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## **National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21\***

### **Togo**

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## **Introduction**

1. The report on the second cycle of the universal periodic review is being submitted in line with the commitment of Togo to consolidate democracy and strengthen the rule of law.
2. During the first cycle, in October 2011, 133 recommendations were made: 122 were accepted by, and 11 did not enjoy the support of Togo. All the recommendations accepted have been grouped by theme.
3. Since the consideration of the previous report, Togo has continued its efforts to meet the requirements of the universal periodic review mechanism. In order to give effect to all of the recommendations accepted, several initiatives have been undertaken, including the harmonization of national legislation with international instruments ratified, the adoption of policies, national and sectoral programmes and the ratification of human rights instruments.
4. The present report, prepared in accordance with the guidelines on the universal periodic review mechanism, provides additional information to that given in the midterm report, submitted in June 2014.

## **I. Methodology**

5. This report was prepared in a participatory, inclusive and transparent way, through the following activities: launch of the universal periodic review process in order to recall the responsibility of all stakeholders; capacity-building for members of the interministerial commission responsible for drafting the initial and periodic reports; two regional workshops to refine the draft report; a seminar to update the institutions of the Republic and the media; technical validation with the assistance of experts from the International Organization of la Francophonie and a national seminar for final approval.
6. To that end, the interministerial commission requested input from other stakeholders, including the National Human Rights Commission, the institutions of the Republic, the United Nations agencies, civil society organizations, the media and trade unions.

## **II. Developments in the normative and institutional framework**

### **A. Normative framework**

#### **1. At national level**

7. In addition to the relevant provisions relating to human rights, contained in the Constitution of 14 October 1992, the normative framework has been strengthened through the following laws:
  - Organic Act on the Composition, Organization and Functioning of the National Human Rights Commission adopted by the National Assembly on 11 March 2016;
  - Organic Act No. 2013-016 of 8 July 2013 on the High Audiovisual and Communications Authority;
  - Organic Act No. 2013-007 of 25 February 2013 amending Organic Act No. 96-11 of 21 August 1996 establishing the Status of Judges;
  - Act No. 2016-006 of 30 March 2016 on Freedom of Access to Public Information and Documentation;

- Act No. 2016-008 of 21 April 2016 on the Code of Military Justice;
- Act on the Status of Refugees adopted by the National Assembly on 3 March 2016;
- Act No. 2015-006 of 28 July 2015 on the Establishment of the High Authority for the Prevention of Corruption and Similar Offences;
- Act No. 2015-10 of 24 November 2015 on the new Criminal Code;
- Act No. 2015-005 of 28 July 2015 on the Special Status of Police Personnel;
- Act No. 2014-009 of 11 June 2014 on the Code of Transparency for the Management of Public Finances;
- Act No. 2014-014 of 22 October 2014 on the Modernization of State Activities to Promote the Economy;
- Act No. 2014-19 of 17 November 2014 amending Act No. 2012-014 of 6 July 2012 on the Personal and Family Code;
- Act No. 2014-003 of 28 April 2014 on the Customs Code;
- Act No. 2013-010 of 27 May 2013 on Legal Aid;
- Act No. 2013-015 of 13 June 2013 on the Status of the Opposition;
- Act No. 2013-002 of 21 January 2013 on the General Civil Service Regulations;
- Act No. 2012-001 of 20 January 2012 on the Investment Code in the Togolese Republic.

## 2. At international level

8. Togo has become a party to the following international instruments:
  - United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention against Discrimination in Education (2012);
  - Convention relating to the Status of Stateless Persons (2012);
  - International Convention for the Protection of All Persons from Enforced Disappearance (2014);
  - Arms Trade Treaty (2015).

## B. Institutional framework

9. Developments in the institutional framework are characterized by:
  - Election of a new National Assembly (2013);
  - Renewal of the membership of the Constitutional Court (2014);
  - Establishment of the Office of the High Commissioner for Reconciliation and Strengthening National Unity (2015);
  - Appointment of the Ombudsman (2015);
  - Re-election of the President of the Republic (2015);
  - Renewal of the membership of the Higher Council of the Judiciary (2015);
  - Renewal of the membership of the High Audiovisual and Communications Authority (2016).

## **C. Cooperation with international and regional mechanisms**

10. Cooperation has taken the following form:

### **1. Reports presented**

- Sixth and seventh periodic reports on the Convention on the Elimination of All Forms of Discrimination against Women (2012);
- Second report on the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (2012);
- Third and fourth periodic reports on the Convention on the Rights of the Child and the initial report on the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography (2012).

### **2. Reports submitted**

- Initial report on the Convention on the Rights of Persons with Disabilities (2016);
- Eighteenth and nineteenth periodic reports on the International Convention on the Elimination of All Forms of Racial Discrimination (2015).

### **3. Visits of special procedures mandate holders and others**

11. Togo has received visits from:

- The United Nations Deputy High Commissioner for Human Rights (2014);
- The United Nations Special Rapporteur on the situation of human rights defenders (second visit) (2013);
- The Special Rapporteur of the African Commission on Human and Peoples' Rights, on the situation of human rights defenders (second visit) (2013);
- The Subcommittee on Prevention of Torture (2014);
- The African Committee of Experts on the Rights and Welfare of the Child (2013).

12. This cooperation culminated in the election of Togo to the Human Rights Council for the period 2016-2018. Togo intends to make the most of this mandate to strengthen its commitments in the area of human rights, as highlighted by the President of the Republic during the high-level segment of the thirty-first session of the Human Rights Council (February-March 2016).

## **III. Development of infrastructures**

13. The transport infrastructure sector constitutes an important tool for the Togolese Government to revitalize economic growth. To this end, in recent years it has pursued a policy of major works in order to provide the country with an efficient transport network.

### **A. Development of the maritime network**

14. Through a series of initiatives undertaken to develop the port sector, the Government intends to position itself as a leader in port handling. This includes the construction of a third quay, the construction of an inner harbour, the establishment of a single window for Togolese foreign trade and the completion of a park for heavy load trucks awaiting loading.

15. The whole strategy for making the autonomous port of Lomé a trans-shipment port and a service hub for the continent is centred on the construction of the third quay.

