



**International Convention on  
the Elimination of All Forms  
of Racial Discrimination**

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**Committee on the Elimination of Racial Discrimination**

**Consideration of reports submitted by States  
parties under article 9 of the Convention**

**Eighteenth and nineteenth periodic reports of States parties**

**Togo\***

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## Introduction

1. Togo presented its periodic reports (sixth to seventeenth combined) on the implementation of the International Convention on the Elimination of Racial Discrimination to the Committee on the Elimination of Racial Discrimination on 30-31 July 2008, in accordance with article 9 of the Convention.
2. Subsequently, the Committee recommended that the Government of Togo should submit its eighteenth and nineteenth periodic reports in 2011.
3. The difficulties entailed in gathering the necessary data were such that the Government was unable to meet that deadline.
4. The present reports, drafted by the interministerial committee responsible for the preparation of initial and periodic treaty body reports with the involvement of civil society representatives, in accordance with the reporting guidelines, consist of three parts: Part I sets out the legal framework for human rights protection; Part II concerns measures adopted to guarantee the rights enshrined in the Convention; and Part III is concerned with implementation of the Committee's recommendations.

## Part I General legal framework within which human rights are protected in Togo

5. The legal framework for the protection of human rights is based on the principle of the rule of law. The sources of law in Togo are the Constitution of 14 October 1992, duly ratified international human rights instruments, laws and regulations.
6. The procedures for exercising the various rights enshrined in the Constitution are established by a series of laws passed by the National Assembly and decrees issued by the Government. The most important pieces of legislation include:
  - Organization Act No. 96-10 of 21 August 1996, amended by Organization Act No. 2004-021 of 15 December 2004 on the Audiovisual and Communication Authority, amended by Organization Act No. 2009-029 of 22 December 2009, amended by Organization Act No. 2013-016 of 8 July 2013;
  - Organization Act No. 2003-021 of 9 December 2003 on the status and responsibilities of the Ombudsman and the composition, organization and functioning of its services;
  - Act No. 2004-015 of 27 August 2004, amending Act No. 2002-026 of 25 September 2002, amending Act No. 2000-06 of 23 February 2000, amending the Press and Broadcasting Code Act (Act No. 98-004 of 11 February 1998);
  - Organization Act No. 2005-004 of 9 February 2005, amending and supplementing Organization Act No. 96-12 of 11 December 1996 on the composition, organization and functioning of the National Human Rights Commission;
  - Labour Code (Act No. 2006-010 of 13 December 2006);
  - Children's Code (Act No. 2007-017 of 6 July 2007);
  - Framework Environment Act (Act No. 2008-005 of 30 May 2008);
  - Forestry Code (Act No. 2008-009 of 19 June 2008);

- Public Health Code (Act No. 2009-007 of 15 May 2009);
  - Civil Service Organization Act (Act No. 2009-010 of 11 June 2009);
  - Act No. 2010-018 of 31 December 2010, amending the HIV/AIDS Protection Act (Act No. 2005-012 of 14 December 2005);
  - Social Security Code (Act No. 2011-006 of 21 February 2011);
  - Act No. 2011-010 of 16 May 2011, setting the conditions for the exercise of freedom of assembly and the right to peaceful public demonstrations;
  - Individuals and Family Code (Act No. 2012-014 of 6 July 2012), amended by Act No. 2014-019 of 17 November 2014;
  - General Civil Service Regulations Act (Act No. 2013-002 of 21 January 2013);
  - Legal Aid Act (Act No. 2013-010 of 27 May 2013).
7. Togo is a party to the following conventions:
- International Covenant on Civil and Political Rights (24 May 1984);
  - International Convention on Economic, Social and Cultural Rights (24 May 1984);
  - Convention on the Rights of the Child (1 August 1990), and its Protocols:
    - Optional Protocol on the sale of children, child prostitution and child pornography (2 July 2004);
    - Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (14 November 2008);
    - Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption (14 November 2010);
    - Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (28 November 2005);
  - Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (18 November 1987) and its Optional Protocol (20 July 2010);
  - Convention on the Rights of Persons with Disabilities and its Optional Protocol (1 March 2011);
  - Convention on the Elimination of All Forms of Discrimination against Women (26 September 1983);
  - Convention for the Protection of All Persons from Enforced Disappearance (21 July 2014).
8. These texts ensure the legal protection of citizens and entitle them to demand that they be respected.
9. Article 50 of the Constitution provides that “the rights and obligations set forth in the Universal Declaration of Human Rights and in the international human rights instruments form an integral part of the Constitution”.

### **Institutional framework**

10. The institutional framework is made up of the executive, legislative and judicial branches as well as regulatory and countervailing institutions and bodies.

### **Executive branch**

11. The 1992 Constitution conferred executive powers on the following institutions:
- The President of the Republic, Head of State, who is elected by direct universal suffrage in a single-round poll and granted specific powers by the Constitution (arts. 59 and 60);
  - The Prime Minister, Head of Government, who is appointed by the President to lead and coordinate the Government's activities (art. 78).

### **Legislative branch**

12. The Parliament comprises the National Assembly and the Senate (art. 51 of the Constitution). The National Assembly is made up of 91 members elected by direct universal suffrage for a term of five years. Currently it includes representatives of six political parties: Union pour la République, Alliance Nationale pour le Changement, Union des Forces du Changement, Comité d'Action pour le renouveau, Alliance pour la Démocratie et le Développement Intégral, Sursaut Togo, and independents.

13. The National Assembly adopts the laws and monitors the work of the Government. As the Senate is currently suspended, its powers are temporarily exercised by the National Assembly.

### **Judiciary**

14. The rule of law is enshrined in article 1 of the Constitution. Justice is delivered in the name of the Togolese people by the courts and tribunals. Provision is also made for the principle of a fair trial, including public hearings, the right to a defence and the obligation to justify decisions.

15. To meet the need for speedy justice, Togo has been modernizing its justice system and has recruited at least 20 judges and as many court registrars every year since 2005. To this end, a justice training centre was established in 2010 to provide both initial and in-service training to professionals of the courts system.

16. The independence of the judiciary is guaranteed by the Constitution (art. 113) and enshrined in law by Organization Act No. 96-11 of 21 August 1996 on the special status of judges, amended by Act No. 2013-007 of 25 February 2013. This law enshrines the principle of the irremovability of judges and makes the Supreme Council of Justice, which is mainly made up of judges, responsible for managing judges' careers.

### **Constitutional Court**

17. The Constitutional Court, which "rules on the constitutionality of laws and guarantees fundamental individual rights and civil liberties, regulates the activities of public institutions and the work of the public authorities". It is the highest judicial authority in the State in constitutional affairs (art. 99 of the Constitution).

18. The Court announces the results of presidential and parliamentary elections and referendums, settling any disputes which may have arisen, and has very wide-ranging powers of ex ante and ex post control. Its organization and operation are governed by Organization Act No. 2004-004 of 1 March 2004.

### **National Human Rights Commission**

19. The National Human Rights Commission, established by Act No. 87-09 of 9 June 1987 and recognized by the Constitution in 1992 (art. 152), was restructured by Organization Act No. 96-12 of 11 December 1996, amended and supplemented by

Organization Act No. 2005-004 of 9 February 2005 on the composition, organization and functioning of the Commission. It is an independent body subject to the Constitution and the law, with legal personality. Its members benefit from immunity during the exercise of their duties and for one year after the termination thereof. The Commission was granted “A” status by the International Coordinating Committee of National Human Rights Institutions for the promotion and protection of human rights.

20. Its mission is to ensure the protection and defence of human rights; to promote human rights by all possible means, in particular by examining and recommending to the authorities for adoption any proposed legislation related to human rights; to issue opinions in the field of human rights; to organize conferences and seminars on human rights; and to investigate reported human rights violations. It produces annual reports of its activities and makes recommendations to the State.

21. Since 2011, the Commission has been mandated by the Government to act as the mechanism to prevent torture and other cruel, inhuman, degrading or humiliating treatment or punishment following ratification of the Optional Protocol to the Convention against Torture on 20 July 2010.

#### **Audiovisual and Communication Authority**

22. The Audiovisual and Communication Authority, which is a constitutional body responsible for monitoring and safeguarding freedom of expression, opinion and the press, was established by Organization Act No. 96-10 of 21 August 1996, amended and supplemented by Organization Act No. 2004-021 of 15 December 2004, amended by Organization Act No. 2009-029 of 22 December 2009, amended by Organization Act No. 2013-016 of 8 July 2013.

#### **Ombudsman**

23. The Ombudsman, an institution created by article 154 of the Constitution, is an independent administrative authority appointed by the President for a term of three years. The institution is responsible for investigating appeals and complaints from citizens concerning malfunctioning of the administration, local authorities, public bodies or any public agency, with a view to achieving an amicable settlement. Its organization and functioning are regulated by Organization Act No. 2003-021 of 9 December 2003.

## **Part II**

### **Information concerning the internal measures adopted to guarantee the rights enshrined in the Convention (arts. 2-7 of the Convention)**

#### **Article 2**

#### **Definition and punishment of racial discrimination**

##### **A. Legal framework**

24. The draft Togolese Criminal Code defines and penalizes discrimination in general as well as discrimination with regard to employment and occupation, education and HIV/AIDS, and discrimination against women. Article 304 of the draft Code provides as follows: “Discrimination is defined as any distinction, exclusion, restriction or preference based on sex, gender, disability, race, colour, descent or family, ethnic or regional origin;

economic or social status; political, religious, philosophical or other beliefs; or HIV infection which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise of human rights and fundamental freedoms in the political, economic, social and cultural fields or any other field of public life.”

25. Articles 305 ff. of the draft Criminal Code penalize discrimination. Article 305 provides that “Any act of discrimination shall be punishable by a prison sentence of 6 months to 2 years and by a fine of CFA francs (CFAF) 500,000 to 2,000,000, or by one of those penalties”.

26. Article 307 of the draft Code defines discrimination in employment and occupation as follows: any distinction, exclusion or preference based on sex, gender, race, colour, religion, ethnicity, political or philosophical opinion, racial origin, legal status, nationality or national origin, or disability which has the purpose or effect of reducing or impairing equality of opportunity or treatment in employment or occupation. Any sort of discrimination in respect of employment or occupation shall be punishable by a prison sentence of 6 months to 2 years and by a fine of CFAF 500,000 to 2,000,000, or by one of those penalties” (art. 308 of the draft Criminal Code).

27. Discrimination in education is defined as any act that impairs equal access to education, the level of education, the quality of education and the conditions under which it is provided, or that encourages individuals to drop out of school (art. 309 of the draft Criminal Code).

28. Any act of discrimination in education shall be punishable by a prison sentence of 6 months to 2 years and by a fine of CFAF 500,000 to 2,000,000, or by one of those penalties.

29. Discrimination against women is defined as any act based on women’s sexual identity which has the purpose and the effect of impairing or destroying the recognition, enjoyment or exercise by women, irrespective of their marital status, of human rights and fundamental freedoms in the political, economic, social, cultural and civil spheres or in any other sphere. Any act of discrimination against women shall be punishable by a prison sentence of 6 months to 2 years and by a fine of CFAF 500,000 to 2,000,000, or by one of those penalties.

30. Discrimination with regard to HIV/AIDS is defined as any distinction, restriction or exclusion based on the infection of persons with HIV/AIDS, even if such acts are undertaken with their legitimate interest in mind. Stigmatization is defined as any act which castigates, blames, vilifies or chastises any person with HIV/AIDS (art. 314 of the draft Criminal Code).

31. Anyone found guilty of such an act of discrimination against or stigmatization of a person infected with or affected by HIV/AIDS shall be punished by a prison sentence of 6 months to 2 years and by a fine of CFAF 500,000 to 2,000,000.

32. The Labour Code prohibits any direct or indirect discrimination in employment or occupation. Under article 3 of the Code, “discrimination is defined as any distinction, exclusion or preference made on the basis of sex, race, colour, religion, ethnic origin, political or philosophical belief, social origin, legal situation, national extraction, state of health or disability, and which has the effect of reducing or impairing equality of opportunity or treatment in employment or occupation. Any discriminatory provision appearing in a labour contract, salary scale, convention or collective labour agreement is null and void ipso jure”. Under article 301 of the Labour Code, discrimination in employment shall be punishable by a fine of CFAF 100,000 to 1,000,000 and by a prison sentence of 3 to 6 months, or by one of those penalties. In the event of a repeat offence, the penalty shall be doubled.

## B. Educational framework

33. The school map of Togo is subdivided into six regions: Golfe-Lomé, Maritime, Plateaux, Centrale, Kara and Savanes.

### 1. Preschool education

34. The number of children attending preschool rose from 26,050 in 2007-2008 to 86,680 in 2012-2013, for an average annual increase of 27 per cent.

35. The Centrale and Savanes regions experienced the highest increase over that period, with 50 per cent and 44 per cent respectively.

Table 1.1

#### Average annual increase in the number of preschool children between 2007-2008 and 2011-2012, by sex and by region

Region	Number of children, 2007-2008			Number of children, 2012-2013			Average annual increase (Percentage)		
	M	F	T	M	F	T	M	F	T
Lomé-Golfe	5 173	4 995	10 168	8 781	8 670	17 451	11	12	11
Maritime	1 565	1 624	3 189	5 745	6 006	11 751	30	30	30
Plateaux	2 473	2 672	5 145	6 261	6 574	12 835	20	20	20
Centrale	765	875	1 640	5 976	6 357	12 333	51	49	50
Kara	1 310	1 335	2 645	6 044	6 288	12 332	36	36	36
Savanes	1 556	1 707	3 263	9 781	10 197	19 978	44	43	44
Togo	12 842	13 208	26 050	42 588	44 092	86 680	27	27	27

Source: Annuaire National des Statistiques Scolaires de la DPPE, October 2013.

