the State budget) to 13.6 billion (8.8 per cent of the State budget) between 1995 and 1999, the proportion of the State budget allocated to the health-care sector remained stable or, indeed, fell, decreasing from 5.7 per cent of the State budget in 2002 to 4.1 per cent in 2004, and then experiencing an increase when it rose to 7.6 per cent in 2006 (14.4 billion CFAF, that is only just 5.5 per cent of overall public spending). During that same year, total spending on health care fell to 1 per cent of GDP, that is 50 per cent less than the average for the countries of the subregion.

587. Households play their part in financing health care by means of the system of recovering the costs of health-care structures (Bamako Initiative). The contribution of households consists in payment for medical treatment and the purchase of generic drugs by patients. According to the recent data available for 2006, the resources generated as a result of the recovery of costs at the level of public sector health-care structures amounted to 6,837,000,000 CFAF, accounting for 41 per cent of the budget earmarked by the State for health care.

588. Some local authorities (town halls or prefectures) participate in the funding of health-care services by assuming responsibility for remunerating categories of staff defined as prefecture health-care workers.

589. The problems of State funding are compounded by a lack of support from central to regional and peripheral level, and the inertia of the national institutional framework in relation to the reforms which are under way.

590. Moreover, the mutually supportive health-care funding systems, which offer the only possibility of providing universal access to health-care provision, exist in just a few health-care districts.

591. Outside of the State, its subsidiary bodies and households, it is the partners which contribute to funding health care. In 2007, for example, they contributed 35 per cent of total spending on health care.

592. A number of development partners are involved in the activities and funding of the health-care sector. The partners from the United Nations system include bilateral and multilateral partners.

593. The main statistics by way of indicators are set out in the table below.

Table No. 16

Trends in health indicators

<i>Health indicators</i>	<i>2002</i>	<i>2006*</i>
Infant mortality rate (per 1,000)	78 ‰	77 ‰
Child mortality rate (per 1,000)	142 ‰	123 ‰
Maternal mortality rate (per 100,000 live births)	478 ‰	-
Growth monitoring and promotion coverage	17.1 %	30.1 %
Incidence of HIV	5.9 %	3.2 %
Number of persons living with HIV provided with total care, including antiretrovirals	300	6 579
Percentage of children under 5 with simple malaria which has been properly treated	33.3 %	72.79 %
Percentage of children under 5 with severe malaria which has been properly treated	54 %	7.67 %
Percentage of children under 5 sleeping under an insecticide-impregnated mosquito net	13 %	38.4 %
Percentage of pregnant women sleeping under an insecticide-impregnated mosquito net	16.5 %	57.8 %
Prenatal consultation coverage	74 %	83.8 %
Percentage of assisted births	49 %	62 %
Detection rate for MPT+	30 %	39 %
Cure rate for MPT+	73 %	60 %
Rate of sight loss for tuberculosis sufferers	11 %	15 %
DTC3 vaccination coverage	59 %	65 %
Measles vaccination coverage	48 %	63 %
Therapeutic care attendance rate (public and semi-public)	25.3 %	25.9 %
Underweight	25 %	26 %
Health-care budget as a proportion of the general budget***	5.7 %	6.58 %

Sources: * MICS3, 2006; ** EDST, 1998; *** The earlier revenue only is taken into account.

4. The health regions

594. In terms of health care, Togo has six health regions, as Lomé (the capital) has constituted a sixth region since 1997: the Lomé health region. It is subdivided into five health districts corresponding to the other health regions. The health districts mirror the geographical area of the prefecture. Togo therefore has a total of 35 health districts.

5. The services provided and the use of those services

5.1 Organization

595. Togo's health-care system is organized as a pyramid made up of three levels, in line with the three-stage health-care development framework recommended by the World Health Organization. The three levels are:

(a) The base of the pyramid represents the peripheral or operational level corresponding to the 35 health districts, their health-care infrastructures and basic communities. This is the level at which health-care measures based on centrally-determined policy and guidelines are implemented.

(b) The middle section of the pyramid represents the intermediate or regional level corresponding to the six health-care regions. At regional level, the task is to support and monitor/evaluate activity at operational level and implement health policy and national guidelines.

(c) The top of the pyramid represents the central or national level and its technical services. It is responsible for establishing and monitoring the implementation of the broad guidelines of Togo's health-care policy.

5.2 The services provided

5.2.1 The public health-care structures

596. This includes 535 health-care structures of all kinds which are unevenly distributed over the country, with more or less complete technical facilities.

Tableau No.17

Table summarizing the public-sector health-care structures

Type of health-care facility	Savanes	Kara	Centrale	Plateaux	Maritime	Lomé	Total
University hospital		1				2	3
Regional hospital	1	1	1	1	1	1	6
Specialist hospital					1		1
District hospital	3	6	4	7	4	1	25
Outlying health-care unit	55	101	59	140	111	19	485
Mother and child unit				9	1		15
All health-care structures	59	114	64	157	118	23	535
Hospital beds	406	1 010	714	1 266	1 118	645	5 159
Public pharmacy facility	3	12	6	16	13	3	53
HIV screening centres	2	2	2	1	3	32	41

Source: Mapping health-care service provision, MS/DISER, October 2006.

597. In addition to the above structures, Togo has:

(a) At central level, the National Blood Transfusion Centre (*Centre National de Transfusion Sanguine*), the National Institute for Hygiene (*Institut National d'Hygiène*), which is a National Reference Laboratory, and the National Orthopaedic Appliance Centre (*Centre National d'Appareillage Orthopédique*);

(b) At regional level, the Regional Blood Transfusion Centre in the Centrale region and an orthopaedic appliance centre in the Plateaux, Kara, Centrale and Savanes regions.

598. In terms of teaching, there has been an increase in the number of training schools set up, such as the midwifery and health-care auxiliary training schools opened in Kara in 2009.

599. The infrastructure and equipment has physically deteriorated because of a failure to renovate and maintain it.

5.2.2 The private health-care sector

600. The private health-care sector is very much flourishing in Togo, and is made up of:

- (a) Mainly faith- and community-based not-for-profit providers;
- (b) Providers of for-profit services, which are mainly to be found in the capital;
- (c) Traditional therapists (traditional healers), who can be found throughout the country.

601. The standard of cooperation between the private and public sectors remains poor.

602. There are a total of 284 health-care structures and 187 dispensing pharmacies, as shown in the following table.

Table No. 18

Table summarizing the private-sector health-care structures in 2006

Type of health-care facility	Savanes	Kara	Centrale	Plateaux	Maritime	Lomé	Total
Faith-based hospital	1		1	4	2		8
Private medical centres/dispensaries	10	9	13	23	4	5	64
Private clinics/surgeries	1	14			32	247	284
Total private sector	11	13	14	27	38	252	284
Dispensing pharmacies	2	4	2	5	46	128	187

Source: Mapping health-care service provision, MS/DISER, October 2006.

5.3 Health-care coverage

603. The health-care system is well provided with health-care infrastructure. According to the 2003 analysis of the situation, approximately 88 per cent of the population are less than 5 kilometres, that is less than one hour's walk away, from a health-care structure.

604. Moreover, according to the results of MICS3, in 2006, 62.5 per cent of the population were less than 2.5 kilometres, that is less than 30 minutes' walk away from a health-care structure.

605. Despite the fact that, in geographical terms, the accessibility of health-care provision is good, the actual use of public health-care services has declined considerably in recent years. The level of attendance for treatment at public health-care structures remains low, varying between 25 per cent and 29 per cent. The level is lower still in Lomé; in 2007, it

was 17.5 per cent in the Maritime and Plateaux regions, 59.8 per cent in Centrale region, 36.4 per cent in the Kara and Savanes regions and 28.6 per cent as the national average. The continuing deterioration in infrastructure and equipment, the shortage and lack of motivation of the staff, the poor reception, the large number of street pharmacies or illicit clinics (clinics set up without being licensed), the poor quality of care and the relatively high cost of services, not to mention the expansion of the private health-care sector, are the reasons for the poor take-up of public health-care services.

606. According to the QUIBB 2006 survey, the Savanes and Plateaux regions, particularly Est-Mono, are regarded as the areas in which the medical situation is markedly less good than in the other regions of Togo. A fund (Global Alliance for Vaccines and Immunization Fund) project has been set in place to provide vaccination cover and boost the health-care system.

6. Human resources

607. Togo's health-care system is experiencing a serious shortage of human resources. In 2008, there were 8,064 health-care workers to cover a population estimated at 5,596,000 inhabitants.