## **B. Development of the road infrastructure**

16. Special attention is being paid to the national road network. Activities undertaken involve projects for the repair, development and tarmacking of roads as well as for construction work. The percentage of paved roads increased from 45 per cent in 2013 to 49 per cent in 2014.

17. In 2014, of the 28 road infrastructure projects planned, 13 were completed, 10 more than half completed and 5 less than half completed. The road projects completed cover 231 km of paved roads, compared with 122 km in 2013. In 2014, 1,890 km of national roads were paved.

18. With regard to road transport, the Lomé transport company benefited from the acquisition of 20 buses, bringing the fleet up to 65 buses, thereby improving the bus service in the city.

## **C. Development of the railway network**

19. The rail sector has long been neglected in favour of the road sector, which is why investments will be increased over the years. However, it must be recognized that this sector by itself cannot meet transportation needs effectively: there is a need to promote railway infrastructures. For this reason major railway development projects are envisaged in the Accelerated Growth and Employment Creation Strategy for 2013-2017.

## **D. Development of the air transport network**

20. The Government continued the modernization of the country's airport infrastructures by prioritizing those at the Gnassingbé Eyadéma International Airport in Lomé. Noteworthy achievements are work on extending the airstrip and the construction of a new terminal.

21. In addition, work on renovating Niamtougou International Airport has begun.

## **E. Development of the energy infrastructure**

22. The electrification rate increased from 26.57 per cent in 2013 to 28.3 per cent in 2014. The Government aims to increase the power production capacity by raising the electricity generation capacity from 161 MW in 2010 to at least 300 MW from 2015 and 500 MW in 2020. This will be achieved with the construction of the Adjarala hydroelectric dam, the development of micro-hydroelectric sites on the main rivers, and the rehabilitation of the Nangbéto dam and the micro-hydroelectric Kpimé plant.

23. To meet the energy consumption demand, the Government intends to increase to at least 12,500 the number of new subscribers each year. The aim is to increase the electricity consumption which stood at 23 per cent in 2010 to 40 per cent by 2017 and 42 per cent in 2020 by focusing in particular on renewable energy. For rural areas, the rate of access over this period would increase from 5 per cent to 16 per cent and then 18 per cent respectively. In 2014, more than 80 rural communities were electrified as part of phase II of the rural electrification project financed by EXIM BANK India and internal resources.

## **IV. Follow-up to recommendations from the first cycle**

### **A. International instruments and cooperation with mechanisms**

#### **1. Signatures, ratifications and implementation**

*International Convention for the Protection of All Persons from Enforced Disappearance (Recommendations 100.1 to 100.4)*

24. The Convention has been ratified.

*UNESCO Convention against Discrimination in Education (Recommendations 102.5 and 102.6)*

25. The Convention has been ratified.

*Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (Recommendations 102.1 to 102.4)*

26. The ratification process is under way.

*Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Recommendation 100.6)*

27. The ratification process is under way.

#### **2. Cooperation with human rights mechanisms**

*Strategy for the submission of all pending reports to the treaty bodies (Recommendations 100.32 to 100.34)*

28. A plan of action to follow up on the recommendations accepted contains a list of overdue reports. Under this plan, three reports have been presented and two submitted.

*Standing invitation to special procedures mandate holders (Recommendations 102.8 to 102.10)*

29. Togo has always responded positively to requests for visits from special procedures mandate holders. The Government is willing to consider any new requests addressed to it, and to guarantee the facilities to allow the special rapporteurs to fulfil their mandate.

*Convention against Torture (Recommendation 100.48)*

30. The new Criminal Code defines and punishes torture in articles 198 et seq.

31. The following measures and activities have been undertaken:

- Training of 484 prison guards on human rights, including on the prevention of torture and the rights of detainees (2012);
- Establishment of legal clubs to inform detainees of their rights and procedures in civil prisons;
- Inclusion of prevention of torture in training modules for officers of the criminal investigation police;
- Processing of complaints by the National Human Rights Commission, which launches prompt investigations resulting in a report. In this connection, from 2012 to

2016, the Commission reported three proven cases of torture and four cases of cruel, inhuman or degrading treatment on which recommendations were issued and taken into account by the Government;

- Regional workshops to train trainers in the criminal investigation police in matters related to combating torture (2014);
- Adoption of the Organic Act on the Composition, Organization and Functioning of the National Human Rights Commission, incorporating the national preventive mechanism against torture in 2016.

*Convention on the Rights of the Child (Recommendation 100.10)*

32. Action taken:

- Implementation of 10 operational plans of actions to promote systematic birth registration resulting in the organization of awareness-raising courses on the subject, and mobile court hearings which, in 2012, allowed for the late issuance of 123,492 birth certificates for students in grades 4 to 6 of primary school;
- Construction of 21 civil status booths in peripheral health-care units with the support of the United Nations Children's Fund (UNICEF);
- Renewal of the membership of the Advisory Council on Children (2014);
- Order of the Minister of Security of 2013 incorporating the rights of the child in police and gendarmerie training schools. Since then, 2,002 police officers and 2,600 gendarmes have been trained using a module on the rights and protection of the child;
- Training of 524 judicial officers on the rights of the child at the Judicial Careers Training Centre (2011-2013);
- Signature by traditional and religious leaders of a declaration to combat community practices that are harmful to children, including female genital mutilation, the placement of children in convents (2013), and an additional commitment aimed at combating child marriage (2016).

*Harmonization of national legislation with international human rights instruments (Recommendation 100.5)*

33. In the context of harmonization, it is worth noting that the provisions of the Criminal Code and the Personal and Family Code have been aligned with those of the relevant international instruments. In Togo, there are no customary laws but customary practices. In the event of conflict between the law and custom, the law prevails.

*Rule of law, good governance, sustainable social and economic development (Recommendation 100.26)*

34. Activities undertaken include:

- Preparation of a procedure manual for investment planning and a national follow-up assessment strategy (2012);
- Establishment of a regulatory authority on public procurement (2012);
- Training of officials from the Department of Financial Audit and the General Inspectorate of Finance, the General State Inspectorate and the Court of Audit on public procurement matters (2013);

- Launch of the Togolese Revenue Office with a view to reorganizing and increasing customs and tax revenue (2012).