### 2. Primary education

Table 2.1

#### Increase in the number of primary school children between 2007-2008 and 2012-2013, by sex and by region

Région	Number of children, 2007-2008			Number of children, 2012-2013			Average annual increase (Percentage)		
	M	F	T	M	F	T	M	F	T
Lomé-Golfe	104 844	110 796	215 640	136 426	146 541	282 967	5 4%	5 8%	5 6%
Maritime	115 555	95 339	210 894	144 585	130 259	274 844	4 6%	6 4%	5 4%
Plateaux	133 951	116 135	250 086	178 707	161 593	340 300	5 9%	6 8%	6 4%
Centrale	66 169	58 132	124 301	80 385	74 608	154 993	4 0%	5 1%	4 5%
Kara	71 200	61 605	132 805	84 004	77 032	161 036	3 4%	4 6%	3 9%
Savanes	70 082	50 741	120 823	107 008	91 208	198 216	8 8%	12 4%	10 4%
Togo	561 801	492 748	1 054 549	731 115	681 241	1 412 356	5 4%	6 7%	6 0%

Source: Annuaire National des Statistiques Scolaires de la DPPE, October 2013.



36. In almost every region, more than half of all six-year-olds attend primary school. The exceptions are Golfe-Lomé and Savanes, where only 39.5 per cent and 40.7 per cent, respectively, of six-year-olds enter CP1 (first year of primary school). Generally speaking, much remains to be done to improve the access of children, and of girls in particular, to primary education, especially in the Savanes region.

37. There is a large gap between the net rates (ratio between the total number of students and the school age group) and gross rates of access to primary school (ratio between the number of non-repeating primary students and the population of six-year-olds) in all regions, which is apparently due to the enrolment in CP1 of children over the legal age.

Table 2.2

**Net and gross rates of access to CP1, by sex and gender parity, by region (2012-2013)**

Region	Net rate of access			Gross rate of access			Gender parity index of net rate of access	Gender parity index of gross rate of access
	M	F	T	M	F	T		
Golfe-Lomé	39.3	39.7	39.5	123.2	125.2	124.2	1.01	1.02
Maritime	62.4	62.4	62.4	127.0	126.4	126.8	1.00	1.00
Plateaux	68.7	67.0	67.9	134.6	132.1	133.4	0.98	0.98
Centrale	52.9	53.6	53.2	106.7	106.3	106.5	1.01	1.00
Kara	75.2	71.6	73.5	140.7	134.1	137.5	0.95	0.95
Savanes	41.9	39.4	40.7	82.0	77.3	79.7	0.94	0.94
<b>Total</b>	<b>56.0</b>	<b>54.8</b>	<b>55.4</b>	<b>118.5</b>	<b>116.5</b>	<b>117.5</b>	<b>0.98</b>	<b>0.98</b>

Source: Annuaire National des Statistiques Scolaires de la DPPE, October 2013.

38. The abolition of school fees for public primary education resulted in an increase in the primary school gross enrolment rate, from 98 per cent in 2007-2008 to 114.5 per cent in 2012-2013. This means that there are enough places throughout the country for children in the primary cycle. However, the overall situation masks certain realities on the ground, since there are not enough places for children in primary school in the Savanes and Centrale regions.

39. Several classrooms have been built under the Government's projects on Education and Institutional Strengthening and Education for All Togo. The gap between the gross rate (ratio between the total number of students in a cycle and the school-age population of that cycle) and the net rate (ratio between the total number of students in the school-age population of a cycle and the school-age population of that cycle) is explained not only by late enrolment in primary school but also and especially by a very high repeat rate in primary school.

Table 2.3

**Net and gross primary school enrolment rates (2012-2013)**

Region	Gross enrolment rate			Net enrolment rate			Gender parity index of gross enrolment rate
	M	F	T	M	F	T	
Golfe-Lomé	129.4	130.0	129.7	98.0	96.0	97.0	1.01
Maritime	140.1	138.4	139.3	91.0	99.8	95.2	0.99
Plateaux	127.4	120.0	123.8	88.0	91.7	89.8	0.94
Centrale	97.8	94.5	96.2	80.3	78.0	79.2	0.97

Region	Gross enrolment rate			Net enrolment rate			Gender parity index of gross enrolment rate
	M	F	T	M	F	T	
Kara	114.5	108.3	111.4	94.5	89.6	92.1	0.95
Savanes	88.6	78.6	83.7	71.0	64.0	67.6	0.89
<b>Total</b>	<b>116.9</b>	<b>112.1</b>	<b>114.5</b>	<b>86.7</b>	<b>86.4</b>	<b>86.5</b>	<b>0.96</b>

Source: Annuaire National des Statistiques Scolaires de la DPPE, October 2013.

40. Some 78 of every 100 children who attend primary school complete the cycle. Universal primary education will require efforts to reach a 100-per-cent completion rate.

41. Enormous disparities exist with respect to primary school completion, not just between regions but also between girls and boys. Almost 28 per cent of girls drop out of the primary cycle before reaching CM2 (last year of primary school), as opposed to 17 per cent of boys. Only the Maritime and Golfe-Lomé regions have completion rates exceeding 100 per cent.

42. A system for organizing classes into sublevels was set up in 2013 to reduce the number of students repeating the years between cycles and also to reduce the dropout rate (Decree No. 80/MEPSA/CAB/SG of 10 October 2012, confirmed by Circular No. 062/MEPSA/CAB/SG of 11 October 2012). Also noteworthy is the commitment of traditional and religious chiefs under the Notsè Declaration to the proscription of customary practices that impede girls' access to school.

Table 2.4

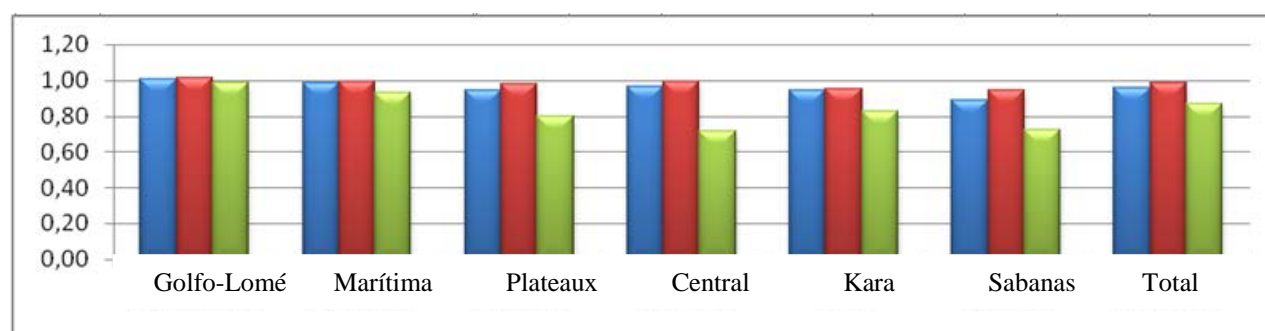
**Primary school completion rate**

Region	M	F	T	Gender parity index of primary school completion rate
Golfe Lomé	134.6	132.9	133.7	0.99
Maritime	113.3	105.2	109.6	0.93
Plateaux	73.0	58.4	65.9	0.80
Centrale	82.2	59.0	70.8	0.72
Kara	85.1	70.1	77.7	0.82
Savanes	54.5	39.5	47.1	0.73
<b>Total</b>	<b>83.0</b>	<b>72.1</b>	<b>77.7</b>	<b>0.87</b>

Source: Annuaire National des Statistiques Scolaires de la DPPE, October 2013.

43. Gender parity has been achieved in access to primary school, since the value of the gender parity index for the gross admission rate is equal to unity. However, dropouts and repeaters have reduced the number of girls throughout the cycle. Gender issues thus remain a challenge for education.

Graph 2.1  
Gender parity index (girls/boys) of the gross admission rate and the primary school completion rate



■ Gender parity index of the gross enrolment rate  
■ Gender parity index of the gross admission rate  
■ Gender parity index of the primary school completion rate

Source: Annuaire National des Statistiques Scolaires de la DPPE, October 2013.

44. The repetition rates are still high, which results in more dropouts and thus a low retention rate in the education system.

Table 2.5  
Indicators of flows by region and by sex in primary school

Region	Promotion rate			Repetition rate			Dropout rate		
	M	F	T	M	F	T	M	F	T
Lomé-Golfe	87.4	87.2	<b>87.3</b>	12.0	12.0	<b>12.0</b>	0.6	0.8	<b>0.7</b>
Maritime	69.9	68.9	<b>69.4</b>	22.0	22.4	<b>22.2</b>	8.1	8.8	<b>8.4</b>
Plateaux	68.9	66.8	<b>67.9</b>	23.4	23.9	<b>23.6</b>	7.8	9.3	<b>8.5</b>
Centrale	75.3	73.3	<b>74.3</b>	16.1	16.4	<b>16.3</b>	8.6	10.3	<b>9.4</b>
Kara	77.7	75.9	<b>76.8</b>	8.0	8.3	<b>8.1</b>	14.3	15.8	<b>15.0</b>
Savanes	71.3	69.9	<b>70.7</b>	20.5	21.1	<b>20.8</b>	8.2	8.9	<b>8.5</b>
<b>Total</b>	<b>74.4</b>	<b>73.6</b>	<b>74.0</b>	<b>18.4</b>	<b>18.6</b>	<b>18.5</b>	<b>7.1</b>	<b>7.8</b>	<b>7.5</b>

Source: Annuaire National des Statistiques Scolaires de la DPPE, October 2013.

Table 2.6  
Indicators of flows by level and by sex in primary school

Level	Promotion rate			Repetition rate			Dropout rate	
	M	F	T	M	F	T	M	F
CP1	64.6	66.4	<b>65.5</b>	21.2	20.1	<b>20.7</b>	14.1	13.5
CP2	78.3	79.2	<b>78.8</b>	19.3	18.1	<b>18.7</b>	2.4	2.7
CE1	76.1	75.2	<b>75.7</b>	19.1	19.2	<b>19.1</b>	4.8	5.6
CE2	78.4	76.1	<b>77.3</b>	17.8	19.0	<b>18.4</b>	3.8	4.9
CM1	73.5	69.7	<b>71.7</b>	17.9	19.3	<b>18.5</b>	8.6	11.0

Level	Promotion rate			Repetition rate			Dropout rate	
	M	F	T	M	F	T	M	F
CM2	81.9	78.6	<b>80.4</b>	11.7	12.9	<b>12.2</b>	6.4	8.5
<b>Total</b>	<b>74.4</b>	<b>73.6</b>	<b>74.0</b>	<b>18.4</b>	<b>18.6</b>	<b>18.5</b>	<b>7.1</b>	<b>7.8</b>

Source: Annuaire National des Statistiques Scolaires de la DPPE, October 2013.

45. While each public school student is assigned basically one math textbook and one reading textbook, particular attention must be paid to the local initiative schools (*écoles d'initiative locale*, or EDILs), where these tools, so indispensable for the acquisition of knowledge, are always in short supply.

46. On average, each student in the country has one math textbook and one reading textbook. But this does not apply to the regions.

47. In most regions there is a greater shortage of reading textbooks than of math textbooks.

Table 2.7

**Textbook-student ratio (2012-2013)**

Region	All levels		Public		EDILs	
	Reading	Math	Reading	Math	Reading	Math
Lomé-Golfe	0.6	0.8	0.8	1.4	0.4	0.5
Maritime	0.9	1.4	1.1	1.8	0.7	1.1
Plateaux	0.8	1.4	1.0	1.7	0.4	0.8
Centrale	0.9	1.5	1.0	1.7	0.3	0.3
Kara	1.1	1.7	1.1	1.8	No EDIL	
Savanes	1.1	1.9	1.2	2.2	0.5	0.9
<b>Total</b>	<b>0.9</b>	<b>1.4</b>	<b>1.0</b>	<b>1.8</b>	<b>0.5</b>	<b>0.7</b>

Source: Annuaire National des Statistiques Scolaires de la DPPE, October 2013.

48. The student-classroom ratio is 40, in line with the average for the school map (40 students per class). However, it is higher in public schools in some regions, especially Maritime and Golfe-Commune de Lomé. The same goes for the student-teacher ratio, for which the average is 45. The ratios for Savanes, Maritime and Golfe-Commune de Lomé are higher than the average, at 54, 46 and 56, respectively, in 2012-2013, and 56, 50 and 52 in 2009-2010.

49. In public primary schools, the student-teacher ratio is 45, despite the high number of voluntary teachers, who represent more than a third of all teachers.

Table 2.8  
**Student-classroom and student-teacher ratios by region (2012-2013)**

Region	Student-classroom ratio		Student-teacher ratio	
	All levels	Public	All levels	Public
Lomé-Golfe	37	51	38	56
Maritime	40	43	42	46
Plateaux	39	40	40	41
Centrale	36	37	38	40
Kara	37	38	41	42
Savanes	48	38	50	54
<b>Total</b>	<b>39</b>	<b>40</b>	<b>41</b>	<b>45</b>

Source: Annuaire National des Statistiques Scolaires de la DPPE, October 2013.

### 3. Secondary education

50. The rate of access to the lower secondary level is 56.3 per cent, and the completion rate (ratio between new entrants in the fourth year of lower secondary and the population theoretically old enough to enter that year), 36.6 per cent. This cycle has an enrolment rate of 64.7 per cent.

Level	Promotion rate			Repetition rate			Dropout rate	
	M	F	T	M	F	T	M	F
CP1	64.6	66.4	<b>65.5</b>	21.2	20.1	<b>20.7</b>	14.1	13.5
CP2	78.3	79.2	<b>78.8</b>	19.3	18.1	<b>18.7</b>	2.4	2.7
CE1	76.1	75.2	<b>75.7</b>	19.1	19.2	<b>19.1</b>	4.8	5.6
CE2	78.4	76.1	<b>77.3</b>	17.8	19.0	<b>18.4</b>	3.8	4.9
CM1	73.5	69.7	<b>71.7</b>	17.9	19.3	<b>18.5</b>	8.6	11.0
CM2	81.9	78.6	<b>80.4</b>	11.7	12.9	<b>12.2</b>	6.4	8.5
<b>Total</b>	<b>74.4</b>	<b>73.6</b>	<b>74.0</b>	<b>18.4</b>	<b>18.6</b>	<b>18.5</b>	<b>7.1</b>	<b>7.8</b>

Source: Annuaire National des Statistiques Scolaires de la DPPE, October 2013.

51. The rate of access to the lower secondary level is 56.3 per cent, and the completion rate (ratio between new entrants in the fourth year of lower secondary and the population theoretically old enough to enter that year), 36.6 per cent. This cycle has an enrolment rate of 64.7 per cent.