608. Based on World Health Organization standards, the main ratios (population/health-care personnel, in 2007) were as follows:

- 1 doctor for 11,171 inhabitants compared with 1 for 10,000 inhabitants;
- 1 State-registered nurse for 6,135 inhabitants compared with 1 for 4,000 inhabitants;
- 1 midwife for 13,710 inhabitants compared with 1 for 4,000 inhabitants.

609. The crisis in human resources is not just a matter of numbers but also a problem of quality and distribution. More than 80 per cent of health-care workers are concentrated in urban centres, principally Lomé and the Maritime region.

610. The shortage of human resources which Togo is experiencing in the health-care sector is basically connected to the low level of recruitment and the failure to replace staff who retire, as well as to deaths and the brain drain. A number of factors and shortcomings have led to this situation, including:

- Shortcomings in planning and staff management, including in the private sector;
- A lack of budgetary resources and the ceilings imposed on recruitment.

611. In January 2008, in an effort to remedy the deficit, the Government adopted measures to raise the retirement age (60 for senior staff and 57 for others) and to recruit new health-care workers, with a particular emphasis on medical and paramedical staff.

Table No.19

Distribution of staff by occupational category and by region in 2008

<i>Category</i>	<i>Lomé</i>	<i>Maritime</i>	<i>Plateaux</i>	<i>Centrale</i>	<i>Kara</i>	<i>Savanes</i>	<i>Total</i>
Medical	192	36	32	21	34	14	329
Paramedical and technical	1 567	886	830	609	846	397	5 135
Administrative and support	951	365	374	320	381	209	2 600
Total	2 710	1 287	1 236	950	1 261	620	8 064

Source: Data from the Ministry of Health (DAC/DARH).

7. The long-term future for development in the sector

612. Based on the outcome of the situation analysis, the recent World Health Organization guidelines on primary health care, research, health and the environment, the Paris Declaration on Aid Effectiveness, the Rome Declaration, the Maputo Plan of Action on Sexual and Reproductive Health and Rights and the Millennium Development Goals, four strategic approaches have been adopted to meet the challenges of the health-care sector. They will guide the work of actors in the sector over the next five years, and involve:

- (a) Enhancing the institutional framework and management of the health-care system;
- (b) Improving the health of mothers, children, adolescents and the elderly;
- (c) Preventing transmissible and non-transmissible diseases;
- (d) Intersectoral cooperation, partnership and coordination.

613. Togo benefits from international health-care assistance which is largely provided by the United Nations agencies, including the United Nations Population Fund. The international assistance provided to the Government for reproductive health care and the like largely takes the form of technical expertise and cooperation and, to a lesser degree, funding.

8. National pharmaceutical policy

614. Adopted in 1997, the aim of the national pharmaceutical policy is to make available drugs that are essential, effective, safe and high-quality, and to secure the rational use of such drugs by the whole of the population. As an instrument and integral part of the national health policy, the national pharmaceutical policy will help to reinforce the primary health-care strategy and, in the long term, to achieve "health for all".

615. Progress achieved includes both reaffirming the use of international tenders as the procedure for purchasing drugs and redefining a new legal and regulatory framework for the exercise of the profession of pharmacist (Framework Act No. 2001-002 of 23 January 2001 on drugs and pharmacies).

616. Moreover, the strategies for implementation include rationalizing the geographical spread of drug distribution points in Togo.

617. The establishment of the Central Purchasing Office for Generic Drugs (CAMEG-TOGO), which was set up on 3 August 1998 on the basis of the 1901 French act, may properly be regarded as the first stage in this strategy. However, much remains to be done to meet the target set.

9. The Bamako Initiative in Togo

618. The Bamako Initiative is a strategy that was put forward by the Ministers of Health at the thirty-seventh regional session of the World Health Organization in 1987 to deal with countries' socio-economic difficulties.

619. The approach of the Bamako Initiative has been determined on the basis of a number of important factors:

- The chronic shortage of drugs;
- The deterioration of health-care structures;
- The lack of qualified staff and, in addition, the lack of staff motivation;

- The very poor image of health care within the communities.

620. The aim of the Bamoko Initiative is to secure, for the whole of the population, access to primary health-care services at an affordable cost, to restore user confidence in public health-care services, to improve the quality of services and delegate the power of decision to lower levels. It is also designed to promote health by encouraging households to change their behaviour.

621. The Bamoko Initiative does not therefore involve just the recovery of costs on the provision of health care but also, and above all, the improvement of resource management. Simple management tools, namely microplanning and monitoring, have been identified by health professionals and made available to nursing staff.

9.1 *The adoption and implementation of the Bamoko Initiative in Togo*

622. The Bamoko Initiative approach was adopted and implemented in Togo as of 1989. Togo's Centrale region was the first to pilot the strategy with the technical and financial support of the Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ), by setting up health huts supplied with generic essential drugs.

623. In 1990, the Vo and Zio health districts acted as pilot areas in the Maritime region, with the technical and financial support of UNICEF. The Bamoko Initiative was extended to all of Togo's health districts in 1991. Coverage in generic essential drugs is currently 100 per cent and embraces all health-care structures.

9.2 *The achievements of the Bamoko Initiative*

624. Supplying the health-care structures with generic essential drugs has made it possible not only to make the drugs accessible but also to bring them within the reach of the Togolese population. In addition, the strategy has generated income as a result of the sale of drugs, and that enabled the health-care structures to function despite the crisis which Togo underwent in the 1990s.

625. In the spirit of the Bamoko Initiative, the Management Committees (COGES) and Health Committees (COSAN) have set in place health-care structures that enable the community to become involved in the activities of the health-care system. Currently, the health-care structures are managed jointly by the community and health-care personnel. Admittedly, the objectives have not been achieved, as the average cost of treatment remains high.

626. Since the Bamoko Initiative was implemented, the community has been involved in the management of primary health care through the Management Committees that exist within the basic structures (dispensaries and outlying health-care units) and through self-financing. That is the case in Vogan prefecture which manages its mortuary.

9.3 *Limitations*

627. The cost of services gradually rises through the system as services at a higher level are utilized. It is therefore necessary to improve the counter-referral system. The need for a multisectoral approach under the Bamoko Initiative, bringing in other development sectors, has not been adequately explored either. The agencies for community participation are not legally authorized to play their role.

628. Faced with the economic challenges, the emergence of new diseases (HIV/AIDS) and the re-emergence of ailments thought to have been eradicated, the health-care sector was compelled, at the beginning of the 1990s, to undertake major reforms in order to adjust health-care approaches in line with national problems and needs (local experience and solutions) and the policy recommended by the World Health Organization.

629. The implementation of these strategies can be summed up in a number of firm ideas contained in the policy on health care and the decentralization of health-care activities. The original idea of national development of health care based on hospitals and prioritizing therapeutic care has given way to the adoption of primary health care and a vision that establishes the need for convergent measures throughout the system to improve the health of the population.

Articles 13 and 14

The right to education and vocational training

630. The principle of primary education free of charge is laid down under Ordinance No. 4 of 6 May 1975 reforming education, and by article 35 of the Constitution of 14 October 1992. The first stage in making it free of charge began in October 2008 when school fees were abolished at State nursery and primary level by Decree No 2008-129/PR of 2 October 2008.

631. Under this principle, which makes school attendance compulsory for both boys and girls up to the age of 15, it is incumbent upon the State to set in place the conditions conducive to this, particularly by ensuring, in the long term, that State education is free.

632. It was with this in mind that significant efforts were made, as of 1975, to make education democratic and accessible to everyone. Very quickly, however, those efforts were thwarted, and indeed came to a halt, because of the socio-economic crisis experienced by Togo, which led to:

(a) High schooling costs for families, as a result of the reduction in budgetary resources allocated to the education system;

(b) A significant expansion of private education (32 per cent of numbers in primary education in 2007);

(c) Communities being compelled to set up Local Initiative Schools (community schools).

633. To meet the challenge of universal education by 2015 and attain the Millennium Development Goals, the Government undertook to determine a new sectoral education policy, an action plan for the period 2010-2020 and a Triennial Medium-term Spending Framework 2010-2012. The new sectoral policy places the emphasis on:

(a) Improving access, fairness and maintenance of children at the various levels, particularly in relation to basic education, including for girls and children in difficulty and children from vulnerable and disadvantaged sections of the population;

(b) Improving all aspects of the quality of education, particularly the internal effectiveness of the system and reception conditions at all levels;

(c) Improving the relevance of syllabuses and adjusting them in line with Togo's development needs.

