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reports of States parties**

Togo*

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Introduction

1. Togo presented its combined third and fourth periodic reports on the implementation of the Convention on the Rights of the Child under article 44 of the Convention to the Committee on the Rights of the Child on 23 January 2012 at its fifty-ninth session. The Committee adopted its concluding observations on 3 February 2012 at its 1697th meeting.
2. In its concluding observations, the Committee invited Togo to submit an updated core document in accordance with the relevant requirements along with its combined fifth and sixth periodic reports on the implementation of the Convention.
3. In compliance with the concluding observations, Togo hereby submits its updated common core document.
4. The document has three parts. The first sets out general information about Togo, the second addresses the legal and institutional framework for the promotion and protection of human rights, and the third provides information on non-discrimination and equality and effective remedies.

Part one: General information about Togo

5. This section provides a brief overview of the geography, political and administrative organization, economy and population of Togo.

A. Geographical information

6. Located on the southern edge of West Africa, Togo has a surface area of 56,600 km² and is bordered by Burkina Faso to the north, the Gulf of Guinea to the south, Benin to the east and Ghana to the west. It lies between latitudes 6° and 11° north and longitudes 0° and 2° east, stretches 600 km from south to north and varies in width from 50 km on the coast to 150 km between latitudes 7° and 8° north. Its geographical location and deep-water port make it a major trade hub for countries in the subregion.
7. Togo is well known for the sheer diversity of its landscape, with a sandy coastline in the south, verdant valleys and small mountains in the centre, and arid plains and vast savannahs dotted with baobab trees in the north. It has a wide variety of landforms due to its low-lying but relatively contrasting geological composition. The most notable feature of this landscape is the Togo mountain range, the highest peak of which is Mount Agou at 986 m. It forms part of the Atakora range that cuts across Togo from Benin in the north-east to Ghana in the south-west.
8. In general, Togo enjoys a tropical climate due to its latitude, although weather conditions vary markedly between the southern and northern regions. The changes in elevation influence the country's climate, which is described as the tropical Guinean climate in the south and the tropical Sudanese climate in the north.
9. The Togolese river system comprises the following three main basins:
 - The Volta basin in the north, which is drained by the Oti River and its tributaries (the Kéran, Koumongou and Kara), the Sansargou and the Mô
 - The Mono basin in the centre and south-east, with the Mono River and its tributaries Anié, Amou and Ogou
 - The Lake Togo basin in the south, with the coastal Zio and Haho rivers

B. Political information

10. The current political and administrative organization of Togo is a legacy of its colonial past. After a period of German colonization, Togo was held under British rule and French mandate. Having been a German protectorate since 1884, Togo was split into two territories

after the signing of the Peace Treaty of Versailles, with the territories first being placed under a League of Nations mandate and then under the trusteeship of the United Nations, which put them in the hands of the United Kingdom and France. In 1956, British Togoland (33,800 km²) was attached to the Gold Coast, which became the independent State of Ghana. The remaining 56,600 km² of territory gained independence on 27 April 1960 and became the Togolese Republic.

11. Since 1960, Togo has had four republics. The first republic was established on 14 November 1960 with a presidential system of government, the second on 11 May 1963 with a semi-presidential system, the third on 9 January 1980 with a presidential system and, lastly, the fourth on 14 October 1992 with a semi-presidential system and a multiparty National Assembly.

12. The process of democratization that began in the 1990s was marked by political crises that worsened during the presidential elections of April 2005, after the death of President Gnassingbé Eyadema.

13. A political dialogue was held with a view to putting an end to these crises, leading to the signing of the Global Political Agreement in April 2006.

14. Pursuant to the agreement, the Truth, Justice and Reconciliation Commission was established on 25 February 2009 as a transitional justice mechanism to put forward proposals on how to “promote national cohesion by shedding light on the political causes and human rights violations that marked the history of Togo from 1958 to 2005”.

15. After two years and ten months of intense work, this commission submitted its final report to the Head of State, on 3 April 2012. The report contained 68 recommendations to the Government, institutions and the public.

16. The High Commission for Reconciliation and Strengthening National Unity, established in 2014, is responsible for implementing the recommendations and the programme developed by the Truth, Justice and Reconciliation Commission to provide reparation to victims of the political events that occurred in Togo between 1958 and 2005.