*National programme for the modernization of the judicial system (Recommendation 100.67)*

35. This programme was carried out until 2012 and achieved the following:
- Construction and equipment of two courts of appeal (Lomé and Kara);
  - Renovation, extension and equipment of two courts (Atakpamé and Aného);
  - Introduction of a computerized system for issuing certificates of nationality;
  - Establishment of the Judicial Careers Training Centre;
  - Creation of a corps of prison and rehabilitation officers;
  - Introduction of prison management software;
  - Provision of equipment for forensic police (forensic kits);
  - Posting of legislation and regulations on line;
  - Establishment of a virtual library;
  - Dissemination of a guide for detainees on their rights and duties;
  - Construction of the new prison in Kpalimé which meets international standards;
  - Establishment of the Department for Access to Justice which has published the citizen's legal guide providing an overview of rights and procedures, the relationship between the authorities and institutions, as well as the organization and functioning of judicial bodies. It also contains a list of international human rights instruments (2014);
  - Signing of an agreement to fund a new programme to support the justice sector on 26 October 2015, between Togo and the European Union. The programme was launched on 15 March 2016.

*Strengthen citizens' guarantees in courts of law, bring the courts closer to citizens and redefine the courts' jurisdiction (Recommendation 100.11)*

36. In this regard, the following should be noted:
- Adoption of Act No. 2013-010 of 27 May 2013 on Legal Aid;
  - Adoption of the justice sector policy document (2015);
  - Establishment in 2013 of three commercial chambers in Lomé court to reduce the backlog in dealing with commercial disputes;
  - Training of specialized judges and registrars for the settlement of commercial disputes (2013);
  - Conclusion of a protocol to expedite procedures in commercial matters.

*Conditions of arrest, custody and detention; independence of the judiciary (Recommendations 101.7 to 101.11 and 101.14)*

37. Regarding conditions of detention and custody, the following measures have been taken:



- Ban since February 2012 on the National Intelligence Agency taking people into custody;
- Organization of six regional capacity-building workshops for judges and criminal investigation police officers on respect for human rights in the administration of justice, with support from the Office of the United Nations High Commissioner for Human Rights (OHCHR) (2012);
- Training of 144 new criminal investigation police officers and more than 1,000 recruited police officers (2012-2014);
- Ongoing construction of a police academy in line with international standards, with financial support from the European Union;
- Extraordinary hearings held with the support of the United Nations Development Programme (UNDP) enabling the release of 753 detainees between 2012 and 2015;
- Training of 582 police constables in the national police force (2015-2016);
- Since 2012, female prisoners are guarded by female prison officers.

38. Concerning the independence and improving the functioning of the judiciary, it should be noted that:

- The principle of the independence of the judiciary from the executive is enshrined in article 113 of the Constitution. It is evident through the improvement in the living and working conditions of judges. Organic Act No. 2013-007 of 25 February 2013, amending Organic Act No. 96-11 of 21 August 1996 establishes the status of judges;
- Since 2012, efforts are being made to provide courts with computer equipment and train staff in its use. A policy of building courts is being implemented. Work on the construction of the Sokodé court is under way. In terms of continuing training, the Judicial Careers Training Centre provided capacity-building for 27 judges in 2012, and 83 in 2013;
- Appointments to positions of responsibility in the courts are made by the Council of Ministers on the proposal of the Higher Council of the Judiciary, which is composed mainly of judges, where trial judges are concerned, and on the proposal of the Minister of Justice where public prosecutors are concerned. The Higher Council of the Judiciary is presided over by the president of the Supreme Court in accordance with the principle of the separation of powers.

## **B. Legislative measures, policies, strategies and national initiatives**

*National human rights plan of action, full enjoyment of human rights (Recommendation 100.27)*

39. Workshops to present and disseminate the universal periodic review recommendations were held after the first universal periodic review cycle. The plan of action to follow up on the recommendations of the universal periodic review and the treaty bodies in 2012 served as a platform for the implementation of activities. Furthermore, a public policy paper on human rights and the consolidation of democracy was drawn up in 2014.

*National Human Rights Commission (Recommendations 100.14 to 100.18 and 100.20)*

40. The budget for the National Human Rights Commission was increased by 25 per cent in 2013 and 12 per cent between 2014 and 2016. A new Organic Act on the Composition, Organization and Functioning of the National Human Rights Commission

was adopted by the National Assembly (2016). A fourth regional branch of the Commission was established in 2013.

*Truth, Justice and Reconciliation Commission (Recommendations 100.19 and 100.22)*

41. The capacities of the Truth, Justice and Reconciliation Commission were built up to enable it to fulfil its mandate, which it completed by submitting its report on 3 April 2012 to the Head of State.

*Awareness-raising and training on human rights (Recommendations 100.31 and 100.85)*

42. The following activities were undertaken:

- Organization of six capacity-building workshops for magistrates and criminal investigation police officers on human rights in 2012 with the support of OHCHR;
- Organization of regional forums on rights and duties and citizenship (2013-2014);
- Teaching of human rights and citizens' rights in basic and continuing training courses for staff at various training colleges of the defence and security forces;
- Awareness-raising sessions on respect for human rights and citizens' rights held before missions to maintain or restore public order;
- Introduction of modules on human rights in the training of the special forces responsible for maintaining security during elections;
- Courses on human rights and citizens' rights covering all general and technical education cycles with moral and civic education as a compulsory subject in the official examinations BEPC (certificate of completion of the first stage of secondary education) and BAC I (first Baccalaureate);
- Preparation of an information booklet on civic sense and citizenship education with the support of the European Union;
- Adoption of a national policy on civic training and citizenship education (2014).

## **C. Civil and political rights**

### **Deprivation of liberty and detention conditions**

*Feeding and treatment of detainees (Recommendations 100.54 and 100.55)*

43. The following measures have been taken:

- Programme to support the justice sector funded by the European Union which provides, among other things, for the establishment of a bakery in each prison;
- Creation of a group in charge of hygiene and sanitation in civilian prisons;
- Establishment of a system for transforming sludge into used biogas for cooking food in Lomé civil prison since 8 May 2014, with the financial support of UNDP;
- Visits to places of detention by members of parliament to verify the situation of the detainees.