52. There are, however, gender and regional disparities. The rate of access ranges from 41.2 per cent for girls in the Maritime region to 72.3 per cent for boys in the Centrale region. The completion rate ranges from 16.5 per cent for girls in the Savanes region to 63.2 per cent for boys in the Golfe-Lomé region, and the gender parity index for the gross enrolment rate is 0.8. In other words, for every 10 boys in lower secondary, there are 8 girls on average. In almost every region, more than half of all six-year-olds attend primary school. The exceptions are Golfe-Lomé and Savanes, where only 39.5 per cent and 40.7 per cent, respectively, of all six-year-olds enter CP1.

53. In general, much remains to be done to improve the access of children, and of girls in particular, to primary education, especially in the Savanes region.

54. There is a large gap between the net and gross rates of access to primary school in all regions, which is apparently due to the enrolment in CP1 of children over the legal age.

Table 3.1

**Rate of access, gross enrolment rate and completion rate by sex and by region in the lower secondary level (2012-2013)**

Region	Rate of access			Gross enrolment rate			Completion rate		
	M	F	T	M	F	T	M	F	T
Golfe-Lomé	72.0	63.0	<b>67.2</b>	88.6	70.8	<b>78.8</b>	63.2	45.6	<b>53.4</b>
Maritime	47.0	41.2	<b>44.4</b>	56.1	43.5	<b>50.5</b>	30.1	19.8	<b>25.7</b>
Plateaux	56.2	44.0	<b>50.6</b>	68.6	48.5	<b>59.4</b>	40.8	24.8	<b>33.6</b>
Centrale	72.3	62.1	<b>67.6</b>	83.4	64.1	<b>74.8</b>	47.7	31.5	<b>40.6</b>
Kara	64.3	56.5	<b>60.7</b>	80.0	62.0	<b>72.0</b>	44.8	29.9	<b>38.4</b>
Savanes	59.7	43.7	<b>52.3</b>	64.5	42.2	<b>54.2</b>	29.2	16.5	<b>23.5</b>
<b>Total</b>	<b>60.8</b>	<b>51.4</b>	<b>56.3</b>	<b>72.7</b>	<b>55.8</b>	<b>64.7</b>	<b>42.6</b>	<b>29.6</b>	<b>36.6</b>

Source: Annuaire National des Statistiques Scolaires de la DPPE, October 2013.

55. Young people attending upper secondary school represent 35 per cent of the 16-to-18-year-old population. Gender and regional disparities are more pronounced at this level of education. There are less than 5 girls for every 10 boys in all regions except Golfe-Lomé.

Table 3.2

**Rate of access, gross enrolment rate and completion rate by sex and by region in the upper secondary level (2012-2013)**

Region	Rate of access			Gross enrolment rate			Completion rate		
	M	F	T	M	F	T	M	F	T
Golfe-Lomé	42.3	21.9	<b>30.9</b>	49.4	25.0	<b>35.9</b>	29.1	13.9	<b>20.7</b>
Maritime	32.1	14.1	<b>24.1</b>	41.7	17.2	<b>30.6</b>	25.4	9.4	<b>17.9</b>
Plateaux	43.5	21.0	<b>33.3</b>	51.4	21.2	<b>37.2</b>	17.8	5.3	<b>11.6</b>
Centrale	41.3	22.9	<b>33.4</b>	49.5	24.7	<b>38.7</b>	22.8	10.1	<b>17.1</b>
Kara	43.4	21.2	<b>33.9</b>	52.5	25.2	<b>40.2</b>	23.5	8.4	<b>16.4</b>
Savanes	31.5	13.3	<b>23.3</b>	37.3	13.4	<b>25.9</b>	18.8	5.2	<b>12.0</b>
<b>Total</b>	<b>39.4</b>	<b>19.5</b>	<b>30.0</b>	<b>47.5</b>	<b>21.7</b>	<b>35.0</b>	<b>23.3</b>	<b>9.3</b>	<b>16.3</b>

Source: Annuaire National des Statistiques Scolaires de la DPPE, October 2011.

56. Nearly 22 per cent (21.8 per cent) of lower secondary students repeat their year. A high repetition rate leads to dropping out, with no diploma being earned for the cycle. In all regions, boys have higher promotion rates than girls.

Table 3.3

**Promotion, repetition and dropout rates in lower secondary (2012-2013)**

Region	Promotion rate			Repetition rate			Dropout rate		
	M	F	T	M	F	T	M	F	T
Golfe-Lomé	73.1	70.3	<b>71.7</b>	19.6	21.0	<b>20.3</b>	7.3	8.7	<b>8.0</b>
Maritime	50.3	47.9	<b>49.4</b>	17.8	20.0	<b>18.6</b>	31.9	32.1	<b>32.0</b>

Region	Promotion rate			Repetition rate			Dropout rate		
	M	F	T	M	F	T	M	F	T
Plateaux	70.8	66.8	<b>69.3</b>	20.0	21.0	<b>20.4</b>	9.2	12.2	<b>10.3</b>
Centrale	66.5	60.7	<b>64.3</b>	20.7	21.9	<b>21.2</b>	12.8	17.4	<b>14.5</b>
Kara	63.4	53.9	<b>59.7</b>	24.6	26.0	<b>25.2</b>	12.0	20.1	<b>15.1</b>
Savanes	60.0	54.8	<b>58.2</b>	28.3	31.0	<b>29.2</b>	11.7	14.3	<b>12.6</b>
Togo	64.8	61.5	<b>63.5</b>	21.3	22.6	<b>21.8</b>	13.9	15.9	<b>14.7</b>

Source: Annuaire National des Statistiques Scolaires de la DPPE, October 2013.

57. The higher the level of education, the higher the repetition rate. Nearly two thirds (32.3 per cent) of high school students repeat their year, which explains the high dropout rate. Girls generally repeat more than boys, which is explained by their involvement in household work and early pregnancies. The Government and non-governmental organizations are mounting awareness-raising campaigns in schools and through the media to reverse this trend.

Table 3.4  
Internal effectiveness of upper secondary

Region	Promotion rate			Repetition rate			Dropout rate		
	M	F	T	M	F	T	M	F	T
Golfe-Lomé	66.3	64.8	<b>65.7</b>	31.1	29.6	<b>30.5</b>	2.6	5.6	<b>3.8</b>
Maritime	62.5	63.0	<b>62.6</b>	29.4	29.7	<b>29.5</b>	8.1	7.3	<b>7.9</b>
Plateaux	51.2	48.2	<b>50.4</b>	36.6	37.8	<b>36.9</b>	12.3	14.0	<b>12.7</b>
Centrale	55.0	54.8	<b>54.9</b>	29.3	27.8	<b>28.9</b>	15.7	17.4	<b>16.1</b>
Kara	51.8	50.0	<b>51.3</b>	33.4	35.3	<b>33.9</b>	14.8	14.8	<b>14.8</b>
Savanes	56.5	54.9	<b>56.1</b>	31.2	30.4	<b>31.0</b>	12.3	14.7	<b>12.9</b>
Togo	61.0	61.5	<b>61.1</b>	32.4	32.1	<b>32.3</b>	6.7	6.4	<b>6.6</b>

Source: Annuaire National des Statistiques Scolaires de la DPPE, October 2013.

58. Series “C” candidates generally do better on the baccalaureate than those in other series. It is also in this series that girls do better than boys in some regions, even though there are very few of them. The baccalaureate results vary between regions, depending on the series. In the Savanes region, there are no series “C” candidates.

Table 3.5  
Pass rate for the second part of the baccalaureate

Region	A			C			D		
	M	F	T	M	F	T	M	F	T
Golfe-Lomé	66.5	63.7	<b>65.2</b>	77.5	90.0	<b>79.3</b>	54.2	57.2	<b>55.0</b>
Maritime	62.4	61.8	<b>62.3</b>	69.0	66.7	<b>68.8</b>	45.2	43.7	<b>44.9</b>
Plateaux	49.6	46.7	<b>48.8</b>	66.7	266.7	<b>106.7</b>	43.2	40.3	<b>42.7</b>
Centrale	45.1	41.9	<b>44.2</b>	46.7	0.0	<b>43.8</b>	37.5	42.7	<b>38.2</b>
Kara	56.5	50.5	<b>54.7</b>	69.7	100.0	<b>70.6</b>	45.8	34.9	<b>44.4</b>
Savanes	48.6	40.4	<b>46.6</b>				35.3	31.4	<b>34.7</b>

Region	A			C			D		
	M	F	T	M	F	T	M	F	T
<b>Total</b>	<b>54.6</b>	<b>53.2</b>	<b>54.2</b>	<b>72.2</b>	<b>103.6</b>	<b>75.9</b>	<b>46.1</b>	<b>48.7</b>	<b>46.6</b>

Source: Annuaire National des Statistiques Scolaires de la DPPE, October 2013.

59. The student-teacher ratio remains high in public schools, where there are up to 85 students per classroom in Lomé-Golfe in the lower secondary and 70 in the upper secondary.

60. The large number of students, and the lack of teachers, results in a declining quality of education. The construction of new classrooms and recruitment of a sufficient number of teachers should lead to improvements in the quality of education and better exam results.

Table 3.6

**Student-classroom ratio**

Region	Lower secondary		Upper secondary	
	All levels	Public	All levels	Public
Golfe-Lomé	43	85	37	70
Maritime	44	55	43	48
Plateaux	49	61	53	63
Centrale	54	65	42	52
Kara	58	64	45	48
Savanes	63	72	52	61
<b>Total</b>	<b>49</b>	<b>66</b>	<b>44</b>	<b>61</b>

Source: Annuaire National des Statistiques Scolaires de la DPPE, October 2013.

61. Togo has recruited 12,388 preschool, primary and secondary school teachers since 2008. The Government has taken steps to achieve reach the ratios listed above, including:

*In preschool*

- Abolition of preschool fees in public schools;
- Regular recruitment and initial training of preschool teachers;
- Awareness-raising for rural communities on the importance of preschool education;
- Assistance in setting up community kindergartens nationwide;
- Opening kindergartens on the premises of public primary schools;
- Developing preschool curricula.

*In primary school*

- Abolition of school fees for the 2008-2009 school year;
- Regular recruitment and initial training of teachers;
- Retraining of teachers who have not received initial training (refresher courses);
- Recruitment and training of 5,000 volunteer teachers;
- Construction of classrooms;



- Construction of five teacher training colleges;
- Purchase of reading panels for the first year of primary school;
- Purchase of reading and math textbooks for all public school students;
- Grants for schools;
- Purchase of a service vehicle for education inspectors, etc.

*In secondary school*

- Regular recruitment and training of secondary school teachers;
- Opening of new general secondary schools and high schools.

62. The percentage of 114 per cent is technical and correct. It should be explained that school begins at 6 years of age, and each year the forecasts are issued by the Ministry of Education based on that age. But some children start school even earlier. The rate of access to CP1 may thus exceed 100 per cent, which leads to an unmanageable imbalance and throws off the ratios. The rate is very important where education is concerned, as it describes the situation in the field and enables partners to measure the extent of education needs.

#### **4. Protection of the rights of persons with disabilities in the field of education**

63. The State has authorized religious and non-governmental organizations to open special education and training centres in each region. Five such centres have been opened for children with hearing disabilities, nine for children with mental disabilities and nine for children with visual disabilities.

- An annual grant is made to these centres from the general budget. In 2009, the grant totalled 7 million. In 2010 and 2011, it rose to 11 million, and since 2012, it has amounted to 20 million per year;
- In addition, the State provides these centres with specialized teachers.

64. The following actions have been undertaken with the support of the non-governmental organization Handicap International:

- In the Savanes regions:
  - 136 teachers and 1,200 student-teachers from the teacher training colleges have been trained in inclusive education;
  - 31 teachers have been trained in Braille;
  - 43 teachers have been trained in sign language;
  - 38 teachers have been trained on intellectual disabilities.
- In the Kara region:
  - 107 teachers have been trained in inclusive education;
  - 38 teachers have been trained in Braille;
  - 59 teachers have been trained in sign language.

65. Decree No. 048/MEPSA/CAB/SG of 11 May 2012 on institutional validation of the manual entitled “Training on inclusive education with a particular focus on working with children with disabilities in ordinary classrooms”.

66. The Education Sector Plan (2010-2020) calls for a feasibility study on the care of persons with disabilities in the field of education. Inclusive education is currently at an experimental stage in two school regions, the Savanes and Kara, with Handicap International. The main actors in the field (regional education directors, inspectors, educational advisers, professors in the teacher training colleges, and teachers), as well as the central directors of the Ministry of Primary and Secondary Education, have been trained in inclusive education as part of the successful roll-out of initiatives to promote the enrolment in school of children with disabilities.

67. A core team of national trainers has been set up to train teachers and other categories of Ministry staff.

68. Since 2010, school building blueprints have included ramps to facilitate access to classrooms for persons with disabilities.

69. An inclusive education model has been introduced into the training curricula for teacher training college professors and the initial training curricula for primary school teachers.

## 5. Education and literacy

70. The Government's objectives in the field of education, as laid out in the Accelerated Growth Strategy for Employment Promotion, are to foster positive interaction between the education, vocational training and scientific research systems on the one hand and economic, social and technological transformations on the other hand; to raise the literacy rate from 62.5 per cent in 2012 to 72.7 per cent in 2017; and to increase literacy training by involving civil society and the private sector.

71. The Education Sector Plan, adopted in 2010 and reviewed in 2013 for the period 2014-2025 with the triennial medium-term expenditure framework for 2010-2012, the triennial budgeted action plan and sectoral programme-budgets, is the planning framework for the sector.