17. To carry out its work, the High Commission has prepared a plan of action to implement the Truth, Justice and Reconciliation Commission’s 68 recommendations. One area of focus under the plan is reparation that aims to bring peace to victims and the Togolese people and alleviate their physical, moral and psychological pain and suffering.

18. In the first phase of reparation, 2 billion CFA francs (CFAF) were released to compensate victims. In that phase, 2,510 victims received not only financial compensation, but also medical and psychological care.

19. In the second phase, CFAF 5 billion were released, and the number of victims compensated rose to 7,660 as at August 2019, with a reported satisfaction rate of 99.2 per cent among the victims.

20. In total, between 12 December 2017 and 21 December 2019, over 8,725 victims were covered with the total budget of CFAF 6,370,770,000.

21. The process is continuing with community and collective reparation, pursuant to the Commission’s recommendation No. 54.

C. Administrative information

22. The country is divided into 5 administrative regions that are further subdivided into 39 prefectures. There are 117 municipalities, including the municipality of Lomé, which is subdivided into 5 boroughs.

23. The Autonomous District of Greater Lomé is a special territorial unit, created to carry out functions relating specifically to the capital, as some of the capital’s planning, maintenance and operational needs fall outside the competence of the municipalities.

24. The five administrative regions are, from south to north, Maritime, Plateaux, Centrale, Kara and Savanes. The prefectures are divided into cantons, and the cantons into villages.

25. The decentralization process started by the Government led to municipal elections being held on 30 June 2019.

D. Sociocultural information

26. The population of Togo is growing rapidly, at an average annual rate of 2.84 per cent, with a life expectancy at birth of 60.8 years (56.4 years for men and 64.2 years for women). The most recent general population and housing census, conducted in November 2010, puts the country's population at around 6,191,155, with women and girls accounting for 51.1 per cent of that number. The population is extremely young: 42 per cent of the inhabitants of Togo are under 15 years of age, 61 per cent are under 25 and only 5.5 per cent are 60 or older. Nearly three quarters of the population lives in rural areas, and persons with disabilities make up 1.6 per cent of it.

27. While the population is mainly rural, with 62 per cent of inhabitants living in rural areas, large-scale rural-urban migration is leading to rapid urbanization as individuals move from the countryside to cities and also abroad in search of economic opportunities. These movements have been directed primarily towards the urban area of Lomé, the capital, which is home to 23.9 per cent of the population.

28. There is a high degree of ethnic diversity among the population and this is marked by its cultural richness, as each ethnic group has its own ancestral traditions. Since the 1970s, the Government has been implementing policies to raise the status of positive cultural traditions by celebrating each ethnic group's traditional harvest festivals and initiation, religious and commemorative ceremonies. Such collective celebrations foster the mutual understanding and social cohesion that are conducive to the development of a national culture.

29. Togo has around 40 ethnic groups. These are divided on the basis of shared characteristics into five main families:

- The Adja-Ewe, with the largest ethnic groups in this family being the Ewe, the Ouatchi and the Guin
- The Akposso-Akebou, composed of the Akposso and the Akebou
- The Ana-Ifè, comprising the Ana and the Ifè
- The Tem-Kabyè, whose largest members are the Kabyè, Kotokoli, Losso and Lamba ethnic groups
- The Para-N'gourma, which is made up of several ethnic groups, the largest of which are the Moba and the Gourma

30. Other families bring together the Hausa, the Fulani and many other ethnic groups whose kinships do not allow them to be classified in the above-mentioned groups. These different ethnic groups coincide with the language or dialect of the populations concerned.

31. The following table presents the various ethnic groups.

Population distribution by ethnic group and sex

<i>Ethnic group</i>	<i>Male</i>		<i>Female</i>		<i>Total</i>	
	<i>No.</i>	<i>%</i>	<i>No.</i>	<i>%</i>	<i>No.</i>	<i>%</i>
Adja (Ehoué)	111 461	3.86	121 235	3.96	232 696	3.91
Anio	1 177	0.04	1 390	0.05	2 567	0.04
Ewe	632 637	21.91	691 520	22.58	1 324 157	22.25
Fon	26 185	0.91	26 836	0.88	53 021	0.89
Kpessi	1 777	0.06	1 932	0.06	3 709	0.06
Mina (Guin)	130 949	4.54	142 723	4.66	273 672	4.60
Ouatchi	279 666	9.69	304 579	9.94	584 245	9.82