44. Two further examples of ad hoc sanitation operations worthy of note are:

- Sanitation and disinfection operation carried out by the International Committee of the Red Cross (ICRC) in prisons (2013);

- One-week sanitation operation with free care provided at Lomé civil prison launched by the Gnassingbé Eyadéma Foundation for Education and Health (2012).

*Alternative measures to imprisonment (Recommendation 101.9)*

45. The new Criminal Code provides for alternatives to imprisonment such as community service, criminal mediation and a composite fine (arts. 59-62).

46. These measures are in addition to suspended sentences, bail and parole.

*National preventive mechanism; punishment and prevention of torture (Recommendations 100.2, 100.23, 100.49, 100.51, 100.52 and 101.4)*

47. In addition to the constitutional provisions, the following measures may be noted:

- Definition and punishment of torture in the new Criminal Code (arts. 198 et seq.);
- Adoption of a new Organic Act on the Organization of the National Human Rights Commission incorporating the national preventive mechanism function;
- Organization of training workshops for trainers of criminal investigation police officers, prison and rehabilitation officers, with the support of UNDP;
- Capacity-building of various actors in the fight against torture through the Atlas of Torture Project.

*Violence committed in the context of the elections in 2005; allegations of torture in the context of the proceedings against Kpatcha Gnassingbé and his followers (Recommendations 100.50, 101.5 and 101.6)*

48. The Government entrusted the matter to the National Human Rights Commission, which launched an investigation into the case against Kpatcha Gnassingbé and co-accused and issued recommendations. In the light of the recommendations, 13 measures were adopted, including the reform of the National Intelligence Agency. In accordance with the judgment handed down by the Court of Justice of the Economic Community of West African States in the same case, the State paid damages of 532 million CFA francs (CFAF) to victims. All alleged cases of torture and acts of violence committed in the context of 2005 were reviewed by the Truth, Justice and Reconciliation Commission. The Office of the High Commissioner for Reconciliation and Strengthening National Unity established in 2014 has a plan of action for implementing the Truth, Justice and Reconciliation Commission's 68 recommendations.

*Provisions of the Code of Criminal Procedure relating to police custody (Recommendation 100.53)*

49. The draft bill on the new Code of Criminal Procedure has taken into account the observations of the Committee against Torture, including the notification of charges, the right to be assisted by counsel, compulsory medical examination and notification of family members.

## **D. Equality and non-discrimination**

*Elimination of discrimination against women (Recommendations 100.35 and 100.37)*

50. In order to help eliminate discrimination against women, training and awareness-raising workshops on gender and women's access to land were organized for the prefects, traditional leaders, religious authorities, landowners and other key actors in local

communities between 2013 and 2014. The workshops strengthened the capacity of 175 actors in the Savannah, Kara and Plateaux regions.

51. Furthermore, with the support of civil society organizations, the Government carried out the following activities:

- Awareness-raising among men and women, community leaders and local authorities on violence against women and girls;
- Launch of the African campaign against child marriage in Africa with awareness-raising on early marriages and pregnancies;
- Establishment of a framework for consultation and dialogue involving the police, gendarmerie, justice sector, health workers, traditional leaders, religious leaders, media managers and local community chiefs;
- Monitoring the health and legal situation of victims;
- Introduction of village and cantonal focal points to combat violence against women.

*Equality between men and women (Recommendations 100.36, 100.38 and 100.68)*

52. The Criminal Code uses the definition of discrimination contained in article 1 of the Convention on the Elimination of All Forms of Discrimination against Women. It has a chapter dealing with discrimination against women and related penalties.

53. The new Personal and Family Code contains the following provisions aimed at eliminating discrimination against women:

- Identical age of marriage for men and women;
- Identical inheritance conditions for men and women;
- Prohibition of levirate and sororate;
- Consensual choice of the matrimonial home;
- Right of both spouses to refuse to submit to degrading mourning rites;
- Removal of the provisions making the husband the head of the family. Now both spouses assume joint responsibility.

*Recruitment and retention of civil servants and army personnel; employment of women in traditionally male-dominated sectors (Recommendations 101.1 and 101.2)*

54. The recruitment process in the defence and security forces reflects the country's administrative divisions thus ensuring that all ethnic groups are represented. A recruitment commission travels around all the prefectures and steps are taken to recruit mainly locals from those places in order to ensure that no one group will be disadvantaged.

55. Since 2007, in accordance with the statutes of the armed forces, 580 girls have been recruited into the army (5 per cent of recruits) and 350 girls into the police (8 per cent of recruits).

56. Furthermore, Act No. 2013-002 on the General Civil Service Regulations and Decree No. 2015-120 of 15 December 2015 on joint procedures for implementing the General Civil Service Regulations ensure equal opportunities in the recruitment, remuneration, career and retirement of civil servants.

## E. Freedom of opinion and expression

*Freedom to demonstrate; freedom of the media (Recommendations 101.15 to 101.18)*

57. Related measures adopted are as follows:

- Increase of 25 per cent in State aid to the press since 2014;
- Authorization of 11 radio and 3 television channels, including 2 satellite channels and 2 digital distributors (Media Plus and Canal+ Horizons); official recognition of more than 40 print media outlets (2012-2015);
- Training for journalists covering the elections (2013 and 2015);
- Training of 33 journalists from the online media on the involvement of online media in the promotion and protection of human rights, organized by Amnesty International Togo (2015);
- Organization of a national conference on the press in July 2014, which made recommendations for improving the legal and institutional framework for the press;
- Adoption of Act No. 2016-006 of 30 March 2016 on Freedom of Access to Public Information and Documentation;
- Decree No. 2013-013/PR of 6 March 2013 on maintaining and restoring law and order;
- Capacity-building for communication officers in partnership with the Inter-African Committee on Traditional Practices Affecting the Health of Women and Children (2014);
- Training of 140 journalists and members of the Platform of Press Organizations for Health (2014);
- Day of discussion on the role of the media in the fight against corruption, organized by the United States Embassy in Togo.