634. With a view to making primary education universal, the Government is considering measures designed to increase the supply of and stimulate demand for education, especially for girls. As a way of achieving this, enrolment fees were abolished at primary level, as of the 2008-2009 school year. The other measures envisaged relate in particular to:

(a) Boosting the system's reception capacity so as to make access to school and full primary education generally available;

(b) Recruiting and training teachers;

(c) Providing schools with textbooks and teaching materials;

(d) Gradually converting Local Initiative Schools into State primary schools and assuming responsibility for their costs and operation, as well as gradually incorporating the voluntary teachers working in these establishments into the category of State teachers by holding recruitment competitions;

(e) Setting up school canteens.

635. Secondary education is widespread, existing throughout the country. It is not, however, accessible for all because of the State's very limited financial capacity.

636. Higher education in Togo is provided by both State and private universities. State universities are at Lomé and Kara, the latter having been created in 2004. As far as private universities are concerned, mention should be made of the establishment, in 2007, of the Catholic University of West Africa, as well as a number of vocational training colleges.

637. The measures set in place relate to the creation of a National Literacy Directorate, regional and prefectural units and literacy centres at local level, but also the establishment of village libraries and reading clubs.

638. The new national education policy provides for the introduction of a national literacy programme making it possible to expand from 6,000 learners in 2007 to 77,300 in 2020. Moreover, alternative programmes will be developed to provide for children and adolescents between the ages of 9 and 14 who have never attended school or who have dropped out.

Literacy statistics

639. According to the 2006 QUIBB survey, 855,311 individuals, accounting for 35.6 per cent of the population between the ages of 15 and 45 are illiterate. Illiteracy affects 1,338,563, with the illiteracy rate thus amounting 43.1 per cent. That general situation is further characterized by differences linked to gender, place of residence, age and socio-economic status.

640. As regards gender-based differences, 70 per cent of illiterates within the population are women.

641. As regards disparities linked to place of residence, this too is a significant factor in relation to variations in literacy levels, as the following table shows.

Table No. 20

Situation in relation to disparities linked to place of residence

<i>Region</i>	<i>Lomé-Golfe</i>	<i>Maritime</i>	<i>Plateaux</i>	<i>Centrale</i>	<i>Kara</i>	<i>Savanes</i>
% of illiterates	12.4	35.1	40.5	39.6	41.0	69.1
Number of illiterates	73 313	159 064	219 239	93 751	131 366	178 577

Source: Ministry for Primary and Secondary Education and Literacy.

642. Broken down by gender, literacy rates are as follows:

- Men in urban centres: 86 per cent;
- Women in urban centres: 60 per cent;
- Men in rural areas: 57 per cent;
- Women in rural areas: 25 per cent.

643. As far as age-related differences were concerned, the percentage of illiterates was higher (43 per cent) among the over 45s than within the 15 to 45 age group (35 per cent).

644. Finally, as far as differences linked to poverty are concerned, the number of illiterates living in poverty (45 per cent) is [in the region of] three times higher than the number of illiterates who are not living in poverty (19 per cent).

1. Measures to promote literacy

645. The authorities have taken several measures to promote literacy, including:

- (a) Incorporating the literacy subsector into the national education system;
- (b) Making literacy programmes practical;
- (c) Using mother-tongue languages (Ewé, Kabyè, Tem and Benn) and basic French to teach adults to read and write;
- (d) Prioritizing literacy skills for women and girls;
- (e) Incorporating functional literacy in producer groups;
- (f) Making functional literacy a formal element of development projects and undertakings.

2. Sources of funding

646. These are diverse and include:

- The State budget;
- Local communities;
- The private sector;
- Bilateral and multilateral cooperation: International Organization for the French-speaking World, UNESCO, UNICEF, United Nations Development Programme, United Nations Population Fund, World Bank and European Union.

3. Difficulties and setbacks

647. Difficulties and setbacks include:

- The lack of qualified human resources;
- The lack of appropriate physical working materials;
- The failure to cater for the 9 to 14 age group;
- The sector's measures are characterized by the absence of a coordinating structure;
- The inadequacy of post-literacy activities and the risk of relapsing into illiteracy;
- Literacy which relies on volunteers to teach reading and writing skills;
- The inadequate use of literacy languages in professional activities, the administration, justice and political life;
- The unavailability of reliable statistical data;
- The low level of participation by women in literacy programmes for sociocultural reasons and because most are in poverty.

4. Vulnerable and disadvantaged groups

648. Vulnerable and disadvantaged groups include:

- Children who have not attended school in the 9 to 14 year age group;
- Linguistic minorities;
- Persons with a disability;
- Displaced persons.

5. The percentage of men and women (providing training) helping to promote literacy

Table No. 21

Proportion of men and women with a training role in the promotion of literacy

	<i>Men</i>	<i>Women</i>	<i>Total</i>
Number	27	12	39
%	69.23	30.77	100

Source: Ministry for Primary and Secondary Education and Literacy.

6. Budget for education as a proportion of the general State budget

649. The proportion allocated to primary and secondary education is set out in the tables that follow.

Table No. 22

Budget for primary education

<i>Amount</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>
Amount in billions	15.86	15.88	14.19	18.22	18.09
Variation (%)	-20.82	+0.13	-10.64	+28.40	-0.71

Source: Directorate for Financial Affairs /Ministries for Primary Education and Literacy.

Table No. 23

Budget for secondary education

<i>Amount</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>
Amount in billions	9.26	9.70	12.09	11.25	12.54
Variation (%)	-0.22	4.75	24.64	-6.95	11.47

Source: Directorate for Financial Affairs /Ministries for Primary Education and Literacy.

7. Description of the education system

7.1 Nursery education

650. Nursery school constitutes the basis of Togo's education system. It is open, without discrimination, to boys and girls from the age of 3.

651. There are, however, differences between urban areas where the greatest number of children attend nursery school and the disadvantaged rural areas. This is why the partners are targeting rural areas as the priority for action.

652. In nursery education, children are taught in local languages during the first two years corresponding to the first two sections.

653. Government action in the sector takes the form of recruiting teachers, funding the operation of these establishments and retraining female teachers who have received no initial training at the Kpalimé Nursery Teacher Training College.

654. Campaigns are mounted to explain to the population the importance of nursery education and the need for children to attend nursery school before enrolling at primary school.

655. “Open days” are often organized in targeted localities to convey to the population the realities of nursery education and its advantages for young children. These “open days” benefit from the support of the UNICEF basic education programme.

656. The “Education for all in the village” programme in the Savanes region places particular emphasis on raising people’s awareness of the importance of care and education in early childhood.

7.2 *Primary school*

657. Primary education is open to boys and girls from the age of 5. It is made up of three levels, each containing two classes. On completion of primary education the level 1 certificate is awarded.

7.3 *Secondary education*

General secondary education

658. General secondary education is made up of two cycles. The first cycle, which extends from the age of 11 to the age of 14, is made up of four classes. On completion of this cycle of education, the junior secondary education certificate is awarded. The second cycle extends from the age of 15 to the age of 18, and the first part of the baccalaureate is awarded at the age of 17 and the second at the age of 18.

8. The construction of new schools

659. With a view to making education accessible to all children, in addition to the existing infrastructure throughout the country, 414 new schools were created in all regions of Togo between 2004 and 2006. Thus, 300 classrooms are under construction as part of the implementation of the BID II project.

660. The 2002 to 2006 five-year plan, which was extended to 2007, of the UNICEF basic education programme has made it possible to construct two school buildings and renovate schools buildings in 45 schools.

661. Between 2005 and 2007, the NGO Borne Fonden built and equipped two school buildings housing three classes, 10 intermediary schools and 38 early learning centres for small children.

9. Proximity of schools

662. In 2004 and 2006, the number of students travelling more than 3 kilometres between home and school fell by 2 per cent, decreasing from 8 per cent in 2004 to 6 per cent in 2006.

10. The school year

663. The school year in Togo is made up of three terms, extending over a total of nine months.

11. The material circumstances of teachers

664. In accordance with the Recommendation concerning the Status of Teachers adopted, on 5 October 1966, by the Special Intergovernmental Conference convened by UNESCO, the material circumstances of teachers at nursery, primary and general secondary level in Togo may be briefly described as follows:

- Preparation for the teaching profession;
- Further training for teachers;
- Employment and career;
- Social security conditions;
- Remuneration.

11.1 Preparation for the teaching profession and the teacher-training programme

665. Initial training for primary school teachers, which had been suspended because of the economic crisis, was resumed in 2009. Initial training for teachers at the Notsè Teacher Training College lasts for nine months, that is to say for 30 weeks of courses amounting to 1,050 hours. The training comprises:

- Training and teaching activities provided in the training centres;
- Teaching practice in classes in the network of primary and nursery schools.