<i>Ethnic group</i>	<i>Male</i>		<i>Female</i>		<i>Total</i>	
	<i>No.</i>	<i>%</i>	<i>No.</i>	<i>%</i>	<i>No.</i>	<i>%</i>
Peda (Pla)	8 396	0.29	7 837	0.26	16 233	0.27
Adele	6 501	0.23	6 989	0.23	13 490	0.23
Akebou	31 876	1.10	31 259	1.02	63 135	1.06
Akposso	59 343	2.06	63 026	2.06	122 369	2.06
Anyangan (Agnangan)	7 324	0.25	7 681	0.25	15 005	0.25
Ahlon	1 997	0.07	2 123	0.07	4 120	0.07
Ana-Ifè	80 615	2.79	84 464	2.76	165 079	2.77
Nago/Yoruba	11 019	0.38	10 360	0.34	21 379	0.36
Kabyè	417 895	14.48	435 496	14.22	853 391	14.34
Kotokoli (Tem)	176 158	6.10	175 680	5.74	351 838	5.91
Losso, Lamba, Nawdum, Taoula	219 518	7.60	232 194	7.58	451 712	7.59
Bariba-Temberma	15 382	0.53	15 035	0.49	30 417	0.51
Bassar	47 704	1.65	49 348	1.61	97 052	1.63
Gourma	76 633	2.65	80 912	2.64	19 745	2.65
Kokomba	60 683	2.10	63 022	2.06	123 705	2.08
Moba	240 376	8.33	257 733	8.41	498 109	8.37
Mossi	10 631	0.37	10 596	0.35	21 227	0.36
N'gam-gam	29 343	1.02	31 627	1.03	60 970	1.02
Tchamba	33 542	1.16	32 566	1.06	66 108	1.11
Tchokossi (Anoufo)	38 073	1.32	39 570	1.29	77 643	1.30
Yanga	11 102	0.38	10 924	0.36	22 026	0.37
Bassila	464	0.02	471	0.02	935	0.02
Hausa	7 596	0.26	7 304	0.24	14 900	0.25
Fulani	54 831	1.90	54 529	1.78	109 360	1.84
Other Togolese ethnic groups	55 588	1.93	61 839	2.02	117 427	1.97
Unidentified	376	0.01	325	0.01	701	0.01
Total	2 886 817	100	3 063 126	100	5 949 943	100

Source: Study conducted by the demographic research unit, August 1989.

32. The official language of Togo is French. Ewe and Kabyè have been national languages since 1980.

E. Economic information

33. Between 2015 and 2017, the poverty rate fell by 1.6 points, from 55.1 per cent to 53.5 per cent, according to a 2017 study by the National Institute of Statistics and Economic and Demographic Research.

34. The percentage of the population identified as poor has decreased since 2011, when it was 58.7 per cent. The statistics show that this decline in poverty has occurred in both rural and urban areas.

35. This significant decrease has resulted from the various poverty reduction policies pursued by the Government in recent years, which have involved the implementation of programmes to promote economic, social and cultural rights under the Strategy for Accelerated Growth and Job Creation. These include programmes to improve public financial management and step up anti-corruption efforts, improve the business climate,

strengthen partnerships and increase the effectiveness of official development assistance, and improve planning and the national statistical system.

36. The Government uses these programmes as tools to enhance economic governance in order to keep up the pace of development seen in the last few years.

Fiscal consolidation, streamlining of the expenditure chain and anti-corruption efforts

37. Togo has been improving its public finances since 2010, with support from the International Monetary Fund, through the preparation of medium-term expenditure frameworks and a medium-term budgetary framework.

38. The Government has also established bodies such as the Inspectorate General of Finance, the Inspectorate General of State, the Court of Audit, the National Financial Information Processing Unit and the Central Office for the Prevention of Drug Trafficking and Money-Laundering under the Directorate General of the National Police.

39. Furthermore, Togo has made strides toward greater transparency by joining the Extractive Industries Transparency Initiative and the African Peer Review Mechanism.

40. There has been clear improvement with respect to the primary deficit, with there being a surplus of 1.4 per cent of gross domestic product (GDP) in the first half of 2017, compared to an average annual primary deficit of around 6 per cent of GDP between 2013 and 2016. The improvement is mainly due to cost containment and the discontinuation of unorthodox financing of public investment projects. The public debt is expected to decline from its peak of 79.4 per cent of GDP at end 2016 to 77.3 per cent of GDP by end 2017. The latest estimates point to a 4.9 per cent increase in economic activity for 2017, in a context of low inflation. The current account deficit remains large but is expected to gradually decrease.