72. The following steps have been taken to enable girls to have access to school and remain in school:

- Improving the school environment (separate lavatories for girls and boys, recreational facilities, etc.);
- Stepping up the campaign against school violence, especially violence against girls;
- Combating early and unwanted pregnancies in school;
- Continuation of the "Camps of Excellence" that have been run since 2009-2010 for the highest-scoring girls in the national exams for the *certificat d'études du premier degré* (first certificate), the *brevet d'études du premier cycle* (certificate of secondary education), the first and second levels of the baccalaureate (BAC 1 and BAC 2); continuation of the scholarships that have been awarded to the three highest-scoring girls in science subjects at the BAC 2 level; and financial assistance and prizes of excellence for girls from disadvantaged families;
- Strengthening the capacity of community bodies to run schools and monitor girls' education;
- Rallying support for girls' education from imams and Koranic teachers, traditional and customary chiefs and opinion leaders;
- Establishing clubs for girls and for mothers to promote role models;

- Setting up new vocational training centres that are accessible to everyone, especially girls, for whom it is more difficult to move around and to find housing;
- Creating new courses (vocational skills certificates in home economics, agropastoral studies, sewing, hair and beauty) in order to diversify the types of training available to girls.

73. As regards higher education, there is a mentoring programme for girls in the Faculty of Science and the College of Biological and Food Technology.

74. With respect to literacy and non-formal education, a national strategy was drawn up and approved in January 2014 and should be implemented through the outsourcing strategy for the period 2014-2025. The relevant procedure manual was approved in February 2014. These two strategies are based on the national policy for literacy and non-formal education, which focuses in particular on girls and illiterate women, especially in rural areas.

75. Actions to promote literacy and non-formal education have dealt primarily with the following:

- Review in April 2014 of the literacy and post-literacy curricula, taking account of the specific needs of target groups, especially women;
- Literacy courses for women's groups engaged in agricultural, pastoral and crafts activities;
- Extension of the "One literate woman, three educated girls" strategy, which is part of the "Women's literacy and improved education for girls" project, in 2010;
- Training courses on simplified accounting and the management of income-generating activities for newly literate women who are members of women's cooperatives;
- Special government support in the form of a grant for the functional literacy training of 1,200 women throughout the country for the 2014-2015 campaign.

76. Between 2009 and 2014, 4,185 literacy trainers, including 1,284 women, trained 73,840 students, including 56,100 women, who were enrolled in the literacy centres.

### **C. Economic and social framework**

77. The Government has undertaken major economic and public finance management reforms since 2008, of which the most important are as follows:

- Adoption of Act No. 2009-013 of 30 June 2009 on public markets and public service delegations and its implementing legislation, in particular the Public Procurement and Public Service Delegation Code (Decree No. 2009-277/PR of 11 November 2009). The guiding principles for these texts are: competition, freedom of access to public procurement, equal treatment of candidates, etc. These principles apply without distinction of any kind, regardless of the funding source, the value of the procurement contract or the nationality of the candidates;
- Adoption of Act No. 2012-016 of 14 December 2012 establishing the Togolese Revenue Office through the merger of the two main revenue agencies, the Directorate-General of Taxation and the Directorate-General of Customs. The objectives are to ensure the self-financing of national needs; to promote voluntary consent to taxation; and to combat fraud, tax evasion and corruption;
- Adoption on 22 October 2014 of the Act to modernize State action for the economy, which is the legal framework for the public enterprise privatization scheme and for

the expropriation in the public interest of public service concessions. The same Act also creates a purely administrative body known as the Agence togolaise des grands projets.

#### **D. Legal framework**

78. Togo adopted a law on legal aid to safeguard access to justice. There is also a project on the use of volunteers to provide legal assistance to vulnerable groups, which is currently being implemented and covers the period 2011-2018.

79. In addition, pilot information services are being set up in Lomé and Kara to facilitate defendants' access to their legal files. Project implementation has included the construction of three buildings to house these services.

80. An institutionalized pilot scheme is being drawn up to welcome, inform and counsel defendants in the courts of first instance of Lomé and Kara.

#### **Articles 3 and 4 Prevention of discrimination**

81. Combating discrimination is one of the foremost objectives of the State. Article 48, paragraph 4, of the Constitution stipulates that "any act or expression of racism, regionalism or xenophobia shall be punishable by law". The text establishes the principle that racial discrimination shall be penalized.

82. Under article 59, paragraph 2, of the Criminal Code of 13 August 1980, insults that include a pejorative reference to the victim's ethnic origins, religion or nationality shall give rise to the following penalties:

83. Double the amount of the fine incurred by a person who deliberately makes a gross insult in public or in writing (between CFAF 2,000 and 30,000, which, when doubled, comes to between CFAF 4,000 and 60,000).

84. 10 to 30 days' penal labour, i.e. community work under the supervision of the prison authorities. Discrimination in employment is prohibited under article 301 of the Labour Code.

85. Articles 62 ff. of Act No. 2010-018 of 31 December 2010 on the protection of persons living with HIV/AIDS were adopted by the Assembly.

86. Articles 304 ff. of the draft Criminal Code penalize acts of discrimination in general, and particularly discrimination against women and persons living with HIV/AIDS.

87. Under article 305 of the draft Code, "any act of discrimination shall be punishable by a prison sentence of 6 months to 2 years and by a fine of CFAF 500,000 to 2,000,000, or by one of those penalties".

88. Under article 306, "anyone who incites discrimination, through any form of communication, shall be punished by a prison sentence of 1 to 3 years and by a fine of CFAF 1,000,000 to 3,000,000, or by one of those penalties".

89. Articles 312 and 313 penalize discrimination against women as follows: "Any act of discrimination against women shall be punishable by a prison sentence of 6 months to 2 years and by a fine of CFAF 500,000 to 2,000,000, or by one of those penalties".

90. "Anyone who prevents or prohibits a woman, on account of her sex, from having access to land and to production and development factors, or who restricts her freedom of

movement, her freedom to integrate and to participate in meetings, shall be punished by a prison sentence of 6 months to 2 years and by a fine of CFAF 500,000 to 2,000,000, or by one of those penalties.”

91. Article 86 of the Press and Broadcasting Code penalizes incitement to interracial and interethnic hatred through any form of written or audiovisual communication.

## **Article 5**

### **Equality of treatment**

#### **A. The right to equal treatment before tribunals and all other organs administering justice**

92. The principle of equality of citizens before the law is guaranteed in Togolese legislation by article 11 of the Constitution, which states that “all human beings are equal before the law and in dignity”.

93. Article 1, paragraph 2, of the Code of Criminal Procedure provides that anyone who feels injured may bring court proceedings. Article 3 of the Code states that action is open to all those with a legitimate interest in the success or rejection of a claim.

94. Exercise of this right must, however, comply with the conditions pertaining to legal capacity and quality. Thus, minors and incapable adults may not themselves bring proceedings but may do so through their guardian or trustee. Similarly, no one may bring court proceedings if he or she is unable to invoke a personal and legitimate interest.

95. The assistance of a lawyer is mandatory in criminal cases. When the accused does not have the means to pay for the services of a lawyer, he or she is assigned one. The implementation of Act No. 2013-010 of 27 May 2013 on legal aid will enable all indigent persons to receive legal assistance. About a dozen draft implementing decrees to this effect have been approved and are currently awaiting adoption.

96. Combating gender-based violence is another of the Government’s priorities, as attested by the drafting in 2008 of a national strategy to combat gender-based violence. The strategy was updated on 18 September 2012 in response to specific situations that had been brought to light in recent studies.

97. Implementation of the strategy involved the creation of 16 counselling and support centres for victims. The fruit of cooperation between the State, technical and financial partners and civil society organizations, they are located in all five regions and Lomé Commune.

98. The centres were evaluated after several years of operation, and two of the recommendations concern human resources capacity-building and improving the centres’ functioning. Some 60 staff members received training from 27 to 31 October 2014 on the following:

- Professional ethics and the role of paralegals;
- Gender-based violence and psychosocial care of victims;
- Relevant legal arsenal in force.

99. With regard to improving the centres’ functioning, a multisectoral document setting out the standards and procedures for their creation and management was prepared in November 2014. Its forthcoming dissemination will make it more accessible to everyone.

100. The draft Criminal Code reflects this concern and calls for punishing those responsible for and complicit in violence against women. Organization Act No. 2012-014 of 6 July 2012, amending the Individuals and Family Code of 31 January 1980, grants more advantages and rights to women and takes gender issues into account.

101. Gender focal points who were involved in the pilot stage of the creation of nine ministries have now been appointed in all ministerial departments to ensure that gender issues are considered in sectoral policies.

## B. The right to security of person

102. “The State has an obligation to guarantee the physical and mental integrity, life and safety of every person living on national territory. No one shall be deprived arbitrarily of life or liberty” (art. 13 of the Constitution). Similarly, the Criminal Code sanctions offences against life, such as murder (arts. 44-45); threats, even if they are not carried out (art. 50); and manslaughter (arts. 51-53).

103. Unfortunately, this right was violated during Togo’s sociopolitical troubles, which necessitated the establishment of the Truth, Justice and Reconciliation Commission in February 2009. Its mission was to shed light on the acts of political violence committed between 1958 and 2005, to find the perpetrators, to make proposals to the Government on reparations measures aimed at bringing peace, and to recommend what action to take against the perpetrators, to combat impunity and to avoid a recurrence of such acts.

104. The death penalty was abolished in 2009 and all such sentences that had been handed down but not yet enforced were commuted into life imprisonment.

## C. The right to take part in the conduct of public affairs

105. The right to take part in the conduct of public affairs is a fundamental right guaranteed by article 11 of the Togolese Constitution. Togo has a national policy for gender equality and equity, adopted in 2012, in order to narrow the gender gap and take the gender dimension into account. Its purpose is to promote women’s empowerment and participation in decision-making at all levels of the development process.

### Representation of women and men in decision-making posts

#### Representation of women and men in public and political bodies

<i>Institution and decision-making post</i>	<i>Total</i>	<i>Men</i>	<i>Women</i>	<i>Percentage of women</i>
<b>Institution</b>				
Government (Minister)	<b>30</b>	24	6	20%
National Assembly	<b>91</b>	75	16	17.58 %
Constitutional Court	<b>9</b>	8	1	11.11 %
Supreme Court	<b>15</b>	13	2	13.33 %
State prosecutor	<b>16</b>	14	2	12.5%
Directors of Public Prosecutions	<b>2</b>	2	0	0%
Supreme Council of Justice	<b>9</b>	7	2	22.22 %
Magistrates	<b>244</b>	214	30	12.29%
National Human Rights Commission	<b>17</b>	14	3	17.64 %

<i>Institution and decision-making post</i>	<i>Total</i>	<i>Men</i>	<i>Women</i>	<i>Percentage of women</i>
Audiovisual and Communication Authority	<b>9</b>	8	1	11.11%
Permanent Framework for Dialogue and Consultation	<b>36</b>	29	7	19.44%
Truth, Justice and Reconciliation Commission	<b>11</b>	7	4	36.36%
<b>Decision-making post</b>				
Presidents of courts	<b>30</b>	30	0	0%
Presidents of appeals courts	<b>2</b>	2	0	0%
Ambassadors (12) and Chargés d'affaires (5)	<b>17</b>	15	2	11.76%
Prefects	<b>35</b>	35	0	0%
Presidents of Special Delegations	<b>60</b>	60	0	0%
Cabinet Directors	<b>30</b>	27	3	9.37%
Secretaries-General of Ministries	<b>29</b>	29	2	58%
Cantonal heads	<b>387</b>	384	3	0.77%
Village heads	<b>4 487</b>	4 484	3	0.06%

*Source:* Data collected from the institutions concerned, June 2014.

### **Principle of gender parity**

106. Although much remains to be done, gender parity has been boosted by a number of supporting decisions and actions. The legal environment has been strengthened by the Head of State's declaration on gender parity in December 2012, which had a positive impact on the inclusive approach taken to development in all sectors. The legislative framework also lends itself to the achievement of parity through articles 149, 236, 254 et al. of the new Individuals and Family Code; articles 220 and 225 of the Electoral Code, which include the principle of gender parity; and the General Civil Service Regulations Act, which calls for equal access to public service.

107. Activities aimed at gender parity have included:

- The adoption in January 2011 of the National Policy on Gender Equality and Gender Equity and its action plan, which promotes the empowerment of women and their effective participation in decision-making at all levels of the development process in Togo;
- Making a case for gender parity in elected office, and then persuading political parties to include women on their electoral lists for the 2013 legislative and other elections;
- The plea being made by the Government and civil society organizations to local Governments regarding women's access to land;
- Taking steps to facilitate access to microcredit. The most recent such step involved giving poor people access to financial services. Furthermore, the National Microfinancing Strategy 2008-2012 includes provisions to guarantee women "economic assets";

- Awareness-raising and capacity-building (raising awareness in political parties about gender equality and women's participation in decision-making, offering training for potential election candidates in leadership skills and communication techniques).

108. These government and civil society actions have helped to establish women's leadership for the advancement of women in Togo.

### Obstacles

109. The effectiveness of efforts to achieve gender parity is hindered by:

- Women's lack of self-confidence;
- Enduring sociocultural prejudices, traditional customs and violence against women that hamper their political ambitions and participation in decision-making;
- The patriarchal system, high rate of illiteracy, low education level and inadequate training of women;
- Women's difficulty in reconciling family life and public life;
- Men's reluctance to share power with women.

### Challenges

- Strengthening awareness-raising and training in women's leadership;
- Setting up social services that will make it easier for women to reconcile family life and public life;
- Strengthening training in growth occupations and women's literacy.

110. Act No. 2012-002 of 29 May 2012, amended by Act No. 2013-004 of 19 February 2013, and articles 220 and 225 of the Electoral Code (Act No. 2013-008 of 22 March 2013), introduce new provisions on gender parity. Article 220 of the latter Act calls on political parties, legally constituted party coalitions and independent persons to ensure that gender parity is respected on the lists of candidates for legislative elections, beginning in July 2013. Article 225 reduces by half the amount of the deposit required by women candidates for such elections in order to encourage more Togolese women to enter Parliament.

### Distribution of candidates by sex in the legislative elections of 2007 and 2013

<i>Candidates</i>	<i>2007</i>	<i>%</i>	<i>2013</i>	<i>%</i>
Men	1 913	90.15%	931	86.69 %
Women	209	9.85%	143	13.31 %
<b>Total</b>	<b>2 122</b>	<b>100%</b>	<b>1 074</b>	<b>100%</b>

*Source:* Independent National Electoral Commission.