666. The syllabus for initial training is drawn up taking a skills-based approach made up of modules and work-linked training — training centre /classes in the schools networks — focusing on gradually giving trainees more responsibility.

667. The vocational training of infant school teachers is designed to:

- (a) Train teachers who are able to teach a variety of subjects and are capable of effectively administering nursery and primary syllabuses;
- (b) Enable them to acquire professional skills;
- (c) Improve French language skills;
- (d) Place particular emphasis on the teaching of French, mathematics and the sciences;
- (e) Develop (and provide with) the skills needed to deal with/resolve the recurring issues linked to teaching/learning the French language in a multilingual context, as well as reading and writing;
- (f) Train teachers to use teaching manuals and textbooks;
- (g) Train teachers in educational planning and assessment;
- (h) Implement teaching and learning strategies designed to reduce the numbers of students repeating a year, being excluded or dropping out.

668. The training syllabus is built around the fields and frameworks of training described in the paragraphs that follow, but they will have to be developed, in terms of the way in which they are subdivided into subjects and implemented on an interdisciplinary basis, in the course of the syllabus reforms in progress.

11.2 *Further training for teachers*

669. Retraining courses for teachers are organized periodically in the context of teaching inspections, in the light of the needs identified by the inspectors. Accelerated initial training for teachers at general secondary level was organized in 2002-2003 and 2003-2004 at Atakpamé Teacher Training College.

11.3 *Employment and career*

670. As far as entry into teaching is concerned, a national recruitment competition is organized annually based on the teaching resource requirements set out by the Regional Education Directorates.

671. As regards employment and career, reference may be had to Ordinance No. 1 of 4 January 1968 on the general civil service regulations, Decree No. 69-113 of 28 May 1969 on the common procedures for applying the general civil service regulations to teachers with civil servant status and Decree No. 2007-075/PR of 29 June 2007 establishing the category of auxiliary teachers.

672. Becoming established makes a teacher permanently eligible to occupy the post for which he or she was recruited. It opens the way to promotion and involves the deductions necessary to build up a retirement pension with the Togo Retirement Fund. Career development takes the form of automatic progress to the next step every two years and of advancement to the next grade or promotion.

673. Teachers benefit from special leaves of absence (special leave), sick leave, maternity leave and so on.

11.4 *The conditions governing social security*

674. Teachers benefit from:

- (a) State coverage of 50 per cent for medical treatment (consultation and hospital costs);
- (b) A retirement pension;
- (c) A temporary disability allowance (a teacher affected by a disability as a result of an accident at work may claim a temporary disability allowance concurrently with his or her remuneration).

11.5 *Remuneration*

675. Any serving teacher is entitled to remuneration consisting of the sum subject to pension deductions, the hardship allowance and family allowances.

676. The amount of the payment subject to pension deductions is determined in the light of the grade and level which the civil servant has reached. On top of the remuneration, there may be a residence allowance, an expenses allowance, a special duties allowance and a special hardships allowance justified by the risks inherent in the job.

677. Pay was increased by 5 per cent in 1996, 3 per cent in 2007 and 5 per cent in 2008.

Comparison between teachers' pay and that of other civil servants

678. A comparison of auxiliary teachers and established teachers shows that the former earn 90 per cent of the remuneration paid to the latter. As regards the comparison between

established teachers and other civil servants, the difference is apparent at the level of qualification-based recruitment, as the following table shows.⁷⁵

Table No. 24

Remuneration of teachers compared with that of other civil servants

<i>Qualifications</i>	<i>Categories</i>	
	<i>Established teacher</i>	<i>Other civil servants</i>
Doctorate	A1+ seniority increment	A1
Diploma of Advanced Studies and Master's Degree	A1	A2
Degree	A2	B
Baccalaureate	B	AP
Junior secondary education certificate	C	AP
Level 1 certificate	D	AP

Source: Ministry for Primary and Secondary Education and Literacy.

12. The measures taken or envisaged to improve the standard of teaching staff

679. A study is under way to set in place a system to incentivize and improve the living conditions of teachers.

680. As part of the reform of Togo's public administration, a review of the pay scales and career paths of all civil servants, including teachers, is under way, and of the particular regulations and special status, as well as pension arrangements.

13. Gender equality in teaching programmes

681. The teaching programmes at the different levels of education, including university education, reflect gender equality; boys and girls follow the same syllabuses.

682. However, the percentage of girls by stream at upper secondary level shows that they are more interested in literary subjects than in the sciences.

Table No. 25

Percentage of girls by stream 1996-1997

<i>Stream</i>	<i>Percentage of girls</i>	<i>Number of girls for every 1000 boys</i>
Seconde C and D (maths and science)	37.90	161
Seconde A4 (literary)	26.61	363
Première A4 (literary)	24.98	333
Première D (science)	14.64	171
Première C (maths)	9.69	107
Terminale A4 (literary)	24.01	316
Terminale D (science)	11.92	135
Terminale C (maths)	6.58	70

Source: Directorate for Planning, Long-term development and Evaluation of the Ministry for Primary and Secondary Education and Literacy.

⁷⁵ The categories are classified according to the following hierarchy: A1, A2, B, C and D.

683. That same trend emerges in higher education where girls demonstrate a preference for courses such as secretarial training, the humanities and the human sciences and, to a lesser extent, for sociology and the law. In contrast, there are relatively few girls studying economics and management science, mathematics, the physical sciences and medicine.

684. It is worth emphasizing the particular case of the Nursery Teacher Training College.⁷⁶ Although the training is open to both sexes, the intake is predominantly female.

Article 15

The right to take part in cultural life

685. The Togolese State recognizes the right of all citizens to take part in the cultural life of their country as provided by article 15, paragraph 1, of the Covenant. Consequently, it is for the State to take the appropriate measures to ensure that the right can be exercised; and there are domestic, as well as international, legislative measures which address this.

1. Legislative and regulatory measures

686. Article 15, paragraph 1, of the International Covenant on Economic, Social and Cultural Rights provides that: “The States Parties to the present Covenant recognize the right of everyone:

- (a) To take part in cultural life;
- (b) To enjoy the benefits of scientific progress and its applications;
- (c) To benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.”

At international level

687. Togo has adopted and ratified international legal instruments to ensure that everyone can exercise the right to take part in cultural life, including the following.

- (a) The Convention establishing the World Intellectual Property Organization (WIPO), which in 1974 became a specialized agency of the United Nations with responsibility for industrial property and copyright (1975);
- (b) The Berne Convention for the Protection of Literary and Artistic Works (1975);
- (c) The Cultural Charter for Africa (1978);
- (d) The Bangui Agreement Relating to the Creation of an African Intellectual Property Organization (AIPO) (1977);
- (e) The Convention Concerning the Protection of the World Cultural and Natural Heritage, 1972, ratified by Togo on 15 April 1998;
- (f) The Convention for the Safeguarding of the Intangible Cultural Heritage, 2003, ratified by Togo on 5 February 2009;
- (g) The Convention on the Protection and Promotion of the Diversity of Cultural Expressions, 2005, ratified by Togo on 5 September 2006.

⁷⁶ The College was set up on the basis of two decrees: firstly, Decree No. 23/MEN of 25 July 1976 setting up a Training Centre for Nursery Teachers, and, secondly, Decree No. 28/MEN-RS of 18 July 1977 setting up a Teacher Training College for Nursery Teachers.

At national level

688. Decree No. 72-159/PR of 7 July 1972 raised the status of the High Commission for Youth, Sport and Culture to that of a Ministry.

689. So that stage productions could be organized throughout the country, a national performing arts company was created in 1973 by Decree No. 73-387/PR/MJSCRS of 26 March 1973. This company comprises a national vocal ensemble, a theatre company and an experimental centre for music.

690. In 1974, Decree No. 74-71/PR/MJSCRS of 8 April 1974 created the Directorate of the National Museum, Sites and Monuments with the task of preserving and conserving the national cultural heritage. A number of recommendations were made following a conference on communication and culture held in June 1992, including the following.

(a) The preparation of a new policy for culture, defining general aims, priorities and a programme for action (the preservation of the national cultural heritage, the creation of museums, the protection of sites, monuments, archives and libraries etc.);

(b) The encouragement of artistic and literary creation (the organization of festivals, carnivals and literary and artistic competitions with prizes);

(c) The setting-up of bodies to apply the laws on the protection of the heritage and on copyright;

(d) The promotion of a policy for the indigenous languages spoken within the country;

(e) The decentralization of action on cultural matters to the level of the local authorities and grass-roots communities;

(f) The provision of infrastructure for creation and dissemination (cultural and arts centres and centres for youth and culture, in rural as well as urban areas);

(g) The preparation and adoption of a measure to govern the legal position of artists and performers, including:

(i) Public support for creation and dissemination;

(ii) The creation of a national fund for art and literature.