41. Thanks to these reforms, the country's performance has improved in the assessment reports of several international institutions. For example, Togo was ranked among the top three countries in Africa to have implemented reforms according to the report on the 2017 Ibrahim Index of African Governance issued by the Mo Ibrahim Foundation.

42. The reforms have made Togo more attractive, led to higher rates of investment and stimulated economic growth, which has been increasing steadily since 2008.

Improvements to the business climate

43. The business climate has improved considerably in Togo in recent years, thanks in part to the creation of a centre to help with business formalities and the design and launch of a website where the procedures for establishing, modifying and closing a business are published. The Government has taken the appropriate steps to facilitate day-to-day business in Togo, thereby opening the door to economic transformation by consistently focusing on reforms that will improve its ranking in the World Bank Group's annual *Doing Business* report.

44. As a result, since 2016, it has taken an average of one day to set up a business, for a one-time fee of CFAF 5,000.

45. The restructuring of the Business Formalities Centre has led to the creation of a true single window to set up a business.

46. The Council of Ministers issued a decree on 25 August 2016 to enable the Investment and Free Zone Promotion Agency to respond to the large and growing number of pending applications for investment authorizations. The decree amended the provisions of Decree No. 2013-092/PR and restructured the Agency's supervisory board and board of directors, whose members are to be chosen solely on the basis of their moral integrity, qualifications and demonstrated professional experience.

47. The advantage of having the Agency in operation is that it provides a boost to national and international investment in all economic sectors, which will help create jobs and wealth for the people.

48. The business climate has been further improved through the implementation of a financial sector development strategy that enables banks, microfinance institutions and

decentralized financial systems to reduce credit risk and the cost of credit. The modernization of the justice system and the strengthening of anti-corruption measures have also fostered private sector development and foreign direct investment in a stable political environment.

49. Thanks to these various measures, Togo rose 40 places in the ranking of the 2020 *Doing Business* report, released by the World Bank on Thursday, 24 October 2019, after having already made an appreciable jump of 19 places in 2019.

50. For the second consecutive year, Togo was named one of the top 10 countries in the world with the most significant economic reforms.

51. Togo is ranked third among economies worldwide in terms of reform, after Saudi Arabia and Jordan, and first on the African continent.

Outlook

52. With the roll-out of its 2018–2022 national development programme, Togo targeted even more ambitious development objectives aimed at putting the country on track to having an emerging economy by 2030. The programme focuses on:

- Establishing a top-tier logistics hub and a business centre that is among the best in the subregion
- Developing growth centres for the processing of agricultural products, manufacturing and the extractive industries
- Consolidating social development and strengthening inclusion mechanisms

53. The national development programme came out of an intensely participative process that involved various stakeholders from the public services, State institutions, the private sector, civil society and technical and financial partners. It now serves as the reference document that will guide government action and the country's relations with all of its partners.

54. An estimated CFAF 4,622.2 billion will be required to implement the development programme over the period 2018–2022. Of that total amount, CFAF 1,623.1 billion, or 35 per cent, is expected to come from government investment spending and CFAF 2,999.1 billion, or 65 per cent, from private investment.

Part two: Legal and institutional framework for the protection and promotion of human rights

A. Legal framework

55. The legal framework for the promotion and 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 instruments, laws and regulations.

56. The Constitution contains provisions that safeguard human rights, such as the rights to life (art. 13), a fair trial (art. 19), freedom of thought, conscience, religion, worship, opinion and expression (art. 25), health (art. 34) and education (art. 35).

57. Article 50 of the Togolese Constitution of 14 October 1992 states that “the rights and duties enshrined in the Universal Declaration of Human Rights and in the international human rights instruments ratified by Togo shall be an integral part of this Constitution”.

58. Under article 140 of the Constitution, “treaties or agreements duly ratified or approved shall, upon publication, take precedence over other laws, subject in each case to the application of the agreement or treaty by the other party”.

59. The procedures for exercising the various rights set forth in the Constitution are established in laws passed by the National Assembly and regulations issued by the Government.