### Distribution of candidates by sex in the presidential elections of 2005 and 2010

<i>Candidates</i>	<i>2005</i>	<i>%</i>	<i>2010</i>	<i>%</i>
Men	4	100%	6	85.72 %
Women	0	0%	1	14.28 %
<b>Total</b>	<b>4</b>	<b>100%</b>	<b>7</b>	<b>100%</b>

*Source:* Independent National Electoral Commission.



## **D. Freedom of movement**

111. Article 22 of the Constitution establishes the right to freedom of movement: “All Togolese citizens have the right to freedom of movement and the freedom to settle in the national territory anywhere they wish, subject to the conditions stipulated by law or local custom.”

112. Article 23 of the Constitution prohibits the expulsion of a foreign national from Togolese territory, except following a decision taken in accordance with the law and subject to the foreigner’s right to mount a defence before the competent judicial authority.

113. In order to protect refugees, article 25 of the Refugees Act (Act No. 2000-019 of 29 December 2000) establishes that every refugee admitted to Togo is entitled to the enjoyment of the rights guaranteed by the Geneva Convention on Refugees and the European Convention on Human Rights and its Protocol, the African Union Convention Governing the Specific Aspects of Refugee Problems in Africa and all other international legal instruments in the area of the human rights of refugees to which Togo is a party.

114. With a view to giving refugees some stability, the Act also makes their expulsion subject to the conditions outlined in articles 28 to 30.

## **E. Right to a nationality, to marry and to inherit**

115. Article 32 of the Constitution provides that “children born to a Togolese father or mother must be granted Togolese nationality by law. The granting of nationality in other cases is regulated by law”. Article 149 of the new Individuals and Family Code (Act No. 2012-014 of 6 July 2012, amended by Act No. 2014-019 of 17 November 2014) allows foreign women who are divorced from Togolese husbands to retain their Togolese nationality.

116. Men and women are free to choose their partners and marriage cannot be contracted without their full and free consent. They may not marry before the age of 18 (art. 43).

117. With respect to succession, the new Individuals and Family Code recognizes both the customary law of the deceased, and modern law. However, customary law may be applied only to the extent that it is in conformity with the human rights and fundamental freedoms laid down in the Constitution (art. 403).

118. Customary law is applicable to the succession of those who have chosen it. This choice may be expressed either in a will or by declaration before a registrar of births, marriages and deaths (art. 404).

119. Underlying these two articles is the coexistence of customary and modern law. Even if it is clear from the texts that customary law shall be applied only to the extent that it is in conformity with the human rights and fundamental freedoms enshrined in the Constitution, in practice it is difficult to implement this principle. In fact, the principle is not often respected, particularly where there are conflicts between customary and modern law. To overcome these difficulties, the Ministry for the Advancement of Women and civil society organizations run awareness-raising campaigns for the population. If conflicts arise between modern and customary law, modern law prevails.

## F. Right to freedom of thought, religion, opinion, expression, association, meeting, and peaceful public demonstrations

120. Under article 25 of the Constitution, “everyone has the right to freedom of thought, conscience, religion, worship, opinion and expression”. With a view to realizing this right and enabling its enjoyment, Decree No. 2008-090/PR of 28 June 2008, on the organization of ministerial departments, established a directorate in the Ministry of Territorial Administration, Decentralization and Local Communities.

121. Legislation governing religion is currently in the drafting stage. However, religious associations are registered and operate with respect for the State and its secularity, in accordance with the French law of 1 July 1901. In late August 2014 there were 1,323 such associations.

122. Freedom of public meetings and demonstrations in Togo is governed by Act No. 2011-10 of 16 May 2011, which lays down the conditions for the exercise of freedom of assembly and peaceful public demonstrations. Under article 4 of that Act, the only restriction placed on meetings and demonstrations is that information or notification should first be provided to the competent administrative authority.

123. The establishment of associations is governed by the French law of 1 July 1901, made applicable to Togo under Decree No. 265/CAB of 8 April 1946. Freedom of association is enshrined in article 30 of the Constitution, and has expanded considerably since the restoration of democracy in 1990.

124. In December 2008 there were about 12,500 associations throughout the country. They include associations for the protection of human rights, religious associations, associations for the promotion of democracy, associations for development and associations for the promotion of education, science and culture. The figure increased to 4,631 between 2009 and 2014, and is about 17,131 today.

125. Associations can be established simply by declaring them to the Ministry of Territorial Administration, Decentralization and Local Communities after depositing their statutes, by-laws, a list of members of the executive board and a list of the founder members in four copies, together with a stamped envelope. They operate even before acknowledgement is received from the Ministry.

### Acknowledgements of receipt issued to associations between 2009 and 2014

<i>Type of organization</i>	<i>2009-2014</i>		<i>Total</i>
	<i>No. of authorized receipts withdrawn</i>	<i>No. of authorized receipts not withdrawn</i>	
National associations	4 058	306	<b>4 364</b>
Foreign associations	101	00	<b>101</b>
Groups	99	08	<b>107</b>
Trade unions	47	00	<b>47</b>
Foundations	12	00	<b>12</b>

126. Freedom of association is a reality in Togo. Hundreds of associations are established there each year. Civil society organizations are very active, especially those dealing with human rights and governance. Although apolitical, they are important pressure groups whose positions and suggestions on certain decisions are taken into account by the Government, particularly those concerning reconciliation, the defence of fundamental freedoms, the organization of elections, etc.

## G. Right to work and form trade unions

127. Article 37, paragraph 1, of the Constitution enshrines the right of every citizen to work. Since 2003, the Government has once again started appointing civil service officials through competitive exams and taking on individuals from outside the civil service.

128. The size of the civil service increased from 32,669 employees in 2008 to 43,269 in 2014. Regulations were passed in 2011 for programmes, such as the national volunteers' programme and the work integration and employment support programme, designed to make it easier for first-time jobseekers to enter the labour market.

### Changes in the number of State employees, by category, between 2011 and 2014

Category	2011			2014		
	Men	Women	Total	Men	Women	Total
A1	3 760	458	<b>4 218</b>	4 345	526	<b>4 871</b>
A2	6 364	1 382	<b>7 746</b>	6 539	4 096	<b>8 035</b>
B	11 646	3 140	<b>14 786</b>	11 810	2 999	<b>14 809</b>
C	4 010	1 396	<b>5 406</b>	2 817	1 016	<b>3 833</b>
D	3 335	606	<b>3 941</b>	2 890	508	<b>3 398</b>
Permanent employees	3 830	1 112	<b>4 942</b>	3 000	853	<b>3 853</b>
Decision makers	98	6	<b>104</b>	87	6	<b>93</b>
Contract staff	73	17	<b>90</b>	90	19	<b>109</b>
Prefectural guards	560	0	<b>560</b>	588	0	<b>588</b>
Fire brigade	295	17	<b>312</b>	434	29	<b>463</b>
Religious school teachers	2 058	516	<b>2 574</b>	2 519	698	<b>3 217</b>
<b>Subtotal</b>	<b>36 028</b>	<b>8 652</b>	<b>44 680</b>	<b>35 118</b>	<b>8 151</b>	<b>43 269</b>
Teaching assistants			<b>8 056</b>	6 443	1 097	<b>7 540</b>
<b>Total</b>			<b>52 736</b>	<b>41 561</b>	<b>9 248</b>	<b>50 809</b>

Source: Directorate of Personnel and Employment Data Management, October 2014.

### Changes in the size of the Togolese civil service

Year	Men	Women	Total
2000	21 400	5 684	<b>27 084</b>
2001	21 392	5 882	<b>27 074</b>
2002	19 942	5 300	<b>25 242</b>
2003	19 282	5 294	<b>24 516</b>
2004	18 649	5 396	<b>23 945</b>
2005	18 156	5 100	<b>23 256</b>
2006	16 818	4 563	<b>21 381</b>
2007	21 749	5 034	<b>26 783</b>
2008	26 792	5 877	<b>32 669</b>
2009	32 183	7 614	<b>39 797</b>
2010	35 027	8 395	<b>43 422</b>
2011	36 028	8 652	<b>44 680</b>

<i>Year</i>	<i>Men</i>	<i>Women</i>	<i>Total</i>
2012	36 772	8 738	<b>45 510</b>
2013	35 473	8 344	<b>43 817</b>
2014	35 118	8 151	<b>43 269</b>

*Source:* Directorate of State Data Management, October 2014.

*N.B.:* These figures do not include teaching assistants.

129. Implementing regulations for the Labour Code are currently at the validation stage. A permanent tripartite dialogue (Government, employers and workers) and the National Employment Agency have now been established. The ultimate aim of these measures is to improve working conditions and achieve consensus-based management of the world of work.

130. New statutes for the civil service were adopted in January 2013 as part of the civil service reform plan launched following the national consultations on public administration in 2006.

131. Despite all these efforts, the employment situation remains a matter of concern. A 2005 survey by the World Bank revealed that the unemployment rate stood at 6.1 per cent and the underemployment rate at 27.7 per cent, with over 33 per cent of the active population living in vulnerable circumstances.

132. Freedom of association is enshrined in the Constitution (art. 39, para. 2) and reaffirmed in article 6 of the Labour Code (Act No. 2006-10 of 13 December 2006). Decree No. 647/MTEFP/DGT of 1 June 2007, which defines the various kinds of workers' trade unions, facilitates the implementation of this principle.

133. Article 9 of the Labour Code prohibits employers from exerting any form of pressure in support of or against trade union organizations. Any measure taken by an employer which runs counter to these provisions is considered as wrongful and will result in criminal sanctions and liability for damages.

134. There is a single universal system governing the right to organize. The only formality involved in setting up a trade union organization is administrative. Togo has six trade union confederations, which have hundreds of grass-roots member trade unions.

135. Article 39 of the Labour Code prohibits discrimination against trade unions, which is punishable under article 301 of the Code.

136. There are currently at least three trade unions:

- SYNTRAZOFT: National trade union for workers in the free zone of Togo;
- USYNTRAZOFE: Trade union for workers in the free zone of Togo;
- SYNTRAZOFE: Trade union for workers in the industrial export free zone.

**(a) Protection of persons with disabilities in the field of employment**

137. Persons with disabilities are authorized to sit recruitment exams for employment in the civil service. Special provisions are made to facilitate their sitting the exams, including the availability of texts in Braille.

- The most recent such example was the civil service recruitment exam of 2009, which resulted in the recruitment of 36 persons with disabilities;
- In addition, awareness-raising is used to encourage the private sector to set aside positions for persons with disabilities. A decree revising contributions to the Social

Security Fund grants a reduction to firms whose staff includes persons with disabilities;

- Area No. 3 of the Accelerated Growth and Employment Creation Strategy for 2013-2017, on human capital development, social protection and employment, emphasizes the reinforcement of social protection and the development of measures to fund employment programmes for young people and vulnerable groups, including young persons with disabilities.

**(b) Social protection**

138. Togo has acceded to International Labour Organization (ILO) Convention Nos. 102, 121, 128, 130 and 168 on social security. Nevertheless, for a long time only lip service was paid to health and safety in the workplace because there is no legislation, or such legislation as exists is outdated and incomplete. The Social Security Code and the Mandatory Health Insurance for Civil Servants and Similar Categories Act were promulgated on 15 February 2011.

139. The Labour Code, and the Togolese Civil Service Statutes Act (Act No. 2013-002 of 21 January 2013) recognize employment equality with respect to recruitment, remuneration and promotion.

140. Article 45 of the Statutes provides as follows: “There shall be no discrimination among candidates on the grounds of sex, ethnic origin, physical disability, or public, philosophical or religious opinions.”

141. The Social Security Code makes it an obligation for all employers to declare their employees or wage earners to the National Social Security Fund.

**(c) Representation of women in the field of employment**

142. The percentage of category “A” women in the civil service rose significantly between 2011 and September 2014, from 15.4 per cent to 35.81 per cent.<sup>1</sup> According to the findings of the Uniform Questionnaire of Basic Well-being Indicators (QUIBB) survey, 25.35 per cent of women wage earners worked in the non-agricultural sector in 2011.

*Members of municipal councils*

143. Between 2007 and 2011, 29 women were appointed, vs. 375 men.

*Members of prefecture councils*

144. Of the 436 special delegates appointed, 38 were women.

**H. Right to housing**

145. The National Housing Strategy was adopted in 2003 and updated in 2007 to reflect the country’s socioeconomic situation. The housing sector today is vulnerable. Land ownership rules are underpinned by an outdated and unsuitable legal framework that attempts to wed modern law with traditional law; there is a lack of real estate developers; and town planning rules either do not exist or are out of date. Furthermore, construction materials are expensive, prompting people to resort to self-built houses using flimsy materials; real estate loans are hard to come by and expensive; and there are not enough

<sup>1</sup> Statistic from the Directorate of Personnel and Employment Data Management, September 2014.

appropriate banking institutions. Annual construction capacity is limited to 10,000 new houses, whereas an estimated 23,000 new houses are actually needed each year.

146. The overall objective of the Strategy is to provide adequate housing for all in the future, and in particular for low- and medium-income households. The Strategy includes a sectoral investment schedule with a detailed action plan in the form of the National Housing Programme.

147. The Government is currently reviewing the blueprints for major towns and cities and drawing up blueprints for areas with more than 5,000 inhabitants. Draft versions of the Town Planning and Construction Code and the Real Estate Development Code are being prepared.

148. With regard to care for disaster victims, the Government, under Decree No. 2010-016/PR of 10 February 2010, created a centre for the victims of natural and/or man-made disasters, with a maximum capacity of 1,000. Its mission is to provide accommodations and temporary assistance for natural disaster victims in Togo.

149. A draft decree introduced by the Ministry of Urban Development to regulate leases, housing and prices was adopted on 9 December 2014.

150. The National Housing and Development Policy was adopted on 30 September and 1 October 2014. Four mutually reinforcing strategic thrusts were adopted to implement this policy:

- Harmonious and balanced spatial development of Togolese urban centres and their incorporation into the subregional urban network;
- Providing access to decent housing;
- Sustainable and rational waste management;
- Capacity-building.

151. These strategic thrusts constitute a set of priority options for realizing the policy's vision and objectives, and consequently those of the Accelerated Growth and Employment Creation Strategy and the Millennium Development Goals as well.

152. In an effort to safeguard the right to decent housing for the entire Togolese population, the Government launched a pilot project for constructing 1,000 social housing units on 25 January 2015, in Lomé. The idea was to meet the chief objective of the Accelerated Growth and Employment Creation Strategy.