## F. Economic, social and cultural rights

### Fight against poverty

*Fight against extreme poverty; social and economic development programmes; right to food; general living conditions of the population; Millennium Development Goals (Recommendations 100.69, 100.70, 100.72, 100.87 to 100.89 and 101.19)*

58. The Accelerated Growth and Employment Creation Strategy for 2013-2017 is a unifying tool for combating poverty in Togo and comprises five priority areas:

- Development of sectors with high growth potential;
- Strengthening the economic infrastructure;
- Development of human capital, social protection and employment;
- Strengthening governance;
- Promotion of participatory, balanced and sustainable development.

59. Following two assessments in 2013 and 2014, the following results were recorded:

- Increase in the gross domestic product growth rate from 4 per cent in 2013 to 5.4 per cent in 2014;

- Increase in the budget allocated to local governments from CFAF 250 million in 2013 to CFAF 421 million in 2014 as part of the process of decentralization;
- Support for income-generating activities to the benefit of 50 groups;
- Training of local actors in local planning with German cooperation on decentralization issues;
- Improvement in the production and quality of statistical data for better monitoring of development programmes and policies;
- The rate of access to drinking water rose from 42 per cent in 2012 to 50 per cent in 2015;
- Food production increased from 2,980,862 tons in 2013 to 3,600,522 tons in 2014 — a rise of 20.8 per cent;
- Animal production increased by 6.9 per cent and fish production by 3.5 per cent between 2012 and 2014;
- Decrease of 40 per cent in the proportion of undernourished people between 2010 and 2014 with the implementation of the National Agricultural Investment and Food Security Programme;
- Establishment of planned agricultural development areas allowing more than 2,000 producers, including 850 women, to become self-employed between 2012 and 2014;
- Organization of the National Peasants Forum since 2012 to exchange views on rural development and food security issues;
- Financial assistance for 15,000 children from vulnerable families under the Cash Transfer Programme;
- Provision of microcredits to 557,314 beneficiaries under dedicated programmes ensuring the access of the poor, farmers and young people to financial services.

### **Right to health**

*Priorities for guaranteeing the right to health; programmes and measures in the field of health; access to health care (Recommendations 100.73, 100.75 and 100.76)*

60. The priorities of the National Health Policy and the National Health Development Plan for 2012-2015 are as follows:

- Combating HIV/AIDS;
- Combating communicable and non-communicable diseases;
- Combating malaria;
- Strengthening the pharmaceutical sector.

61. The implementation of the Plan brought the following results.

62. Social and financial accessibility to health care:

- Subsidies for 90 per cent of caesarean section operations. Between 2011 and 2015, the number of women receiving care rose from 7,353 to 14,095;
- Promotion of free care for uncomplicated malaria since 2012;
- Continued subsidies to hospitals to care for indigent persons;

- Establishment in 2012 of an observatory to combat the discrimination and stigmatization of persons living with HIV/AIDS and continued provision of antiretrovirals free of charge with support from technical and financial partners, including the Global Fund, l'Agence Française de Développement (French Development Agency) and the World Health Organization (WHO). The goal is to achieve a generation without AIDS by 2020;
  - Between 2012 and 2014, free distribution of almost 4,905,864 long-lasting insecticide-treated mosquito nets;
  - Strengthening of the pharmaceutical sector;
  - Establishment of a national supply system for pharmaceutical products (2014);
  - Creation and networking of six regional supply pharmacies with a generic drugs and medical goods purchasing centre;
  - Seven free vaccines for women and children through the expanded immunization programme;
  - Provision of essential medicines in health facilities: the coverage rate for health-care facilities without stock shortages rose from 23.33 per cent in 2012 to 46 per cent in 2015.
63. Geographical accessibility:
- Increase in the geographical coverage rate of health facilities from 62 per cent to 63 per cent between 2012 and 2015 through the construction of 32 new peripheral health units (types I and II) in rural areas of the 50 planned, and through the rehabilitation and extension of 11 existing specialized services and 68 peripheral health units;
  - Establishment of three national and regional blood banks.
64. Quality of health care and services:
- Definition of health standards by an order of 2 December 2014;
  - Construction and equipment of a national laboratory for the quality control of medicines in 2013;
  - Establishment of a national drug regulatory authority whose mission is to ensure the quality, effectiveness and safety of the use of health products (2012);
  - Recruitment of 1,107 health-care professionals (2013);
  - Granting of 117 training awards between 2012 and 2015 to upgrade the skills of health professionals;
  - Improved quality of training for health personnel with the support of WHO and l'Agence Française de Développement.

*Maternal health and access of pregnant women to medical facilities (Recommendation 100.74)*

65. Togo has taken the following action:
- Decentralization in 2015 of facilities providing emergency obstetric and neonatal care with a view to providing care in more than 80 per cent of pregnancies;
  - Training of hospital staff and equipment of health facilities in partnership with Muskoka funds, the Commission on Information and Accountability for Women's and Children's Health, the United Nations Population Fund, WHO and UNICEF, as

a result of which the coverage rate for basic emergency obstetric and neonatal care increased from 18 per cent to 43.7 per cent between 2012 and 2015;

- Recruitment of qualified personnel in most health centres providing maternal and infant care (2014-2015);
- Increase in the number of births attended by qualified personnel from 60 per cent in 2010 to 73 per cent in 2014.

*Extension of the mandatory health insurance for civil servants to employees of the private sector (Recommendation 101.20)*

66. In connection with the extension of medical insurance to the private and semi-public sectors, in 2013, a National Committee for the Promotion of Social Protection was established. Its mission is to coordinate all the activities of the project on the extension of social protection.

67. In this context the following activities were undertaken:

- Dialogue with employers on the feasibility of establishing private sector health insurance (2013);
- Awareness-raising and information workshops on the extension of health insurance to vulnerable groups;
- Study on the technical and financial parameters using the databases of workers in the formal private and semi-public sectors managed by the National Social Security Fund, between 2013 and 2014.

### **Right to work**

*Priorities in the field of employment (Recommendation 100.73)*

68. The priorities are as follows:

- Facilitate the access of young people to the employment market;
- Ensure the right to decent work for all, in particular women and persons with disabilities.