691. In the various phases of restructuring that were to follow, few of these recommendations would be taken into account.

692. As of 1992, the cultural sector underwent a series of restructuring measures leading to the following.

(a) The creation of the Ministry of Communication and Culture by Decree No. 95-070/PR of 19 April 1995. This Decree created a Directorate-General for Culture tasked with coordinating technical services for culture.

(b) The creation of the Ministry of Culture, Youth and Sport by Decree No. 2001-175/PR of 11 October 2001.

693. Two services were created to manage cultural matters.

(a) The Directorate of Cultural Affairs, tasked with setting general policy for the promotion of the cultural heritage.

(b) The creation, by Decree No. 73-387/PR/MJSCRS of 26 March 1973, of the Directorate of the Performing Arts Company of Togo, which is the official artistic ensemble of the Togolese Republic. It has the task of organizing stage productions throughout the country.

694. A national vocal ensemble was added to the national company, as were a national ballet and a national theatre company. The purpose of these companies is to stage performing arts productions both abroad and at home. Among the components of the national company was an experimental centre for music, created on 2 February 1978 and open to young people aged 5-18, which was intended to be a centre for musical training and research.

695. It performed the following functions.

- The training of future professional musicians;
- Retraining for music teachers;
- Identifying new music teachers;
- Musical research.

696. Students took courses in musical theory and history, and practical courses in piano, accordion, organ, guitar, flute, xylophone and trumpet, as well as in traditional African musical instruments. The centre is no longer operational owing to lack of funding.

697. The functions of the Directorate of the National Museum of Sites and Monuments, created by Decree No. 74-71/PR/MJSCRS of 8 April 1974, are to preserve and conserve the national cultural heritage. Its activities were intended to be supported by regional museums.

698. All administrative structures must evolve to adapt to the realities of the moment and react to overriding factors, and restructuring took place in 1995 designed to improve the coordination of all cultural activities. This led to the creation of new administrative services with responsibility for managing cultural affairs.

699. Accordingly, the Directorate of Cultural Affairs was given enhanced status as the Directorate-General for Culture by Decree No. 95-070/PR of 19 April 1995 on the Functions and Organization of the Ministry of Communication and Culture. The administrative services created by the Decree were as follows.

(a) The Directorate of the Performing Arts, which replaces the Directorate of the National Company of Togo. The Directorate implements policy for the promotion of the performing arts at the national and international level.

(b) The Directorate of Visual Arts and Crafts deals with arts policy and promotion in relation to painting and prints; sculpture and related arts; the revival of traditional techniques in connection with craft sculpture; pottery, goldsmith's work, leatherwork, ceramics, etc.

(c) The Directorate of Museums, Sites and Historic Monuments implements national policy for museums and is undertaking the listing, handling, protection, regulation and commercial exploitation of historic sites and monuments. It coordinates the activities of all of the country's museums.

(d) The Books Directorate has national responsibility for the implementation of educational policy and for the development of networks of libraries and public documentation centres, whose activities it coordinates.

(e) The Directorate for Cinematography implements national policy on cinematography and regulates the production and commercial exploitation of cinematic and audio-visual material.

700. The following were created by Decree No. 2003-278/PR of 26 November 2003 on the functions and organization of the Ministry of Culture, with the aim of decentralizing cultural activities to the level of the local authorities and grass-roots communities.

- (a) The Directorate for the Promotion of the Arts and Culture;
- (b) The Regional Directorates of Culture in the five economic regions, plus the Golfe prefecture and Lomé.

701. The Directorate for the Promotion of Culture and Tourism was created by Decree No. 2005-114/PR of 27 December 2005 on the functions and organization of the Ministry of Culture, Tourism and Leisure.

702. The Protection of Copyright, Folklore and Related Rights Act, No. 91-12 of 10 June 1991, makes provision for authors, creators of intellectual property, performing and interpretative artists to profit fully from the commercial exploitation of their works. Decree No. 91-199/PR of 26 August 1991 lays down the procedures for implementing the Act.

703. The Act created a national body for the collective management of copyright, the *Bureau Togolais du Droit d'Auteur* (BUTODRA) (the Togolese Copyright Bureau). This bureau, which has legal personality and financial autonomy, has the status of a public professional body under the tutelage of the Ministry of Culture, and its functions are as follows.

- (a) Both within Togo and abroad, to ensure the protection and defence of the professional interests of the authors of works of art and literature or their heirs, or of others who have rights in relation to such works;
- (b) To contribute to promoting national creativity by all means within its powers;
- (c) Taking a systematic approach, and drawing on help from the public authorities in the form of logistics, equipment and finance, to combat the piracy and counterfeiting of intellectual works.

704. The Copyright Bureau collects copyright fees from all users of intellectual works for profit or public communication in the following categories.

- Radio and television broadcasters, whether public or private;
- Hotels and restaurants;
- Bars, bistros and drinking establishments;
- Night clubs;
- Shops, large stores and other establishments equipped with sound systems.

705. The fees collected are paid to authors whose works have been used. Compared with the 950,000 CFAF that it paid out in 1995, the Copyright Bureau achieved a net fund for distribution of 7,000,000 CFAF in 2004. Since 2005, it has been making twice-yearly payments. The six-monthly net amount for distribution has risen to 22,000,000 CFAF, and since 2007 all beneficiaries have been automatically covered by an accident insurance policy.

2. Infrastructure and the cultural industries

706. Cultural infrastructure is the cornerstone that all cultural activities need if they are to flourish. This means that the State must treat the establishment of cultural infrastructure as key to success in this area.

2.1 Cultural infrastructure

a. Cultural centres

707. Cultural centres are planned for the prefectures. Only the cultural centre in Sokodé prefecture has been completed. The following cultural centres offer a minimum of technical equipment.

- The French cultural centre;
- The American cultural centre;
- The German cultural centre, or Goethe Institute.

b. Libraries

708. To promote participation by everyone in cultural life and to get young people used to reading, a network of libraries has been put in place in the prefectures. The network has a head office based at Lomé. The head office deals with ordering and handling works and forwarding them to the libraries in the prefectures. It looks after initial and continuous training in librarianship.

709. Today, the network has on its books 32 prefecture libraries spread over the country's five economic regions.

710. In addition to libraries providing public reading facilities, there are *Centres de Lecture et d'Animation Culturelle (CLAC)* (Centres for reading and cultural activities), which provide settings for reading, leisure and information services giving the rural population access to books, audio-visual material and social and cultural activities. The objectives of the centres include helping to make rural communities less isolated by creating arrangements for access to modern means of communication, developing settings for educational exchange and training and promoting literacy and health.

711. At present, the centres' activities are confined to lending books, providing reference facilities on the premises, lending educational games and toys and making films available for viewing. They are located in the following places: Pagouda, Pya, Sokodé, Tchamba, Sotouboua, Badou, Notsé, Kévé, Atakpamé and Aného. They are financed by the Agence Intergouvernementale de la Francophonie, the International Development Research Centre (IDRC) and the Canadian Government.

712. The following exist in addition to these public libraries.

- (a) The national library, one of the capital's large libraries;
- (b) The Centre for Technical Documentation and Archives of the Ministry of Cooperation, Development and Land Management;
- (c) The library of the French cultural centre;
- (d) The library of the American cultural centre;
- (e) The library of the German cultural centre (the Goethe Institute);
- (f) The library of the Ministry of Culture;
- (g) The library of the Golfe prefecture and many other small, private libraries.

c. Museums

713. The origins of the national museum date back to the 1950s, and remain linked to the life of the late Messan Kponton, a former Togolese primary school teacher and collector of

museum pieces. He donated a part of his collection to the Government of Togo, which purchased the rest.

714. The museum opened to the public a year after its creation and is housed in the east wing of the present *Palais des Congrès* (conference centre).

715. The decree creating the museum bestows responsibility on it for “activities for the collection of objects, documents and other information to allow the constant enrichment of the collections on display and the protection of sites, monuments and works of art”.

716. The functions of the museum also include the coordination of the following regional museums.

- The historic and ethnographic museum of Aného, for the Maritime region;
- The ethnographic museum of Sokodé for the Centrale region;
- The ethnographic museum of Kara for the Kara region;
- The ethnographic museum of Dapaong for the Savanes region.

717. In many countries, action on ancient monuments and sites no longer focuses solely on conservation, but aims also to develop and integrate them into economic and social life. For this reason, the national museum is currently engaged in a stocktaking exercise to help with the preparation of a national list of assets which require classification, and which could also be included in the records of the world’s cultural heritage drawn up by UNESCO.