## **I. Right to land, property and inheritance**

153. That strategy clearly defines what is meant by growth in women's productive capacity and income level. The Government is working hard to achieve this on behalf of all women and all men.

154. At the legal level, the right to land, property and inheritance is covered by chapters 2 and 3 of title IX, on successions, of the Individuals and Family Code, and by the draft Code on Private and State-owned Land, now being finalized.

155. At the programme level, the Government's reforms have included a national land policy calling for the necessary measures and arrangements (plans or programmes) for facilitating access to land by poor vulnerable populations (including young people and women). These measures include the National Housing Strategy adopted by the Government on 24 June 2009, and the National Housing Policy adopted in October 2014.

156. In addition, the gender dimension of access to land is taken into account in some instances of project implementation. For example:

- The Agricultural Support in Togo Project, which supports producers — 50 per cent of whom are women — with agricultural kits, technical advice and assistance;
- The Planned Agricultural Development Zones Project, which provides access to land for the most disadvantaged segments of society (women and young people) through a tripartite agreement among landowners, the State and farmers. Women represent 80 per cent of the producers on these sites.

157. Several national awareness-raising, advocacy and capacity-building activities have been undertaken in all the regions to increase women's access to opportunities, the means of production and the resources for production, including land in the possession of prefects, traditional chiefs, religious authorities, landowners, civil society organizations and grass-roots development committees.

## **J. Right to health and social security**

158. The Togolese State, aware of the importance of health in the country's overall development process, has enshrined the right to health of the Togolese citizen in the Constitution, and endeavours to make health promotion one of the priorities of government action.

159. The inadequate coverage provided by health cooperatives and other types of health insurance, and the inadequate provision of free or subsidized treatment, remains an obstacle to equality for all in the exercise of the right to health and medical care.

160. Following are the provisions of the Constitution concerning citizens' health:

- In the third preambular paragraph, Togo undertakes to guarantee and protect fundamental human rights, including the right to health;
- Article 13 provides that the State must guarantee the physical and mental integrity, life and security of all persons living in Togo;
- Article 34 explicitly enshrines the right of all citizens to health: "The State acknowledges the right of citizens to health. It shall strive to promote that right."

161. Article 2 of the Public Health Code of the Togolese Republic (Act No. 2009-007 of 15 May 2009) states as follows: "Every individual has an inalienable right to health, irrespective of their origin, sex, age, status, race and religion."

162. Mandatory Health Insurance for Civil Servants and Similar Categories Act (Act No. 2011-003 of 18 February 2011).

### **Social protection of persons with disabilities**

163. The following measures have been taken with respect to the social protection of the rights of persons with disabilities and the right to health:

- The availability of social support services in health facilities for vulnerable groups, including persons with disabilities, along with reduced costs for medical care;
- The promulgation on 23 April 2004 of Act No. 2004-005 on the social protection of persons with disabilities;
- The ratification on 1 March 2011 of the Convention on the Rights of Persons with Disabilities, which required an amendment to the 2004 Act, currently in the process of being adopted;

- The implementation of the National Rehabilitation Policy of 1997, revised in 2005, and of the Community-based Rehabilitation Programme;
- The inclusion of the topic of disabilities in the curriculum of the National School of Social Training;
- The creation of the Directorate for Persons with Disabilities, responsible for implementing government policies on their behalf;
- The availability of several types of health care: preventive and promotional care, curative care and rehabilitation services. Such treatment has been made accessible to vulnerable groups, including persons with disabilities, by reducing the costs of the medical care provided by the health facilities' social support services.

164. With regard to preventive and promotional care, poliomyelitis booster shots are offered on designated vaccination days.

165. Curative care, in turn, includes the treatment of diseases at all levels of the health system, with a view to eradicating diseases that cause disabilities. There are two types of specialized facilities for rehabilitation: the National Orthopaedic Appliances Centre, with four regional branches, and the Zébévi Psychiatric Hospital (Aného) and Bon Secours of Lomé.

### **National Health Policy**

166. The new National Health Policy of Togo, adopted on 29 September 2011, outlines a vision for the sector: "to ensure that the entire population enjoys the highest attainable standard of health by making every effort to develop a functioning health system based on public and private, as well as individual and collective, initiatives that are accessible, equitable, and capable of safeguarding everyone's right to health, in particular the most vulnerable".

167. To make this vision a reality, the policy has set the following five development objectives:

- To reduce maternal and neonatal mortality and strengthen family planning;
- To reduce mortality among children under 5;
- To combat HIV/AIDS, malaria, tuberculosis and other diseases, including noncommunicable diseases, potentially epidemic diseases and neglected tropical diseases;
- To promote health in a conducive environment;
- To improve the organization, management and provision of health services.

168. According to the 2013 performance report of the Ministry of Health, 34,489 persons living with HIV/AIDS are on antiretrovirals, representing 41.67 per cent of all eligible persons in that category (former CD4 count of 350, per the 2009 recommendations of the World Health Organization (WHO)). This proportion is similar to that for the subregion as a whole, and is the result of the Government's November 2008 policy of providing antiretrovirals free of charge.

169. These objectives are reflected in the programmes of the National Health Development Plan 2012-2015, whose implementation has enabled the health sector to meet the many challenges it faces.

170. With particular reference to the right to health, paragraph 3.3.2 of the National Health Policy explicitly stipulates that the State must provide the entire population with universal, high-quality health care and services based on the extension of social protection



in health. This measure was achieved through the institution of mandatory health insurance for civil servants and those in a similar category, under Act No. 2011-033 of 18 February 2011. The National Health Insurance Institute is responsible for managing the scheme.

171. The infant and child mortality rate is an estimated 123 per 1,000, according to the findings of the 2006 Multiple Indicator Cluster Survey. That rate has remained unchanged since the 2010 survey, whereas it had been reduced to 2 per 1,000 between 1998 and 2006. In order to meet the specific objective of universal access to reproductive health by 2015, in addition to the strategy for the delivery of reproductive health and family planning services by mobile units, initiated in 2008, subsidies for caesareans (12,264 kits distributed in 2012) and care for 236 women with obstetric fistula in 2011-2012; emergency obstetric and newborn care needs assessments; and mapping of the availability of such services were all completed in 2013.

172. The mapping shows an increase in the rate of assisted deliveries, from 62.34 per cent in 2012 to 63.9 per cent in 2013.

173. As part of efforts to combat malnutrition among children under 5, 323 health providers were trained in 2013 on the new protocol on the treatment of acute malnutrition, thanks to funding from the United Nations Children's Fund (UNICEF) and WHO. Training has also been held in the Centrale and Plateaux regions on how to set up breastfeeding support groups.

174. In 2013, 1,086 children were admitted to the intensive nutritional rehabilitation care centres; 1,193 severely malnourished children were treated and 1,620 children of all types were discharged from the centres. Two supplement/deworming campaigns were conducted for children aged 6 to 59 months to combat micronutrient deficiencies. The first campaign ran throughout the country and the second in four regions (Lomé Commune, Maritime, Kara and Savanes).

175. Average life expectancy at birth rose from 49 years in 1998 to 63.3 years in 2010.<sup>2</sup>

176. Infectious diseases are the main cause of infant and child mortality: almost 47 per cent of deaths among children under 5 are due to malaria (still the biggest public health problem in Togo), diarrhoea and pneumonia.

177. Child mortality also appears to be associated with social factors, such as the mother's literacy level, the level of household wealth and whether the family lives in a rural or an urban area.

178. With respect to malaria, there was an increasing use of health services from 2012 to 2013 as a result of the policy of treating simple malaria cases free of charge, as decreed by the Government in October 2012 for children under 10, and in October 2013 for the population at large. Several campaigns were conducted for the distribution of free, insecticide-treated mosquito nets.

#### **Prevention of mother-to-child transmission of HIV**

179. With respect to the prevention of mother-to-child transmission (PMTCT) of HIV, there was a slight (2 per cent) improvement in antiretroviral coverage for eligible children between 2012 and 2013. This was due to the growing number of PMTCT sites (which increased from 411 in 2012 to 596 in 2013, while the number of paediatric advisory/screening sites increased from 5 in 2012 to 24 in 2013, at the initiative of the service provider); the involvement of civil society in coordination meetings, supervision,

<sup>2</sup> Source: Multiple Indicator Cluster Surveys 3 and 4, UNAIDS Report 2010, SMART Survey 2010, Step Wise 2010.

exchanges and other relevant activities; and the availability of sufficient antiretrovirals at these sites.

180. In 2013, following the inclusion of PMTCT in the maternal, newborn and childcare sites, which brought geographical coverage to 69 per cent, there was a significant decrease in the rate of mother-to-child HIV transmission at these sites, from 7 per cent to 4.16 per cent.

181. The prevalence of HIV in Togo estimated by the UNAIDS Report 2012, published in 2013, fell from 4.1 per cent to 2.3 per cent between 2001 and 2012. The report also points to a decline in HIV incidence of more than 50 per cent over the same period.

182. The number of health units (all types combined) increased from 523 in 1996 to 1,159 in 2010, including 382 private-sector units (33 per cent) and 777 public-sector units (67 per cent).

#### Distribution of health facilities by type and by region

Type of health facility	Savanes	Kara	Centrale	Plateaux	Maritime	Lomé-Commune	Total
University teaching hospital	-	1	-	-	-	2	3
Regional hospital	1	1	1	1	1	1	6
Specialized hospital	-	-	-	1	1	-	2
District hospital	4	5	4	8	7	4	32
Private religious hospital	1	-	1	4	2	-	8
Outlying health unit	66	107	74	173	103	5	528
Private doctor's office	4	19	11	32	22	71	159
Total number of standard health facilities	80	141	92	230	136	83	762
<b>Total number of non-standard health facilities</b>	<b>4</b>	<b>4</b>	<b>5</b>	<b>23</b>	<b>132</b>	<b>219</b>	<b>387</b>
<b>Total number of health facilities</b>	<b>84</b>	<b>145</b>	<b>97</b>	<b>253</b>	<b>268</b>	<b>302</b>	<b>1 159</b>
Dispensing pharmacy	2	5	2	6	1	136	152
Pharmaceutical depot	6	14	7	20	14	3	64

Source: Ministry of Health, Division of Information, Statistics, Studies and Research (DISER/DPFR), main health indicators for 2010.

183. The table above shows that at the national level, Lomé-Commune has more health facilities (302 out of 1,159), dispensing pharmacies and pharmaceutical depots (139 out of 216) than the Savanes region, which has 84 health facilities, 2 dispensing pharmacies and 6 pharmaceutical depots.

184. With respect to geographical accessibility, the findings of the Multiple Indicator Cluster Surveys 3 survey of 2006 show that 62.5 per cent of the population is located less than 2.5 km, or 30 minutes' walk, from a health facility. This suggests that the health system is well provided for in terms of infrastructure for treatment. In keeping with this finding, the rate of use of curative care rose from 34 per cent in 2012 to 35.85 per cent in 2013.

185. The findings of the same survey also indicate that 62.5 per cent of the population is located less than 2.5 km.

### Health sector human resource development

186. The number of health workers (public and private) increased from 11,140 in 2013 to 13,337 in 2012 (a result of the non-replacement of retirees, deaths, resignations and emigration reported since that time).

#### Summary of public- and private-sector health staff by region as at 31 May 2012

	Savanes		Kara		Centrale		Plateaux		Maritime		Lomé Commune		Total	
	Pub.	Priv.	Pub.	Priv.	Pub.	Priv.	Pub.	Priv.	Pub.	Priv.	Pub.	Priv.	Pub.	Priv.
Number of staff	880	112	1 575	212	1 102	119	1 571	589	1 385	716	3 469	1607	<b>9 982</b>	<b>3 355</b>
<b>Total</b>	<b>992</b>		<b>1 787</b>		<b>1 221</b>		<b>2 160</b>		<b>2 101</b>		<b>5 076</b>		<b>13 337</b>	

Source: Human Resources Directorate/Ministry of Health, 31 May 2012.

187. The table above shows the preponderance of public health workers (75 per cent) over private health workers (25 per cent). The low number of the latter may be explained by the fact that most of the former work on a contractual basis.

#### Ratio of health staff to health region

Professional category	Savanes		Kara		Centrale		Plateaux		Maritime		Lomé Commune		Total	
	No. of staff	Ratio per 1000 inhab.	No. of staff	Ratio per 1000 inhab.	No. of staff	Ratio per 1000 inhab.	No. of staff	Ratio per 1000 inhab.	No. of staff	Ratio per 1000 inhab.	No. of staff	Ratio per 1000 inhab.	No. of staff	Ratio per 1000 inhab.
Doctors	15	0.018	34	0.044	16	0.026	43	0.031	78	0.044	347	0.414	<b>533</b>	<b>0.086</b>
Dentists	1	0.001	2	0.003	1	0.002	2	0.001	2	0.001	26	0.031	<b>34</b>	<b>0.005</b>
Pharmacists	2	0.002	7	0.009	4	0.006	8	0.006	1	0.001	173	0.207	<b>195</b>	<b>0.031</b>
Nurses	137	0.165	289	0.375	183	0.296	347	0.252	357	0.203	581	0.694	<b>1 894</b>	<b>0.306</b>
Midwives	53	0.064	145	0.188	94	0.152	159	0.116	163	0.092	327	0.390	<b>941</b>	<b>0.152</b>
Other paramedical staff	117	0.141	292	0.379	158	0.256	302	0.220	267	0.151	871	1.040	<b>2 007</b>	<b>0.324</b>
Hospital support staff	308	0.372	461	0.599	315	0.510	504	0.367	630	0.357	1 105	1.320	<b>3 323</b>	<b>0.537</b>
Technical staff	4	0.005	11	0.014	5	0.008	14	0.010	10	0.006	65	0.078	<b>109</b>	<b>0.018</b>
Administrative staff	354	0.427	544	0.707	444	0.719	779	0.566	592	0.336	1 580	1.887	<b>4 293</b>	<b>0.693</b>
<b>Total</b>	<b>992</b>	<b>1.197</b>	<b>1 787</b>	<b>2.318</b>	<b>1 221</b>	<b>1.975</b>	<b>2 160</b>	<b>1.569</b>	<b>2 101</b>	<b>1.191</b>	<b>5 076</b>	<b>6.060</b>	<b>13 337</b>	<b>2.153</b>

Source: Human Resources Directorate/Ministry of Health, 31 May 2012.