69. The implementation of the Strategic Plan for the Employment of Young People and the Operational Plan of Action for the Youth Policy yielded the following results:

- Mobilization of 6,252 volunteers since 2011;
- Assistance for 50,951 young entrepreneurs (training, equipment and funding);
- Funding of 463 microenterprises for young people by the Fund to Support Young People's Economic Initiatives and the Programme to Support Grass-roots Development totalling CFAF 640,575,661;
- Some 2,067 sustainable direct and indirect jobs and 10,500 temporary jobs through the creation of labour intensive jobs;
- Social and educational activities for 39,641 young persons.

### **Right to education**

*Consolidating the education system; priorities, programmes and measures in the field of education; free and compulsory primary education (Recommendations 100.82 and 101.22)*

70. With regard to general education



71. To develop quality basic education, the following initiatives were taken during the reporting period:

- Publication of textbooks and of a guide to arithmetic and reading for primary schools;
- Recruitment and training of 8,023 teachers for primary and lower secondary schools (2012-2015);
- Training of more than 600 heads of secondary schools (2015) and all teachers of French and experimental sciences in lower secondary schools through the Project to Support the Reform of Lower Secondary Schools;
- Supply of 11,115 reading boards for all public primary schools (2013-2014);
- Evaluation of learning outcomes in 200 schools using the Conference of Ministers of Education of French-speaking Countries Programme of Analysis of Educational Programmes.

72. To extend preschool coverage:

- Public kindergartens were established in all education regions;
- More than 1,000 preschool teachers were recruited;
- Public kindergartens were provided with textbooks for pre-arithmetic, pre-maths and pre-reading activities.

73. To promote inclusive education, textbooks in Braille and sign language have been introduced. A subregional forum (Togo, Burkina Faso and Niger) on inclusive education was organized in 2016.

74. Generally speaking, several measures have been implemented with a view to consolidating the Togolese education system:

- Provision of 3 million textbooks to 4,358 public primary schools under the Education and Institution-building Project with the support of l'Agence Française de Développement and the Islamic Development Bank (2013);
- Validation of preschool and primary education curricula (2014);
- Construction and equipment of several school buildings nationwide, including 200 under the Education and Institution-building Project, with the support of the World Bank (2012-2014), and the others by the NGO BØRNEfonden and religious institutions;
- Establishment of five teacher training colleges;
- Sponsorship of children by the NGOs BØRNEfonden, Aide et Action, Plan International Togo and l'Organisation de la Charité pour un Développement Intégral.

75. In the area of technical and vocational training:

- A training centre for careers in industry was opened as part of the Modernization Programme for Vocational Training in Partnership with the Private Sector with the support of l'Agence Française de Développement;
- Two regional centres for technical education and vocational training and a technical and vocational secondary school were provided with equipment;
- A technical and vocational secondary school was opened in Glidji and provided with equipment (2014), with support from the Department of Yvelines in France; courses

are taught on a digital platform. The project will be extended to other technical secondary schools;

- In 2013 the charter for public-private partnership adopted in 2011 was implemented;
- Software packages for training in accounting, secretarial skills and industrial sectors (technical drawing, mechanics) were purchased;
- Vocational training was provided through the dual apprenticeship system with the support of the Vocational Training and Youth employment Project (2015).

76. In addition, teachers/trainers received training in their areas of specialization with the support of technical and financial partners, as follows:

- Accounting — 200 (2013);
- French 114 — (2013);
- Car mechanics — 64 (2014);
- German — 30 (2016);
- Secretarial skills: brief introductory training — 365; continuing training — 833 (2016).

*Universal primary education; access of girls and women to education; reduction of dropout rate in primary schools (Recommendations 100.75, 100.77 to 100.78 and 100.81)*

77. More and more girls are attending school. According to a study by UNFPA, 87 per cent of girls and 98 per cent of boys are enrolled in primary education. There are two reasons for these figures — free primary education which prompts parents to send their children to school and a change in mentality, particularly in rural areas, where sending a girl to school is no longer taboo.

78. To consolidate these achievements further steps have been taken:

- Allocation of 1,016 scholarships and school supplies to girls from communities with low enrolment rates, with the support of UNESCO (2014);
- Awareness-raising among traditional and customary leaders of traditional practices harmful to girls leading to the Notsé declaration of 14 June 2013, whereby they undertake to proscribe customary practices preventing girls from attending school, including keeping them in convents (118 children removed from convents to be enrolled in school (2014 and 2016));
- Setting up of school canteens in 308 pilot schools for 85,000 students (2008-2015);
- Introduction of a system where classes are organized in subcycles thus preventing repetitions between cycles in order to lower the dropout rate;
- Distribution of 400 school kits and granting of 500 scholarships for the best secondary school pupils (2012 and 2013).

## G. Rights of specific groups

### Women's rights

*Protection of women; cultural or traditional customs and practices that incite violence or discrimination against women; female genital mutilation; forced and early marriage; widows, levirate and slavery (Recommendations 100.30, 100.37, 100.39, 100.40 to 100.44, 100.57 and 100.58 and 100.60 to 100.62)*

79. The Personal and Family Code prohibits customary practices that constitute violence or discrimination against women, especially discriminatory practices against widows, levirate and sororate (art. 411). The age of marriage is now 18 years for both sexes (art. 43). The law does not take into account the nature or the origin of assets and does not distinguish between the sexes in the settlement of estates (art. 414). It should also be noted that the provisions of article 99 of the Family Code now give responsibility as head of household to both spouses.

80. A national communication strategy targeting cultural or traditional practices that incite violence or discrimination against women, including female genital mutilation, as well as early marriage has also been implemented with the support of UNICEF. The strategy focuses on the involvement of the primary representatives of decentralized administrations and grass-roots organizations, namely prefects, traditional chiefs and religious leaders, representatives of the various religious denominations and village development committees. For example, eight regional consultations and two national consultations were organized and led to the signing of commitments by these different opinion leaders to become more involved or take initiatives to eradicate traditional practices harmful to children.