60. The most important pieces of legislation include the following:
- Land and Property Code (Act No. 2018-005 of 14 June 2018)
 - Organic Act No. 2018-006 of 20 June 2018 on the Composition, Organization and Operation of the National Human Rights Commission
 - Act No. 2016-027 of 11 October 2016 amending the new Criminal Code (Act No. 2015-010 of 24 November 2015)
 - Refugees Act (Act No. 2016-021 of 24 August 2016)
 - Act on Freedom of Access to Public Information and Documentation (Act No. 2016-006 of 30 March 2016)
 - Act on the Establishment of the High Authority for the Prevention of Corruption and Similar Offences (Act of 2015)
 - Special Regulations of the National Police Act (Act of 2015)
 - Act on the Modernization of State Activities to Promote the Economy (Act No. 2014-014 of 22 October 2014)
 - Fiscal Transparency Code (Act No. 2014-009 of 11 June 2014)
 - Code of Persons and the Family (Act No. 2012-014 of 6 July 2012), as amended by Act No. 2014-019 of 17 November 2014
 - Status of the Opposition Act (Act No. 2013-015 of 13 June 2013)
 - Electoral Code (Act No. 2012-002 of 29 May 2012, as amended by Act No. 2013-004 of 19 February 2013 and Act No. 2013-008 of 22 March 2013)
 - Organic Act No. 2013-016 of 8 July 2013 on the High Audiovisual and Communications Authority
 - General Civil Service Regulations Act (Act No. 2013-002 of 21 January 2013)
 - Act No. 2011-010 of 16 May 2011 laying down the conditions for the exercise of the right to peaceful public assembly and demonstration, as amended by the Act of 7 August 2019, with a view to providing better support for the right to demonstrate and ensuring public safety
 - Social Security Code (Act No. 2011-006 of 21 February 2011)
 - Act No. 2010-018 of 31 December 2010 amending the HIV/AIDS Protection Act (Act No. 2005-012 of 14 December 2005)
 - Act on Public Drinking Water and Centralized Household Wastewater Treatment Services (Act No. 2010-006 of 18 June 2010)
 - Water Code (Act No. 2010-004 of 14 June 2010)
 - Abolition of the Death Penalty Act (Act No. 2009-011 of 24 June 2009)
 - Act on the Organization of the Civil Registry System (Act No. 2009-010 of 11 June 2009)
 - Biosafety Act (Act No. 2009-001 of 6 January 2009)
 - Organic Act No. 2003-021 of 9 December 2003 establishing the powers of the Office of the Ombudsman and the composition, organization and running of its services
 - Press and Broadcasting Code (Act No. 98-004 of 11 February 1998), as amended by 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
 - Social Protection of Persons with Disabilities Act (Act No. 2004-005 of 23 April 2004)
 - 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)
 - Act on Mandatory Health Insurance for Civil Servants and Those in a Similar Category (Act No. 2011-003 of 18 February 2011)
 - Trafficking in Children Act (Act No. 2005-009 of 3 August 2005)
61. In addition, Togo is a party to almost all the international and regional human rights instruments.
62. Togo has become a party to regional instruments such as the:
- Organization of African Unity Convention (OAU) Convention on the Prevention and Combating of Terrorism, on 3 January 2003
 - OAU Convention Governing the Specific Aspects of Refugee Problems in Africa, on 10 April 1970
 - Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights, on 23 June 2003
 - African Youth Charter, on 28 December 2008
 - African Union Non-Aggression and Common Defence Pact, on 29 June 2007
 - African Union Convention on Preventing and Combating Corruption, on 14 September 2009
 - African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention), on 8 July 2011
 - Protocol relating to the Establishment of the Peace and Security Council of the African Union, on 23 February 2004
 - Protocol to the Treaty Establishing the African Economic Community Relating to the Pan-African Parliament, on 3 January 2003
 - Protocol on Amendments to the Constitutive Act of the African Union, on 10 January 2007
 - Constitutive Act of the African Union, on 30 August 2000
 - Treaty Establishing the African Economic Community, on 5 May 1998
63. At the international level, Togo has become a party to the:
- International Covenant on Civil and Political Rights, on 24 May 1984, and the protocols thereto:
 - Optional Protocol to the International Covenant on Civil and Political Rights, on 30 March 1988
 - Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, on 14 September 2016
 - International Covenant on Economic, Social and Cultural Rights, on 24 May 1984
 - Convention on the Rights of the Child, on 1 August 1990
 - Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, on 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, on 14 November 2008
 - Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption, on 14 November 2010

- Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, on 28 November 2005
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, on 18 November 1987, and the Optional Protocol thereto, on 20 July 2010
- Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto, on 1 March 2011
- Convention on the Elimination of All Forms of Discrimination against Women, on 26 September 1983
- International Convention for the Protection of All Persons from Enforced Disappearance, on 21 July 2014

64. These treaties ensure that citizens are legally protected and allow them to call for their observance.

B. Institutional framework

65. The institutional framework comprises the executive, legislative and judicial branches of government, and regulatory institutions and bodies and a system of checks.