188. To remedy the situation described in the two tables above, the Government is recommending recruitment exams based on the direct needs of the regions. This involves predefining the regions to which new recruits will be assigned under their terms of recruitment. A direct regional exam was held on 17 April 2013, under Interministerial Decree No. 758/MFPRA/MS-BECP on the organization of a national exam for the direct regional recruitment of medical, paramedical and administrative staff for the Ministry of

Health. The establishment of an annual health worker recruitment programme is also planned.

189. The number of public health workers declined slightly between 2012 and 2013, from 9,982 to 9,667. It increased to 10,774 in 2014, thanks to the regional exam, which led to the recruitment of 1,107 new workers. However, this number is still inadequate given the growing demand for health care.

190. Nonetheless, there is a strong concentration of health staff in the Lomé Commune region, which accounts for 38.02 per cent of all staff in the sector and nearly 65 per cent of doctors, 31 per cent of nurses and 35 per cent of midwives. One possible explanation is that the region hosts two of the country's three university teaching hospitals, one regional hospital and five district hospitals.

#### **Distribution of health staff by sex and by professional category as at 31 May 2012**

<i>Professional category</i>	<i>Women</i>	<i>Rate</i>	<i>Men</i>	<i>Rate</i>	<i>Total</i>	<i>Rate</i>
Medical staff	64	1%	283	3%	<b>347</b>	3%
Paramedical staff	2 350	24%	2 698	27%	<b>5 048</b>	51%
Hospital support staff	673	7%	414	4%	<b>1 087</b>	11%
Technical staff	5	0.05%	85	1%	<b>90</b>	1%
Administrative staff	1 255	13%	2 155	22%	<b>3 410</b>	34%
<b>Total</b>	<b>4 347</b>	<b>44%</b>	<b>5 635</b>	<b>56%</b>	<b>9 982</b>	<b>100%</b>

*Source:* Human Resources Directorate/Ministry of Health, 31 May 2012.

191. The distribution of health staff by sex in 2012 suggests that men are overrepresented (56 per cent of the total, whereas women represent 44 per cent of the total, or a 12-per-cent gap). Female medical staff represent 1 per cent of all staff, vs. 3 per cent for male medical staff. More efforts are needed to promote the advancement of women in the medical field.

192. Togo has had a human resources development plan and training plan in place since 2009, covering the period 2012-2015, which should help to improve both the number and quality of staff.

193. These plans are expected to reduce the significant regional and urban/rural disparities in the distribution of health infrastructure, equipment and staff.

194. One of the State's strategies for reducing the staffing disparities between regions is to hold regional exams. This strategy has been in place since 2013.

195. The poor coverage of health-care mutual funds and other types of health insurance schemes, and the inadequate provision in some instances of subsidized, or free, treatment, remains an obstacle to equality for all in the exercise of the right to health and medical care. However, mechanisms are being considered for extending health insurance to the private sector.

196. The State is also contemplating a hospital reform and improvements to health coverage through a national health map and resource mobilization plan.

197. The health-related Millennium Development Goals, numbers 5 and 6, have been a particular government priority. Numerous initiatives have been carried out in recent years to bring health care closer to the communities; to subsidize critical interventions, such as caesareans and antiretroviral treatment, or provide them free of charge; and to ensure better coordination of assistance and greater efficiency in the use of funds.

## K. Right to education and vocational training

198. All Togolese citizens, without discrimination, are entitled to technical education and vocational training. The Department of Technical Education and Vocational Training has been in existence since 1984.

199. As of 2010, technical education has been provided in 17 public establishments and some 250 private establishments and centres through 20 or so commercial, industrial, crafts and modular courses. To date, 14 new public training centres have been established and are open to all in several prefectures, part of the effort to bring training centres closer to the population.

200. Admission to the technical education and vocational training establishments and centres is granted regardless of geographical origin.

201. There are no particular requirements for admission to these facilities, nor are any incentives offered to encourage the admission of disadvantaged persons.

### Changes in the number of students from 2009 to 2012

#### Rate of growth

Sex	Boys	Girls	Rate of access		Total boys & girls	Rate of access boys & girls
			Boys	Girls		
2008-2009	16 770	9 801	-	-	<b>26 571</b>	-
2009-2010	18 056	12 411	0.07	0.26	<b>30 467</b>	0.14
2010-2011	19 248	13 446	0.06	0.08	<b>32 694</b>	0.07
2011-2012	20 741	14 720	0.08	0.09	<b>35 511</b>	0.08

#### The technical and vocational skills development map

202. To maximize the contribution to the country's economic and social development, a partnership agreement was drawn up with the private sector and signed on 17 May 2011. The objective is to collaborate with all socioeconomic development actors on the development of socioeconomic and vocational skills, so as to:

- Guarantee a minimum standard for technical and vocational skills development;
- Redefine and clarify the financing arrangements for technical education and vocational training;
- Strengthen the capacity for managing technical and vocational training through better monitoring of trainees' entry into the labour market and of their productivity;
- Capitalize on expertise drawn from the workplace in designing and implementing technical and vocational skills development.

203. It has, however, proven difficult to meet these goals. In order to rectify the situation, and in keeping with the Education Sector Plan and the partnership agreement, the Department of Technical Education and Vocational Training held a workshop on how to achieve quality training and a higher success rate in the technical education and vocational training system. The workshop was held in Sokodé on 18-20 October 2011.

204. Important new courses were created: *Brevet de technicien* in refrigeration and air conditioning, *Brevet de technicien* in electrotechnical technology and *Certificat d'aptitude professionnelle* in agropastoral studies. Newly literate women from the Oti prefecture were trained in income-generating activities.

205. The Technical and Vocational Training Centre of Mango was turned into a technical and vocational education secondary school with the opening of series G2 and F4. This led to the enrolment of about 150 students, who were able to remain in their own regions.
206. Master craftspeople from the Kara region were trained in new fashion technologies.
207. A feasibility study was conducted on updating vocational training in partnership with the private sector.
208. Two new courses were created for the *Brevet de technicien supérieur* curriculum at the Technical and Vocational Education Secondary School of Adidogomé: corporate accounting and management, and electrotechnical technology, for a total of four *Brevet de technicien supérieur* courses in that school since the start of the 2011-2012 school year.

## **L. Right to sports and cultural activities**

209. The adoption of the Charter for Physical and Sports Activities (Act No. 2011-017 of 16 June 2011) turned the right to sports and cultural activities into a reality. The sports policy takes specific account of persons with disabilities.
210. The State sports policy takes all social strata (the elderly, young people, women and persons with disabilities) into account.
211. All sports clubs in Togo have men's and women's teams in almost all disciplines. Girls and boys engage in the same physical disciplines in national school competitions.
212. The Ministry of Sport and Leisure, along with the federations, endeavours to organize teams for persons with disabilities, including teams for handball, volleyball, basketball, shot put and bicycle races. A sports gala for persons with disabilities was held in Sokodé in November 2014.
213. The Ministry works with the Togolese Paralympic Federation, which it has provided with a site for its national headquarters in the Hanoucopé district, along with a basketball court for training the national team.
214. The Ministry is also funding the Federation to set up and supervise the activities of the Paralympic leagues that have been created in the country's five regions.
215. The Ministry is negotiating with technical and financial partners on support for the capacity-building of regional Paralympics sports trainers and technical directors.
216. Under the agreement on objectives between the Federation and the Ministry, the State provides the Federation with an annual budget line for organizing the National Games - sport activities at the national level.
217. The State, through the Ministry, provides the Federation with occasional financial support to participate in subregional, African and international Paralympic competitions. As part of these activities, Plan Togo has also initiated projects that promote women's football.
218. Act No. 91-12 of 10 June 1991 on the protection of copyright, folklore and neighbouring rights, and Decree No. 91-199/PR of 16 August 1991 on the organization and functioning of the Togolese Copyright Bureau, were adopted in order to safeguard copyright.
219. In the cultural sphere, the productions of artists with disabilities are greatly appreciated by the public. A support fund for cultural activities has been created to help artists, and provides them with financial support without discrimination.

## **Article 6**

### **Guarantee of the right of appeal**

Under Togolese law, everyone who believes they have been the victim of a human rights violation is guaranteed the right to apply to the competent institution.

#### **A. Judicial protection of human rights**

220. All persons living in the territory of Togo, without distinction as to sex, ethnic origin, religion, race or nationality, enjoy the right to seek legal redress.

221. The only restrictions on that right concern a person's legal capacity and the subject of the lawsuit. All persons may file appeals before the national courts against any act of racial discrimination. Such actions may be criminal, civil or social. However, persons living with HIV face difficulties in exercising this right.

#### **B. Extrajudicial protection**

##### **National Human Rights Commission**

222. Pursuant to articles 156 ff. of the Constitution, Organization Act No. 2005-004 of 9 February 2005 has been adopted, which amends and supplements Organization Act No. 96-12 of 11 December 1996 on the composition, organization and functioning of the National Human Rights Commission. The Act defines the Commission as an independent institution, subject only to the Constitution and the law. It has legal personality and the following functions:

- To ensure the protection and defence of human rights in the Togolese Republic;
- To promote human rights by all means possible, in particular by:
- Reviewing and recommending to the Government all draft legislation relating;
- to human rights, with a view to its adoption;
- Handing down opinions on human rights issues;
- Organizing human rights seminars and symposiums;
- Investigating cases of human rights violations.

223. The members of the Commission enjoy immunity while in office and for a year after they leave office.

224. The Commission was created to protect citizens against arbitrary action and abuses on the part of the Government. In accordance with the texts governing its actions, the Commission is empowered to receive complaints of human rights violations, examine such complaints and seek amicable settlements.

225. In that connection, in 2009 the Commission registered 144 complaints, of which 91 were deemed admissible and 53 were rejected. Of the 91 admissible complaints, 18 were unfounded, and all 73 of the substantiated complaints have been settled.

226. In 2010, the Commission considered 136 complaints, of which 52 were deemed admissible and 44 substantiated. Most of the latter concerned violations of the security of person. Some 127 complaints were registered for 2011, of which 79 were deemed admissible and 48 were rejected.

227. In 2012, the Commission registered 148 complaints, of which 89 were deemed admissible and 48 were rejected.

228. In 2013, 119 complaints were registered, of which 78 were deemed admissible and 41 were rejected.

Also within the framework of the protection of human rights, since 2008 the Commission has monitored the country's prisons and detention centres in order to ascertain the conditions of detention of persons deprived of their liberty.

### **The Ombudsman**

229. The office of the Ombudsman was instituted by article 154 of the Constitution of the Fourth Republic. Its mission is to settle non-judicial conflicts between citizens and the Administration. The Ombudsman is an independent administrative authority appointed by decree of the Council of Ministers for a renewable five-year term. The organization, composition and functioning of this institution are governed by Organization Act No. 2003-021 of 9 December 2003 on the status and responsibilities of the Ombudsman.

### **Article 7**

230. The effective implementation of the International Convention on the Elimination of All Forms of Racial Discrimination requires that citizens should be aware of and understand it. Education is essential for the implementation of any policy that seeks to bring about changes in behaviour.

231. Each year the Ministry of Human Rights and the Consolidation of Democracy, which is responsible for implementing the recommendations of the Truth, Justice and Reconciliation Commission, organizes an awareness-raising road show in secondary schools on the occasion of International Human Rights Day.

232. During the road shows, the Ministry teaches students about the principles of non-discrimination proclaimed by the international instruments, in particular the Convention.

233. With respect to civics education, school curricula take account at all levels of education of the topic of non-discrimination of persons with disabilities, including on how to communicate with children with disabilities, and on the relations between healthy and disabled students. Non-governmental organizations provide primary school teachers with specialized training on persons with disabilities.

## **Part three Implementation of the recommendations of the Committee**

### **Recommendation No. 10**

234. Pursuant to Decree No. 2008/068/PR of 21 July 2008, the Togolese State conducted the fourth General Population and Housing Census from 6 to 21 November 2010.