81. Other action has been taken:

- Implementation of the National Strategy to Combat Gender-Based Violence;
- Establishment of a special fund for the judicial and medical care of victims of sexual violence with the support of partners;
- Integration of the prevention of violence in social and education policies;
- Establishment of counselling centres in all regional social work directorates;
- Training and awareness-raising on violence and discrimination against women for 80 justice officials (bailiffs, notaries, judges and criminal investigation police officers) (2015);
- Awareness-raising among more than 10,000 students, apprentices, employers and teachers about sexual harassment and rape in the five regional capitals (2013);
- Training of 31 counselling centre managers on psychological care for victims of gender-based violence (2012).

*Punishment of gender-based violence (Recommendation 100.56)*

82. Violence against women is punishable under article 232 of the new Criminal Code.

*Prevent and combat trafficking in women (Recommendation 100.63)*

83. Trafficking in persons is punishable under articles 317 to 334 of the new Criminal Code regardless of their sex. With support from France, a priority solidarity fund on human trafficking in countries of the Gulf of Guinea has been set up.

*Combating illiteracy (Recommendations 100.83 and 100.84)*

84. The Government's ambition for adult literacy (15-45 years) is to increase the literacy rate from 62.5 per cent in 2012 to 72.7 per cent in 2017 and increase the literacy provision by involving actors from civil society and the private sector.

85. Steps have been taken to increase the access of illiterate young people and adults aged 15 to 45 years to literacy programmes. For example, 944 literacy centres were opened in 2014, where a total of 19,078 students were enrolled, including 14,824 women.

**Rights of the child**

*Combat trafficking in children and child labour (Recommendations 100.28, 100.64 and 101.12)*

86. Specific provisions on trafficking in children are contained in the Children's Code (arts. 411-420) and the new Criminal Code (arts. 317, 319 and 320).

87. Under the priority solidarity fund project implemented by the French Embassy in five countries of the Gulf of Guinea, training on trafficking, victim protection and on the procedure for prosecuting perpetrators was organized for 21 judges and criminal investigation police officers, who subsequently replicated the training for 150 gendarmerie cadets (2014). In 2015, the process culminated in a discussion workshop with around 100 participants from five countries whose purpose was to consolidate police and judicial cooperation at the regional level and to encourage an exchange of experience and good practices among participants.

88. Concerning the inclusion of the sale and abduction of children in the data-collection system of the National Commission for the Care and Social Reintegration of Child Victims of Trafficking, under the coordination of the Ministry of Social Action, an annual report on child protection is now produced, which provides information on all key child protection indicators and takes into account both the sale and abduction of children.

*Combat the violence, abuse and sexual exploitation of children (Recommendations 100.66 and 101.13)*

89. Various programmes encompassing prevention and care activities are under way with technical and financial support from UNICEF, international NGOs and civil society organizations. They include:

- The Child Protection and Empowerment of Adolescents Programme (2014-2018);
- The National Programme to Combat Teenage Pregnancies in School and Non-school Settings (2015-2019);
- A project promoting a fulfilling environment for learning and education among children and young people in Togo, the "Eduquer autrement I" (Educate differently I) project run by BØRNEfonden for 2011-2014 in the Maritime Region, parts of the Plateaux and Kara Regions, and the "Eduquer autrement II" (Educate differently II) project currently being rolled out in certain locations in the Kara and Plateaux Regions train teachers in non-violent education methods through alternative measures;
- National guidelines on juvenile justice in Togo in 2015;
- Projects on gender-sensitive education without violence and on promoting the rights of adolescents to sexual and reproductive health;
- A communication strategy on cultural practices that are harmful to children.

90. Regarding prison officers and other professionals, the following initiatives have been taken:

- Introduction of a module on the rights and protection of the child in basic and continuing training for security forces, prison officers and social workers;
- Drafting of a protocol for dealing with children who are victims of abuse, violence and exploitation;
- Appointment of juvenile judges in most courts;
- Drafting of guidelines for dealing with child offenders.

*Adopt the national policy to protect children; national plan of action on children's rights (Recommendations 100.28 and 100.29)*

91. A study carried out in 2013 and 2014 revealed that the data contained in the national child policy document drafted in 2008 were inadequate. To remedy this situation, a new national child policy document is being drafted that takes into account the new developments.

*Amend legislation relating to the rights of women, children and persons with disabilities, in line with international obligations (Recommendation 100.12)*

92. The process of harmonizing national legislation which resulted in the adoption of the new Criminal Code and the new Personal and Family Code has helped to take greater account of the rights of children, women and persons with disabilities.

*National committee on the rights of the child (Recommendation 100.24)*

93. A Committee composed of representatives of ministries, civil society organizations and technical and financial partners was established for the preparation of a draft decree on the composition, organization and functioning of the national committee on the rights of the child, as provided for in the Children's Code.

*Principle of non-discrimination against vulnerable children particularly girls and children with disabilities (Recommendation 101.3)*

94. Article 5 of the Children's Code covers the principle of non-discrimination.

### **Rights of persons with disabilities**

*Address the exclusion of persons with disabilities; education of children with disabilities (Recommendations 100.45 and 100.46, 100.64, 100.79 and 100.80)*

95. Several measures have been adopted:

- Approval of the National Strategy for the Protection and Promotion of Persons with Disabilities and its Operational Plan for 2013-2015;
- Approval of a document on inclusive access to the employment market (2014);
- Implementation in the prefectures of several community-based rehabilitation projects for children with disabilities to identify and provide assistance with social and educational care, sign language and motor activities for 3,000 children, including 1,300 girls;
- Construction of five community-based rehabilitation centres;
- Training of 34 officials in sign language;

- Training on inclusive education for groups of national trainers, including three in sign language and three in Braille, who are responsible for training trainers at regional levels;
  - Subsidies of CFAF 20 million per year for special schools.
96. Measures taken to promote inclusive education:
- Specialized training for teachers in order to improve the management and integration of children with disabilities in all regions;
  - Experimentation of inclusive education with the support of Handicap International and La Fédération Togolaise des Associations des Personnes Handicapées (the Togolese Federation of Associations of Persons with Disabilities) in the Savanes and Kara Regions;
  - Training in inclusive education in the Savanes and Kara Regions: 243 teachers and 1,200 trainee teachers (69 in Braille, 102 in sign language, 38 in intellectual disability).