718. Under the Protection of the National Cultural Heritage Act, No. 90-24 of 23 November 1990, “the State shall ensure the protection and safekeeping of the national cultural heritage, and shall foster its development and exploitation”.

719. The Act created the National Commission for the Cultural Heritage, which is governed by Decree No. 91-94 of 11 April 1991. The role of the Commission is: “to assist the Government in preparing a national policy for the protection, safekeeping and development of all movable and immovable property, whether public or private, which has a cultural, artistic or scientific character of national interest”.

d. The theatre

720. Theatre, which is considered as one of the essential requirements for spreading cultural activity, ought to be capable of attracting wide audiences.

721. As infrastructure for spreading these activities, the following are located in Lomé.

- The multi-purpose hall at Lomé’s *Palais des Congrès*;
- The studio theatre of the Directorate of the Performing Arts;
- The French cultural centre;
- The Goethe Institute;
- The community centres of Bè and Tokoin and certain private centres.

722. Outside the capital, there is the *Palais des Congrès* of Kara, a number of youth centres and the dance floors of certain bars, though, in Lomé as elsewhere, stadiums can also be used for artistic productions.

723. This desperate lack of performance infrastructure is deplorable since it means that, whatever the creative genius of our artists, they cannot promote their work properly if it is not actually produced.

724. All of this infrastructure serves central Lomé; it needs to be extended to other districts and to the prefectures.

e. Cinema

725. Decree No. 2005-114/PR of 27 December 2005 creates the Books and Cinema Directorate and gives the cinema sector responsibility for coordinating film-making activities and for the preparation, implementation and follow-up of regulations governing the profession and for filming throughout Togo.

726. In 1988, Togo and Burkina Faso co-produced the film “Yelbeedo”, directed by Abdoulaye D. Sow. Another co-production involving Togo, Burkina Faso, France and Switzerland resulted in the film “Ashakara”, directed by Gérard Louvin.

727. A third co-production between Togo and Burkina Faso was the film “Kawilassi”, written and directed by Togo’s Blaise Kilizou Abalo. This film won the UNDP special prize for sustainable human development at the Ouagadougou Pan-African Film Festival (FESPACO) in 1995.

728. *Aného Ville Musée* (Aného, a living museum), a documentary on the history and tourist attractions of the town of Aného, was selected for the Milan African Film Festival in March 1999 and for the African and Creole television days at the Amiens Festival in May 1999.

729. It should be stressed that there have been cinemas in the past at Lomé, and that they have attracted large audiences. However, cinemas have been losing out to the expansion in video clubs. Faced with difficulties because of their lack of profitability, some cinemas have closed.

730. The following cinemas and video clubs, which are privately owned, are among those in operation.

- The *24 Janvier* cinema;
- The *Opéra* cinema;
- The *Elysée* cinema;
- The *Cinéma* club.

2.2 *Craft centres*

731. The policy of promoting their value pursued by the Department of Culture, in order to preserve and develop traditional art and handicrafts, has led to the creation of several craft centres both in Lomé and elsewhere.

a. The Kpalimé craft centre

732. This centre was created in 1966 by a French inspector of primary education in Kloto, Inspector Charles Maurin. Its mission is to develop arts and handicrafts and provide training for young people in sculpture, ceramics, macramé and batik.

733. The Kpalimé Handicrafts Centre is much visited by tourists and has become famous beyond Togo's frontiers. This led the ministry responsible, the Ministry of Technical Education, to convert the centre, in 1984, into a college of arts and handicrafts. Admission to the college depends on a national competition and the final examination leads to the award of an official diploma.

b. The Lomé craft village

734. To give practical expression to the idea of creating a living museum, and to give it its proper social, cultural and economic role, the Ministry of Culture has attached to the national museum *le Village Artisanal de Lomé* (the Lomé craft village). The Village's purpose is to promote, spread and protect traditional arts and handicrafts. The crafts practised in the Village are batik, jewellery-making, shoemaking, leatherwork, macramé, sculpture, dyeing, weaving and basketwork.

735. The *Village Artisanal de Lomé* is a tourist attraction. To promote their work, artisans from the Village frequently take part in exhibitions abroad, including the Ouagadougou International Arts and Crafts Fair (SIAO), the ECOWAS fair and the *Foire de Lyon*.

736. There are a number of centres, organized as training workshops or cooperatives, both in Lomé and elsewhere in the country. The main centres outside the capital are the following.

- The Agou-Nyogbo craft centre;
- The rural centres for socio-educational activities (CRASE) of Kpélé-Govié, Kouma-Dougno and Monretan;
- The Atakpamé weaving centre;
- The Notsè craft centre;
- The Sotouboua craftworkers' cooperative;
- The Sokodé weaving centre;
- The Landa women's cooperative (Kozah);
- The Niamtougou cooperative for persons with a disability (CODHANI);
- The Défalé craft centre;
- The Mango craft centre;
- The weaving centre of Passouadè and Agloudè;
- The Bafilo weaving centre;
- The Dapaong women's weaving centre.

3. Cultural industries

3.1 Publishers

737. A number of publishing houses share the Togolese market: *Nouvelles Éditions Africaines-Togo* (NEA), *Éditions Akpagnon*, *Éditions Haho*, *Éditions l'Aser*, *Univers Représentation Édition Diffusion* (URED), *Cercle d'Édition et de Promotion des Arts* (CEPA), *Éditions de la Rose Bleue* and *Éditions Graines de Pensées*.

a. *Nouvelles Éditions Africaines-Togo* (NEA)

738. At present, *NEA-Togo* exists in name only and has not been operational for several years. A study is currently under way in an attempt to identify an appropriate solution for this structure.

b. *Éditions Akpagnon*

739. *Éditions Akpagnon* was founded in 1978 by Togolese writer Yves Emmanuel Dogbe. Its mission statement is to promote African literature in general and Togolese

literature in particular. *Éditions Akpagnon* has been struggling since the death of its founder in 2004.

740. The distributors for *Éditions Akpagnon* are the following.

- *Présence Africaine*;
- *Nord-Sud Diffusion*;
- *Édition Zoé*;
- African Imprint Library Services;
- *Éditions Clé*;
- *Éditions Khoudia, CAEC*;
- *Centre d'Exportation du Livre*.

c. *Éditions Haho*

741. *Editions Haho* began operations in 1983 and was, at the time, an autonomous philanthropic agency of the *Église Évangélique Presbytérienne du Togo* (Evangelical Presbyterian Church of Togo). Its purpose is to work towards the development of a national literature. It is one part of the *Centre Togolais de Communication Évangélique* (Togolese Centre for Evangelical Communication) which also houses a print shop and an evangelical bookshop: combining these three sectors of activity has made it possible to establish an editorial and commercial policy.

742. A member of the *Association Internationale des Éditeurs Francophones* (International Association of Francophone Publishers, AIEF), *Éditions Haho* works with the following partners.

- *Éditions Karthala* in France;
- *Éditions Clé* in Cameroon;
- *Éditions CEDA* in Côte d'Ivoire;
- *Éditions CAEC* in Senegal;
- *Éditions NEA* and *Éditions Akpagnon* in Togo.

d. *Éditions ASER*

743. Starting out as a computer graphics and computer-assisted publishing house, *Éditions Aser* has become a publishing house producing technical and educational documentation: its publishing and IT skills guarantee the quality of its output.

e. *Univers Représentation Édition Diffusion (URED)*

744. Created in 1998, URED attempts to mitigate the difficulties of publishing and distributing material in the African subregion.

f. *Le Cercle d'Édition et de Promotion des Arts (CEPA)*

745. CEPA is an association created in 1996 at Kpalimé by a group of people from a variety of social and professional backgrounds. It seeks to provide a setting for cultural activities aimed at the promotion of art and of the production of intellectual and scientific works in Togo and in Africa.

g. *Éditions de la Rose Bleue*

746. This house publishes and distributes books, multimedia productions and software in all fields. It has published a collection entitled *Gènes d'émergence* to lend support to poetry more particularly.

h. *Éditions Graines de Pensées*

747. Founded in 2005, the aim of *Éditions Graines de Pensées* is to play a part in Africa's cultural expression and use books to contribute to the development of a critical faculty and to the organization of a democratic and pluralist society.

3.2 *Recording studios*

748. When, in 1980, of the *Office Togolais des Disques* (OTODI), one of the best studios in West Africa, was set up, it became possible for Togolese artistes to record and produce their records in Lomé. Poor management meant that the studio closed shortly afterwards. Another very effective studio located in the National Centre for Audio-visual Productions (formerly CINEATO) fell into disuse as a result of a lack of maintenance.