Executive branch

66. Under the 1992 Constitution, executive power is exercised as follows:

- The President of the Republic is freely elected by direct, universal suffrage, under conditions of equality and with the use of a secret ballot, and serves a five-year term that may be renewed only once. The President remains in power until his or her elected successor takes office (Constitution, new art. 59).
- The President is elected in a two-round majoritarian voting system. A candidate must receive an absolute majority of the votes cast to be elected President. If no candidate receives an absolute majority in the first round of voting, a second round is held 15 days after the final results of the first round are announced (Constitution, new art. 60).
- The Prime Minister is the Head of Government appointed by the President to lead and coordinate the work of the Government (art. 78).

Legislative branch

67. The legislature enacts laws and monitors the Government's activities. Legislative power is delegated by the people to a parliament with two chambers: the National Assembly and the Senate.

68. Members of the National Assembly are called deputies and members of the Senate are called senators (Constitution, art. 51).

69. As the Senate is not yet operational, its duties are temporarily being carried out by the National Assembly. The current National Assembly is composed of 91 deputies elected by direct universal suffrage.

Judicial branch

70. The judicial branch safeguards citizens' individual liberties and fundamental rights. Article 1 of the Constitution establishes the principle of the rule of law. Justice is administered on behalf of the people by the courts (Constitution, art. 112).

71. The independence of the judicial branch is established in article 113 of the Constitution and under Organic Act No. 96-11 of 21 August 1996 on the Judicial Corps, as amended by Act No. 2013-007 of 25 February 2013. This independence is further strengthened by the security of tenure granted to judges under article 114 of the Constitution.

72. The Judicial Code (Act No. 2019-015 of 30 October 2019) is the basic law on judicial bodies and provides for ordinary courts and special courts.

73. The ordinary courts include the Supreme Court, courts of appeal and courts of appeal for criminal matters, *tribunaux de grande instance* (courts of major jurisdiction) and criminal courts, *tribunaux d'instance* (courts of minor jurisdiction) hearing civil and criminal cases, and courts of minor jurisdiction hearing only civil cases.

74. The special courts of law include labour courts, commercial courts, juvenile judges and juvenile courts, the military court and the military court of appeal.

75. The Supreme Court is the State's highest court in judicial and administrative matters. It has two divisions: the judicial division and the administrative division.

76. To meet the need for the timely administration of justice, Togo began modernizing its judicial system and recruited at least 20 judges and as many court registrars each year between 2005 and 2011. A new round of recruitment took place in 2019.

77. A training centre was established in 2010 to provide both initial and in-service training to professionals working in the judicial system.

State and other institutions

Constitutional Court

78. Article 99 of the Constitution provides: "The Constitutional Court is the highest court of the State in constitutional matters. The Court decides on the constitutionality of laws and safeguards fundamental human rights and public freedoms. It is responsible for regulating the institutions and acts of the public authorities."

79. The Constitutional Court announces the final results in presidential and legislative elections and referendums and settles any disputes relating to them. It has broad powers to carry out previous checks and checks *ex post facto*. Its organization and functioning are governed by Organic Act No. 2004-004 of 1 March 2004.

National Human Rights Commission

80. The National Human Rights Commission, which was established by Act No. 87-09 of 9 June 1987 and recognized in article 152 of the Constitution of 1992, was restructured pursuant to Organic Act No. 2018-006 of 20 June 2018 on the Composition, Organization and Operation of the Commission. It is an independent body with legal personality and is subject to the Constitution and the law. Its members enjoy immunity while they are in office and for one year thereafter.

81. The Commission has been accredited with category A status by the Global Alliance of National Human Rights Institutions since 1999, and this status was granted to it again in October 2019.