*Protection of vulnerable groups (Recommendations 100.47 and 100.73)*

97. Measures adopted:
- Drafting of a national strategy on the social protection of vulnerable groups with a related plan of action (2013);
  - Greater awareness-raising since 2012 on the protection of older persons and intergenerational solidarity within the framework of the International Day of Older Persons;
  - Development and implementation since 2014 of the Programme for the Protection and Development of the Potential of Older Persons for 2014-2018 which, in 2015, led to a study on senior volunteering and the compilation of a database on older persons;
  - Launching of the National Fund for Inclusive Finance allowing vulnerable populations to have access to finance (2014);
  - Establishment with assistance from partners including Terre des Hommes, UNICEF, Plan International-Togo, the National Solidarity Agency, national NGOs and private companies of a centralized system for identifying and indexing vulnerable children and victims of abuse;
  - Capacity-building for 500 participants from women's and mixed groups on the leadership and management of microenterprises (Savanes and Maritime Regions, and Lomé Commune) (2015).

*Ensure that HIV education is included in technical training (Recommendation 101.21)*

98. An order of 10 May 2010 provides for compulsory preventive education on HIV/AIDS and sexually transmitted infections (STIs) in technical education and vocational training. The subject is entitled "Health education in schools for the prevention of AIDS and STIs".

*Asylum seekers and refugees (Recommendation 101.23)*

99. Act No. 2000-019 of 29 December 2000 on the Status of Refugees was amended by the Act adopted on 3 March 2016 by the National Assembly which updates existing policies in this area.

*Forced labour: prostitution and trafficking (Recommendation 100.65)*

100. The new Criminal Code punishes the procuring (arts. 338 et seq.) as well as trafficking and forced labour of children. Noteworthy results obtained are:

- In 2012, of the 110 recorded cases of trafficking in children, 106 were investigated and led to 80 prosecutions and 69 convictions;
- In 2013, of the 85 cases of trafficking reported, 81 were investigated and led to 62 prosecutions and 40 convictions.

## V. Capacity-building, technical assistance and international cooperation

*Technical assistance with a view to harmonizing national legislation with ratified international human rights instruments (Recommendation 100.13)*

101. The new Criminal Code and preliminary draft Code of Criminal Procedure were harmonized with technical assistance from the European Union, France, OHCHR and ICRC. A total of 38 conventions have been incorporated into the new Criminal Code. The new Personal and Family Code was also adopted with the support of UNFPA. The Act on the Status of Refugees was amended with the support of the Office of the United Nations High Commissioner for Refugees.

*Cooperation with international partners; efficient allocation of resources for the promotion of human rights (Recommendation 100.86)*

102. Several international partners have been approached about mobilizing resources, for example:

- With UNDP and OHCHR, annual workplans in the field of human rights are being prepared;
- Under the Atlas of Torture Project, the European Union, OHCHR and the Association for the Prevention of Torture assisted Togo with the process of amending the Act on the Organization of the National Human Rights Commission incorporating the national preventive mechanism (2012-2013);
- Support of the International Organization of la Francophonie in the universal periodic review process;
- With OHCHR a human rights-based approach was factored into programmes and projects, particularly in the field of health and education.

## VI. Priorities and the way ahead

103. They concern the following sectors:

- **Prison**
  - Reducing the prison population;
  - Improving the food, health and hygiene of prisoners;
  - Continuing the social reintegration of prisoners;
  - Improving logistical and financial resources;
  - Building new prisons that meet international standards;

- Strengthening staff management.

- **Health**

- Combating maternal and infant mortality;
- Combating communicable and non-communicable diseases, inter alia, HIV/AIDS and malaria;
- Building and equipping health facilities;
- Training of medical specialists and building the capacity of staff;
- Extending social protection to all segments of the population.

- **Education**

- Strengthening the entire education system;
- Tailoring training to employment;
- Building and equipping school facilities;
- Gradual expansion of inclusive education;
- Reforming vocational training through apprenticeships;
- Building the capacity of public officials in functional literacy;
- Developing and implementing a national blueprint for functional literacy.

- **Agriculture**

- Supporting the implementation of the new agricultural policy;
- Implementing the water and sanitation policy;
- Adapting agriculture to climate change.

- **Development planning**

- Financing the National Development Plan;
- Financing local, regional and national land management plans;
- Incorporating sustainable development goals in development policies and programmes;
- Combating extreme poverty;
- Strengthening human resources in follow-up/evaluation;
- Helping local communities to draft local development plans;
- Implementing the National Land Management Plan.

- **Human rights**

Financing the priority strategic areas of public human rights policy and of the consolidation of democracy for 2014-2020, which are:

- Developing and implementing a plan of action on human rights education;
- Mainstreaming the human rights-based approach in development projects and programmes;
- Updating and implementing the National Strategy for the Consolidation of Democracy and Peace for Sustainable Development;



- Updating the plan of action relating to the universal periodic review and treaty bodies incorporating the recommendations of the second cycle;
- Capacity-building for resource mobilization in the areas of human rights and consolidation of democracy.
- **Rights of specific groups**
  - Finalizing and implementing the National Policy on Child Protection;
  - Adoption and implementation of the National Policy on the Child Welfare System;
  - Establishment of the Committee on the Rights of the Child;
  - Adoption and implementation of the Act on the Social Protection of Persons with Disabilities;
  - Adoption of special measures for persons with disabilities;
  - Adoption and implementation of the National Policy on Social Action;
  - Adoption and implementation of the National Policy on Social Protection;
  - Mobilizing additional resources for further action for vulnerable groups;
  - Stepping up efforts to combat violence against women and girls;
  - Continuing to combat stereotypes;
  - Promoting women's literacy.
- **Land issues**
  - Adoption and implementation of the new Land Code.

## VII. Difficulties and constraints

104. They often undermine the efforts and actions undertaken and are of several kinds:
- Lack of available resources;
  - Socioeconomic pressures;
  - Difficulties in integrating the human rights approach in public policies;
  - Lack of statistics in data collection.

## Conclusion

105. In spite of the efforts deployed, Togo still has a number of difficulties and constraints, as described above, in fulfilling all the human rights commitments undertaken. Consequently, once again it requests the assistance of the international community, in particular for the main priorities identified.