749. At present, Togolese artistes who cannot afford the services of foreign studios make use of local mini-studios such as the following, which achieve comparably high standards since they employ the latest sound technologies: Colibri production, All That Production, Mix Box, LUMOBA, Maniac Team Record, MYMOSCAR, West Side, Omar B. and Rivers Records.

4. Promoting cultural identity

750. Immediately after independence, Togo set in place a policy to promote the value of its cultural heritage.

751. The revival of traditional festivals in all Togo's prefectures is a significant example. Such traditional festivals are opportunities to develop our culture. They also provide the opportunity to assess the results of economic, cultural and social activity over the year. The teaching and promotion of indigenous languages and the revival of initiation rites which are not damaging to human health are further examples of this policy for cultural renewal.

5. Cultural revival and spreading cultural activities

752. The Ministry of Culture engages in cultural revival and spreading cultural activities in an effort to achieve a real cultural policy which takes account both of the values of our civilization and of our peoples' profound desire for integrated development.

753. A number of activities have been organized at national and international level.

5.1 *At national level*

a. *Kantata*

754. *Kantata* is biblical in its inspiration and is performed by religious institutions. It is a theatrical genre, which was introduced to Togo as part of the process of evangelization. Originally, it was structured around biblical themes and divided up into a series of songs and dances related to the central subject of the performance.

755. The first *Kantata* piece to be performed in Lomé was the work of a Togolese primary-school teacher, the late Apedo-Amah Morhouse. Entitled "Ruth and Naomi", it was written and directed by the author and performed by the Hadzighan Chorus of the Evangelical Church of Lomé in the 1940s.

756. The public was very enthusiastic about Kantata in its day, but, with the arrival of the “concert-party” genre, it has increasingly fallen from favour.

b. Concert party

757. Concert party is a form of improvised mass theatre. It is based around popular themes, with each type of character having its own special make-up and language. The whole performance is underpinned by music. The themes come from everyday life and current events. Productions take place almost anywhere: in modern theatres, in bars, in the courtyards of houses and in public squares.

758. Concert party made its appearance in the 1960s, with the Boboe troupe in Kpalimé and the Happy-Star troupe in Lomé. Kokovito, then Aze Kokovina and others were to appear on the scene later.

c. Le Festival de Théâtre de la Fraternité (FESTEPH)

759. Founded in 1993 by a group of young students, FESTHEF is a major cultural event in Togo. Its home is in Assahoun 40 km from Lomé. At two-yearly intervals, it brings together the best theatre companies from Togo, Africa and Europe, and playwrights and major directors from the French-speaking world, the United States and Canada.

760. Since 1999, it has been an annual event. The best Togolese plays and works are published, and the Festival offers many opportunities for professional networking and exchange. For the artistes who take part, it provides training workshops in production, scenic design, dance, percussion and other subjects. FESTEPH awards many prizes for participants:

- The FESTHEF *grand prix*;
- The prize for best director;
- The prize for best actors;
- The prize for best young writer.

761. Many other theatre festivals and a number of poetry readings are organized by private individuals and associations with the help of sponsors, including the following.

- Dzalele: international outreach theatre (*théâtre de l'ouverture*) festival;
- Ewole: an international gathering of artists working in the applied visual arts;
- RETHES (*Rencontres Théâtrales de Sokodé*) is a biennial festival which was first held in 2002.

5.2 *At international level*

762. Togo has left its mark on the international stage through its participation in international festivals and its tours throughout the world.

- 1983
 - Participation of the National Ballet in the Tenth Festival of Traditional Arts in Rennes (France);
 - Centenary of the town of Duisburg (Federal Republic of Germany);
 - The Pan African Youth Festival, Tripoli (Libya).

- 1985
 - Participation of the National Ballet in the Games of La Francophonie at Yamoussoukro (Côte d'Ivoire).
- 1987
 - Participation of the National Ballet in the Festival of la Francophonie in Limoges (France);
 - Tour by the National Performing Arts Company to France, Belgium and Germany;
 - Production of a video *La Tortue qui chante*, ("The Singing Tortoise"), a film by Sénouvo Agbota Zinsou, distributed in French-speaking and other countries.
- 1988
 - Participation of the National Ballet in the Burkina Faso Culture Week;
 - Participation of Togo in the Bouaké School and University Theatre Festival (Côte d'Ivoire);
 - Participation of Togo in the Puppet Festival in Charleville-Mézières (France).
- 1989
 - Participation of the As-Ayiga troupe at the first Games of la Francophonie in Morocco, awarded the gold medal.
- 1990
 - Participation by Togo in National Culture Weeks in Burkina Faso.
- 1995
 - Participation by Togo in the Ouagadougou Pan-African Film Festival of (FESPACO) in Burkina Faso. It won the UNDP special prize for sustainable development.
- 1996
 - Participation by Togo in the first Pan-African Music Festival at Brazzaville (Congo).

763. Like the ballet companies, every summer, private theatre companies take part in European and American festivals. It must be noted that cultural activities, and the participation of Togo in international festivals, have been declining as a result of the country's economic problems, linked to the suspension of cooperation with the European Union and certain donors.

764. Aside from cultural events, the communications media play no less important a role in the dissemination of culture.

6. The role of the communications media

765. The communications and information media provide the main means of dissemination, the real driving force for the life of the whole community. They promote the circulation of ideas and are thus essential factors for development in the world. Their purpose is to make information and knowledge accessible and usable.

766. In Africa, the role of the media in general, and of radio and television in particular, is to strengthen national unity and promote the education of the masses, and to promote understanding of the values of different communities.

767. As a means of encouraging participation in cultural life, the public and private media publish the following.

- (a) Articles on cultural events taking place anywhere in Togo (traditional festivals, art exhibitions, theatrical performances and shows, etc.);
- (b) The results of their investigations in all fields;
- (c) The results of work by researchers and experts.

768. Togolese radio and television work to promote artistes in general, but (given that their programmes are essentially music-based) especially singers. Thus, in addition to programmes dealing with scientific, historical, legal and social subjects, slots are reserved for cultural broadcasts in the scheduling of Radio-Lomé, including the following.

- (a) *Musique et jeux* (music and games): a programme on music and general culture during which any citizen can phone in to respond to the questions of the day;
- (b) *Théâtre radiophonique* (radio theatre) and *Anthologie du mystère* (mystery anthology): performance of a theatrical or dramatic work;
- (c) *Plein feu sur les artistes* (spotlight on artists): presenting artists and their work;
- (d) *Maîtres et chefs-d'œuvre* masters and masterpieces: a programme devoted to the great composers of classical music;
- (e) *Lire est un plaisir* (reading is fun): presenting a work of literature;
- (f) *Contes du samedi soir* (Saturday night stories), *Agbeyéyé*, *Kabyè tanaou*: broadcasts of stories and theatre in Ewé and Kabyè;

769. Television features the following programmes.

- (a) *Chants et danses du terroir*: a broadcast reserved for local song and dance and for ritual and traditional song;
- (b) Theatrical programmes: sketches on a theme, in French, Kabyè or Ewé;
- (c) Discussion programmes on various themes: *Plateau de la semaine* (line-up of the week), *Au cœur de la nation* (at the heart of the nation), *Podium jeunesse* (platform for young people), etc.;
- (d) *Les concurrents* (competitors): an interschool broadcast of games and competitions on general cultural subjects;
- (e) *Alinéas* (paragraphs): a programme popularizing works of literature.

770. In addition to the public media (Radio Lomé, Radio Kara and *La Télévision Togolaise* (TVT), the private media have made an excellent contribution by providing a wealth programmes on the media market:

- On education;
- Giving information;
- Involving debates on political, economic, social and cultural subjects;
- In the form of sketch and game shows, religious broadcasts, etc.

771. There are more than 70 radio networks and a dozen television networks, many of which are based in Lomé.

7. Vocational training in culture and the arts

7.1 The Lomé Crafts Training Centre

772. The activities of the *Village Artisanal de Lomé* are not limited to the production of craft works. The Village's craft workers strive to pass on their skills and knowledge to those who want to learn, and the master craftsmen of the *Village Artisanal* provide young people wishing to undertake it with practical training in arts and handicrafts.

773. The level of recruitment is school level 3. Training lasts for two or three years, depending on the trade involved. Each apprentice is required to pay a fee of 25,000 CFAF to cover the whole of the period of training. On occasion, foreign craftworkers come to train at the *Village Artisanal*, and artists from the Village sometimes go abroad for training.

774. There are many other small, private centres across Togo active in the visual arts, silk screen printing, graphic arts and commercial art.