**Distribution of the Togolese population by ethnic group**

<i>Ethnic group</i>	<i>Male</i>		<i>Female</i>		<i>Total</i>	
	<i>Number</i>	<i>%</i>	<i>Number</i>	<i>%</i>	<i>Number</i>	<i>%</i>
Adja {Ehoué}	111 461	3.86	121 235	3.96	<b>232 696</b>	<b>3.91</b>
Anlo	1 177	0.04	1 390	0.05	<b>2 567</b>	<b>0.04</b>
Ewé	632 637	21.91	691 520	22.58	<b>1 324 157</b>	<b>22.25</b>
Fon	26 185	0.91	26 836	0.88	<b>53 021</b>	<b>0.89</b>
Kpessi	1 777	0.06	1 932	0.06	<b>3 709</b>	<b>0.06</b>
Mina {Guin}	130 949	4.54	142 723	4.66	<b>273 672</b>	<b>4.60</b>
Ouatchi	279 666	9.69	304 579	9.94	<b>584 245</b>	<b>9.82</b>
Peda {Pla}	8 396	0.29	7 837	0.26	<b>16 233</b>	<b>0.27</b>
Adélé	6 501	0.23	6 989	0.23	<b>13 490</b>	<b>0.23</b>
Akébou	31 876	1.10	31 259	1.02	<b>63 135</b>	<b>1.06</b>
Akposso	59 343	2.06	63 026	2.06	<b>122 369</b>	<b>2.06</b>
Anyanga{Agnagan}	7 324	0.25	7 681	0.25	<b>15 005</b>	<b>0.25</b>
Ahlon	1 997	0.07	2 123	0.07	<b>4 120</b>	<b>0.07</b>
Ana-Ifè	80 615	2.79	84 464	2.76	<b>165 079</b>	<b>2.77</b>
Nago/Yorouba	11 019	0.38	10 360	0.34	<b>2 1379</b>	<b>0.36</b>
Kabiyè	417 895	14.48	435 496	14.22	<b>853 391</b>	<b>14.34</b>
Kotokoli	176 158	6.10	175 680	5.74	<b>351 838</b>	<b>5.91</b>
Losso (Lamba.Nawdum. Taoula	219 518	7.60	232 194	7.58	<b>451 712</b>	<b>7.59</b>
Bariba-Tamberma	15 382	0.53	15 035	0.49	<b>30 417</b>	<b>0.51</b>
Bassar	47 704	1.65	49 348	1.61	<b>97 052</b>	<b>1.63</b>
Gourma	76 633	2.65	80 912	2.64	<b>157 545</b>	<b>2.65</b>
Kokomba	60 683	2.10	63 022	2.06	<b>123 705</b>	<b>2.08</b>
Moba	240 376	8.33	257 733	8.41	<b>498 109</b>	<b>8.37</b>
Mossi	10 631	0.37	10 596	0.35	<b>21 227</b>	<b>0.36</b>
Ngam-gam	29 343	1.02	31 627	1.03	<b>60 970</b>	<b>1.02</b>
Tchamba	33 542	1.16	32 566	1.06	<b>66 108</b>	<b>1.11</b>
Tchokossi {Anoufo}	38 073	1.32	39 570	1.29	<b>77 643</b>	<b>1.30</b>
Yanga	11 102	0.38	10 924	0.36	<b>22 026</b>	<b>0.37</b>
Bassila	464	0.02	471	0.02	<b>935</b>	<b>0.02</b>
Haoussa	7 596	0.26	7 304	0.24	<b>14 900</b>	<b>0.25</b>
Peul	54 831	1.90	54 529	1.78	<b>109 360</b>	<b>1.84</b>
Other Togolese ethnic groups	55 588	1.93	61 839	2.02	<b>117 427</b>	<b>1.97</b>
Undetermined	376	0.01	325	0.01	<b>701</b>	<b>0.01</b>
<b>Total</b>	<b>2 886 817</b>	<b>100</b>	<b>3 063 126</b>	<b>100</b>	<b>5 949 943</b>	<b>100</b>

**Recommendation Nos. 11 and 12**

235. The process of bringing national legislation into compliance with the Convention is under way.

236. The draft Criminal Code submitted by the Government to the National Assembly defines and penalizes discrimination in general, discrimination against women and discrimination with regard to HIV/AIDS (arts. 304 ff.).

237. The Labour Code (Act No. 2006-10 of 13 December 2006) defines and penalizes discrimination in employment.

238. Act No. 2010-18 amending the HIV/AIDS Protection Act (Act No. 2005-12 of 14 December 2005) prohibits discrimination against people living with HIV/AIDS.

239. Article 86 of the Press and Broadcasting Code punishes anyone who incites interracial or interethnic hatred with a prison sentence of 3 months to 1 year and a fine of CFAF 100,000 to 1,000,000.

**Recommendation Nos. 13 and 14**

240. Combating impunity is a major concern for the Togolese State. Following the official submission of the report of the Truth, Justice and Reconciliation Commission to the Head of State on 3 April 2012, the Council of Ministers adopted Decree No. 2013/040/PR of 24 May 2013 on the creation of the Office of the High Commissioner for Reconciliation and Strengthening National Unity.

241. Under that decree, the Office of the High Commissioner is mandated to undertake the effective implementation and monitoring of the Commission's recommendations and compensation programme. It is thus responsible for:

- Proposing all legislative, regulatory and institutional measures that cover certain aspects of the Commission's recommendations on combating impunity, guarantees of non-repetition and reparation for victims;
- Proposing to the President of the Republic all measures which may help it to fulfil its mandate;
- Managing the funding of the reparation programme;
- Taking steps to establish a peaceful atmosphere necessary for national reconciliation;
- Promoting values of peaceful coexistence, a culture of dialogue and solidarity and the participation of citizens in community life based on the acceptance of differences;
- Ensuring, in the fulfilment of its mandate, observance and implementation of the goals of combating impunity and promoting reconciliation, peace and national unity by all national authorities and actors.

242. Article 10 of the decree repeals the provisions of Decree No. 2008/023 of 11 March<sup>3</sup> on the creation of the Office of the High Commissioner for Reconciliation and Strengthening National Unity.

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<sup>3</sup> *Transl. note:* The decree number and date in this paragraph are different from those on the same subject referred to in para. 240 above. The year of adoption of the decree (presumably 2008) is also not specified in this paragraph (but should be).

243. Decree No. 2014-103/PR of 3 April 2014 amended the aforementioned Decree No. 2013-040/PR of 24 May 2013 on the creation of the Office. These amendments concern the composition and tenure of the Office's members.

244. The members of the Office were appointed by a decree of the Council of Ministers dated 24 December 2014. The Council of Ministers adopted Decree No. 2014-104 of 3 April 2014 on the adoption of the white paper of the Togolese Government.

### **Recommendation No. 15**

245. The United Nations Development Programme (UNDP) funded the implementation of the project on infrastructure for peace in Togo on 22 January 2015 to prevent conflicts, strengthen peace and national cohesion, and strengthen the rule of law. The financed 10 civil society organizations and the Audiovisual and Communication Authority with a view to sensitizing the population about the concepts of non-violence, peace, mediation, conflict management and early warning. The project aims to communicate the message of peace and reconciliation and to set up local peacemakers throughout the country for peacebuilding in Togo.

246. In addition, in October 2014 the Government initiated an activity called "civic education month" to get citizens to work together harmoniously and patriotically.

### **Recommendation No. 16**

247. To reduce the disparities referred to in paragraph 16 of the recommendations, on health care service access, the Togolese Government has advocated several strategies and actions to safeguard the right to health of the entire population:

- Translating the reduction in disparities into the National Health Policy, whose vision is "to ensure that the entire population enjoys the highest attainable standard of health by making every effort to develop a functioning health system based on public and private, as well as individual and collective, initiatives that are accessible, equitable, and capable of safeguarding everyone's right to health, in particular the most vulnerable". These values are fairness and equality in high-quality health services, social justice, integrity and ethics, and respect for human rights and the gender dimension, with a particular emphasis on children;
- The policy is governed by guidelines, including that on universal health coverage, which stipulates that "universal health coverage, with high-quality care and services, must be based on social health protection for all by means of adequate, equitable and lasting financing";
- To remedy the unequal geographical distribution of health facilities, in August 2014 Togo began the process of drafting and rolling out a health map;
- The health map is the main tool for planning and regulating the provision of care. It defines the infrastructure, equipment, human resources, financial resources and types of care needed for responding in the best possible and most satisfactory way to the health objectives of a given health zone (country, region, district, etc.);
- With respect to the inequitable distribution of reproductive health services throughout the country, the Government has begun holding regional recruitment exams based on the specific needs of the different regions. It is in this framework that, pursuant to Interministerial Decree No. 758/MFPRA/MS-BECP on the holding of a national exam for the direct regional recruitment of medical, paramedical and

administrative staff for the Ministry of Health, a direct regional exam was held on 17 April 2013.

248. Some of these measures are being taken to reduce the disparities in the geographical distribution of health workers, but much remains to ensure that gender equity is observed in the recruitment of health workers, in assigning them responsibilities and in awarding jobs and training scholarships.

249. In addition to these measures, the following specific actions are being taken to reduce discrimination in the health sector:

- Mandatory health insurance for civil servants and similar categories has been instituted under Act No. 2011-003 of 18 February 2011. Management for this scheme has been turned over to the National Health Insurance Institute;
- Simple malaria cases are being treated free of charge, as decreed by the Government in October 2012 for children under 10, and in October 2013 for the population at large;
- Antiretrovirals are being provided free of charge, as decreed by the Government on 17 November 2008;
- Vaccination campaigns, and campaigns for the distribution of free, insecticide-treated mosquito nets, are being organized;
- Mobile and outreach strategies for reproductive health and family planning have been developed since 2008;
- Caesareans are subsidized (12,264 kits distributed in 2012);
- 236 women with obstetric fistulas were treated from 2011 to 2012.

### **Recommendation No. 17**

250. The draft Land Code will take into account the legal regime applicable to different types of land.

### **Recommendation No. 18**

251. With respect to reducing the imbalance among ethnic groups in the civil service and Army, the relevant recruitment exams are based on a call for candidates.

252. Candidates in the most recent exams were asked to specify their ethnic group in order to privilege candidates from underrepresented ethnic groups.

### **Recommendation No. 19**

253. Under the pertinent provisions of article 50 of the Togolese Constitution of 14 October 1992, “the rights and obligations set forth in the Universal Declaration of Human Rights and in the international human rights instruments ratified by Togo form an integral part of this Constitution”.

254. Article 140 of the Constitution states that “duly ratified or approved treaties or agreements shall, once promulgated, have primacy over laws”.

255. Accordingly, anyone may invoke the provisions of the Convention before the courts.

256. Furthermore, the Convention is taken into account in the draft Criminal Code, and there are thus two sources of law that allow the Convention to be invoked before the courts.

### **Recommendation No. 20**

257. The provisions on the prohibition of racial discrimination in the draft Criminal Code have not yet been adopted. There are accordingly no statistics on complaints of discrimination.

### **Recommendation No. 21**

258. An action plan for combating discrimination is currently being drafted.

### **Recommendations Nos. 22, 23 and 24**

259. The State held extensive consultations with civil society organizations working in the area of combating racial discrimination as part of the preparation of this report. The list of organizations that participated in the drafting process is annexed.

## **Conclusion**

260. This report has summarized the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination. Combating discrimination holds an important place in the country's political and institutional system.

261. The Togolese Constitution not only prohibits discrimination but also urges the State to take measures to punish it.

262. In order to give effect to the Convention, the Government undertook multiple efforts to ensure the protection of the rights enshrined therein.

263. Measures have also been taken as part of the implementation of the Committee's recommendations.

264. Despite these efforts, the Government is aware that many challenges remain to ensuring the full realization of the rights enshrined in the Convention.

265. The Government intends to pursue its resolute path towards consolidation of democracy and the rule of law, the sine qua non for the full realization of fundamental rights and public freedoms in accordance with the obligations assumed under treaties.

**List of members of the Interministerial Committee responsible for the preparation of reports who participated in the drafting of the Government's eighteenth and nineteenth periodic reports on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination**

1. Mr. Kokou MINEKPOR: Ministry of Human Rights and the Consolidation of Democracy, in charge of implementing the recommendations of the Truth, Justice and Reconciliation Commission
2. Ms. Gbana Mawolodjouya ALE GONH-GOH: Ministry of Human Rights and the Consolidation of Democracy, in charge of implementing the recommendations of the Truth, Justice and Reconciliation Commission
3. Mr. Gnambi Garba KODJO: Ministry of Justice and Institutional Relations
4. Ms. Badabossia AZAMBO-AQUITEME: Ministry for Social Action, the Advancement of Women and Literacy
5. Ms. Malessinani AKAOLO: Ministry of Foreign Affairs and Cooperation
6. Mr. Tabala ADI: Ministry of Territorial Administration, Decentralization and Local Communities
7. Mr. Mabiba DOUTI: Ministry of the Civil Service
8. Mr. Amaèti SIMLIWA PITALA: Ministry of Primary and Secondary Education
9. Mr. Nawouri KAKABOU: Ministry of State Reforms and Modernization of Public Administration
10. Mr. Eso PAYAROU: Ministry of Sport and Leisure
11. Ms. Ama Essenam YAKPO: Ministry of the Environment and Forestry Resources
12. Mr. Déo LAÏSON: Ministry of Labour, Employment and Social Security
13. Mr. Koffi LOGOSSOU: Ministry of the Economy and Finance
14. Ms. Yawa AKONTOM: Ministry of Health
15. Mr. Yakouba DAMTARE: Ministry of Mines and Energy
16. Mr. Simféilé TAGBA: Ministry of Communication, Culture, the Arts and Civic Education
17. Ms. Ahoefa Huguette TOGNI: Ministry of Trade and of Promotion of the Private Sector
18. Ms. Colette ADZONYOH: Ministry of Technical Education, Vocational Training and Industry
19. Ms. Pierrette d'ALMEIDA: Ministry of Planning, Development and Land Management
20. Mr. Yawotsè DOGBO: Ministry of Higher Education and Research
21. Mr. Kpatchaa MELEOU: Ministry of Security and Civil Protection
22. Mr. Viglo MENSAH K.: Ministry of Urban Development and Housing
23. Mr. Kpatcha EWAROU: Ministry of Rural Infrastructure

24. Mr. Komina OTCHOTCHO: National Human Rights Commission

**List of officials from the Ministry of Human Rights and the Consolidation of Democracy, in charge of implementing the recommendations of the Truth, Justice and Reconciliation Commission, who took part in the drafting of the report**

1. Mr. Yandja MONDO: Ministry of Human Rights and the Consolidation of Democracy, in charge of implementing the recommendations of the Truth, Justice and Reconciliation Commission
2. Mr. Yao DJOKOTO: Ministry of Human Rights and the Consolidation of Democracy, in charge of implementing the recommendations of the Truth, Justice and Reconciliation Commission
3. Mr. Yokbey KANTCHE: Ministry of Human Rights and the Consolidation of Democracy, in charge of implementing the recommendations of the Truth, Justice and Reconciliation Commission
4. Mr. Mamah-Sani TCHEDRE-TCHACOROUDOU: Ministry of Human Rights and the Consolidation of Democracy, in charge of implementing the recommendations of the Truth, Justice and Reconciliation Commission

**List of representatives of civil society organizations who participated in the drafting of the report**

1. Mr. Kossi Mawulikplim WOMEY: Centre d'Information de Formation de Recherche et d'Assistance en Droit (CIFRAD)
2. Mr. Kokouda CHARDEY: As Togo Un
3. Mr. Kokou Amen HLOMEWOO: RAS + TOGO
4. Mr. Agbetoglo Mawulolo Amen AVEGNON: Réseau des Femmes Africaines Ministre et Parlementaire -TOGO
5. Mr. Adjévi-Zan LASSEY: Amnesty International
6. Mr. Manzama-Esso KOLA: Différences Positives

**Resource persons who took part in the report drafting workshop**

1. Mr. Julien ATTAKLA-AYINON: Country Office in Togo of the Office of the United Nations High Commissioner for Human Rights
2. Mr. Jean Pierre ATALE: Country Office in Togo of the Office of the United Nations High Commissioner for Human Rights