7.2 The Regional Cultural Action Centre (CRAC)

775. The Regional Cultural Action Centre (*Centre Regional d'Action Culturelle*) is another regional structure for cultural training.

776. The Centre is an African intergovernmental institution for training leaders in cultural activity and development in Africa. It was founded in 1976 and is based in Lomé. It benefits from support and assistance through international and multilateral cooperation with sources including UNESCO, the International Organization for the French-speaking World and the European Union.

777. It provides training in cultural activity and development. The course, which lasts 22 months, trains cultural counsellors/administrators: it is a vocational course at postgraduate level and admission to it is by competitive examination.

778. The following can apply:

(a) Holders of at least a first degree (the baccalaureate plus a further three years' study) or a recognized equivalent qualification;

(b) Civil servants or other public employees who are holders of at least a first degree (the baccalaureate plus a further three years' study), or a recognized equivalent qualification, or a vocational diploma equivalent to a first degree, and who have at least three years' professional experience.

8. Cultural Cooperation

779. Togolese policy for cultural cooperation operates at several levels. At regional and subregional level, Togo has cultural agreements with several countries and takes part in cultural projects. Togo has been an active member of the African Cultural Institute (ACI), and hosts its training organization, the Regional Cultural Action Centre.

780. At international level, Togo maintains relations based on cultural exchange with numerous European (France, Germany) and Asian (China, Japan) countries, and also takes part in the programmes of international cultural organizations such as UNESCO and the Agence Intergouvernementale de la Francophonie, as well as attending meetings of the Ministers of Culture of French-speaking States.

9. Policies for encouraging the creative arts

781. The Ministry of Culture has taken an initiative aimed at getting creative artists to form groups, according to their artistic discipline, and to form associations to take charge of their own affairs. Over time, this has led to the formation of the following.

- *L'Union Nationale des Artistes de la Musique* (UNAM) (National union of musical artistes);
- *Le Syndicat des artistes interprètes et auteurs compositeurs du Togo* (Togolese national union of interpretative artists and composers);
- *L'Union des Ballets du Togo* (UBATO) (Union of Togolese ballet companies);
- *L'Association des Groupes Folkloriques du Togo* (AGFT) (Association of Togolese folk groups);
- *Le Collectif Togolais des Créateurs d'Art Visuel* (COTCAV) (Togolese collective of practitioners of the visual arts);
- *L'Association Togolaise des Gens de Lettres* (ATGL) (Togolese association of men and women of letters);
- *L'Union Nationale des Marionnettistes du Togo* (UNAMITO) (National union of Togolese puppeteers).

782. In addition to these groupings, the *Bureau Togolais du Droit d'Auteur* (BUTODRA) (the Togolese Copyright Bureau), an organization for the protection of copyright, has established a fund for cultural promotion, the purpose of which is to contribute to:

- Building cultural infrastructure;
- The purchase of cultural equipment;
- The organization of cultural events;
- The creation of cultural industries.

783. The technical directorates of the Ministry of Culture also fund cultural activities from their budgets, and organize competitions with prizes for the best artists.

784. In order to meet the challenges of globalization, Togo, like other States in the world, is seeking to ensure the full application of the International Covenant on Economic, Social and Cultural Rights by putting into practice a cultural policy which takes into account the cultural realities of the country, or what some would term “authenticity”, that is to say the phenomenon that puts a Togolese in harmony with his or her surroundings wherever that person may reside.

785. To this end, the ministerial department responsible for culture is seeking to ensure that all citizens are able to develop to the full by putting cultural structures in place in each prefecture, including public reading centres and centres for reading and cultural events.

786. Unfortunately, these efforts do not extend to all areas of culture. There is a need, for example, to develop a policy for assisting artistic creation and to establish the conditions that would be conducive to artistic creation and expression throughout the country, since the common view at present is that artistic expression is possible only in the large conurbations.

Conclusion

787. Putting into effect democracy and respect for human dignity requires that economic, social and cultural rights should be properly taken into account. The Togolese Government has a clear understanding of its obligation to foster the attainment of economic, social and cultural rights, without which it is hard to guarantee respect for civil and political rights. To put it plainly, securing human rights requires a strong economy because poverty is a breeding ground for all kinds of violations of human rights.

788. This report sets out the Government's efforts to implement economic, social and cultural rights. But it has to be recognized that those efforts fall short of the expectations of the Togolese people because of Togo's economic difficulties and the very high rate of youth unemployment.

789. It must be stressed that Togo experienced a lengthy socio-political crisis between 1990 and April 2005. The situation was made worse as a result of the economic sanctions imposed as of 1993 on Togo by its economic partners, particularly the European Union and the United States on the ground that Togo was not properly democratic. While the human rights position has improved significantly, there is no doubt that work remains to be done to enable the peoples of Togo to enjoy in full the rights guaranteed under the Covenant on Economic, Social and Cultural Rights, as 14 years in the wilderness have not made it possible for Togo to meet some of its international undertakings.

790. Togo has set out on a new path to respect international instruments on human rights. That initiative should be encouraged and supported. Consequently, all of its development partners should support Togo in its determination to move towards democracy and the consolidation of the rule of law, which is essential if economic, social and cultural rights are to be achieved in full.

Annex II

List of the members of the inter-ministerial commission responsible for drafting initial and periodic reports on human rights

1. Ms. POLO Nakpa: Director-General for Human Rights (Ministry of Human Rights, the Consolidation of Democracy and Civic Education)
2. Mr. MINEKPOR Kokou: acting Director for Legislation and the Protection of Human Rights (Ministry of Human Rights, the Consolidation of Democracy and Civic Education)
3. Mr. AHA Matozuwé: Research officer (Ministry of Human Rights, the Consolidation of Democracy and Civic Education)
4. Mr. ODIE N'Kpako: acting Director for the Promotion of Democracy (Ministry of Human Rights, the Consolidation of Democracy and Civic Education)
5. Mr. ASSAH Koffi Maxime: Head of Division at the Directorate for Legal Affairs and Litigation (Ministry of Foreign Affairs and Regional Integration)
6. Mr. WOLOU Sourou: Special Adviser to the Chairman of the National Human Rights Commission (National Human Rights Commission)
7. Mr. N'DAAM Gnazou: Responsible for Human Resources (Ministry of Communication and Culture).
8. Ms. GOEH-AKUE Maggy: Regional Director for Culture/Golfe and Lomé (Ministry of Communication and Culture)
9. Commandant BARAGOU Bamana: Adviser (Ministry of Security and Civil Protection)
10. Mr. KODJO G. Gnambi: Judge, Director of the Prison Authority (Ministry of Justice responsible for Relations with the Institutions of the Republic)
11. Mr. LAÏSON Amah: Head of the Legislative Division (Ministry of Labour, Employment and Social Security)
12. Mr. DANYO Koami: Head of the Division for the Protection of Prefectures and Regions (Ministry of Territorial Administration, Decentralization and Local Communities)
13. Mr. HEVI Komlan Enyonam: Head of the Division for Administration and Human resources at the Regional Directorate for Education (Ministry for Primary and Secondary Education and Literacy)
14. Ms. GBODUI Sueto Bernice: Administration attaché (Ministry for Young People, Sport and Leisure)
15. Ms. TAMEKLOE Massa: Head of Division on the Research and Drafting of Texts (Ministry of Social Action, the Advancement of Women and the Protection of Children and the Elderly)
16. Ms. AZANGOU Akati: Lawyer (Ministry of Health)
17. Ms. YAKPO Ama Essenam: Lawyer (Ministry of the Environment and Forestry Resources)

18. Mr. DOUTI Mabiba: Ministry of the Civil Service and Administrative Reform
19. Mr. LOGOSSOU Koffi: responsible for legal studies (Ministry of the Economy and Finance)
20. Mr. ALOU Bayaboko: Legal Adviser (Ministry of Cooperation, Development and Land Management)

List of representatives from civil-society organizations

21. Mr. ALASSANE Kpeziwezou: Executive Director (Association Action pour la Jeunesse d’Afrique, Centrale region)
22. Mr. BATALE Jonathan: Responsible for literacy (SOTCHI Association, Kara region)
23. Mr. GAVI A. Jean-Bosco: Secretary-General (Association Solidarité et Action pour un Développement Durable, Maritime region)
24. Mr. ASSAMOAH Yao Ogah Symphorien: Executive Director (Association Jeunesse Santé et Développement, Plateaux region)
25. Mr. BIEGNIEBE Gaétan: Responsible for Administration and Finance (RAFIA Association, Savanes region)

Human resource

Ms. OUAFFO WAFANG Caroline: Associate expert in human rights (United Nations Commissioner for Human Rights, Togo office)