82. The Commission's mission is to: (i) promote and protect human rights; and (ii) prevent torture and other forms of cruel, inhuman or degrading treatment, in places of deprivation of liberty or any other place that it may identify.

83. The Commission encompasses the national mechanism for the prevention of torture.

High Audiovisual and Communications Authority

84. The High Audiovisual and Communications Authority was created under Organic Act No. 96-10 of 21 August 1996, as amended by Organic Act No. 2004-021 of 15 December 2004 and by Organic Act No. 2018-029 of 10 December 2018 amending Organic Act No. 2004-021 of 15 December 2004 on the High Audiovisual and Communications Authority.

85. According to article 130 of the Constitution: "The function of the High Audiovisual and Communications Authority is to ensure that the press and other mass media are free and protected. It shall ensure that ethical standards are observed in the dissemination of information and communications and that political parties and associations have equitable access to official outlets for the dissemination of information and communications."

86. The Authority ensures that values, morals and cultural heritage are preserved and protected in the making and showing of films and broadcasting of radio and television productions.
87. It also monitors media advertising, particularly in the area of health (Organic Act, art. 22).
88. It is an independent institution whose members enjoy immunity during their term of office and for one year thereafter (Organic Act, arts.1 and 13).

Ombudsman

89. The position of Ombudsman was created under article 154 of the Constitution as an independent administrative authority. The office holder is appointed by the President for a term of three years and is responsible for investigating citizens' claims and complaints regarding failings of the Government, the territorial units, public bodies or any entity charged with providing a public service, with a view to reaching an amicable settlement. The Office of the Ombudsman is organized and operates under Organic Act No. 2003-021 of 9 December 2003.
90. The Ombudsman currently in office was appointed in December 2014.

Court of Audit

91. The Court of Audit was established under Act No. 98-14 of 10 July 1998 on the Organization and Operation of the Court of Audit. It reviews the books of government accountants and assists the parliament and the Government in monitoring the enforcement of budget laws.
92. According to the new article 107 of the Constitution,
 “The Court of Audit and the Regional Courts of Audit review the records kept by public accounting officers.
 The Court of Audit and the Regional Courts of Audit carry out audits of the accounts and the management of public institutions and public corporations.
 The Regional Courts of Audit are responsible, within their territorial jurisdiction, for reviewing the accounts and the management of the territorial authorities and their public institutions.
 The Court of Audit and the Regional Courts of Audit exercise judicial powers in matters involving the budgetary and financial discipline of officials authorized to approve payments and those authorized to do so by proxy, programme managers, financial controllers, bodies responsible for public procurement and government accountants. They hand down penalties for any breaches of the rules governing the relevant operations. They assist the parliament and the Government in monitoring the enforcement of budget laws.
 They carry out any studies relating to public funds or accounts that may be requested by the Government, the National Assembly, the Senate or the Economic and Social Council.
 The Court of Audit prepares and submits an annual report on its work and the work of the Regional Courts to the President, the Government and the National Assembly. The report indicates any violations that may have occurred, the liability incurred and the Court's recommendations.”

High Commission for Reconciliation and Strengthening National Unity

93. The High Commission for Reconciliation and Strengthening National Unity was put in place under Decree No. 2014-103/PR amending the decree on the establishment of the High Commission for Reconciliation and Strengthening National Unity, Decree No. 2013-040/PR of 24 May 2013, in accordance with recommendation No. 58 of the Truth, Justice and Reconciliation Commission. The High Commission is charged with implementing the

recommendations and programme of reparation prepared by the Truth, Justice and Reconciliation Commission.

94. The High Commission's duties therefore include:

- Proposing relevant legislative, regulatory or institutional measures incorporating aspects of the Commission's recommendations on combating impunity, guarantees of non-repetition and compensation for victims
- Proposing to the President any measures that may help it to fulfil its mandate
- Managing the funding of the reparation programme
- Taking steps to bring about the peaceful social and political climate necessary for national reconciliation
- Promoting values of peaceful coexistence, a culture of dialogue and solidarity and the participation of citizens in community life on the basis of an acceptance of differences
- Ensuring that all national authorities and actors observe and achieve the goals of combating impunity and promoting reconciliation, peace and national unity
- Maintaining the records and property of the Commission during its existence

High Court of Justice

95. The High Court of Justice is the only court with jurisdiction over offences committed by the sitting and former Presidents of the Republic. The President may be held liable for political acts only in cases of high treason (Constitution, new art. 127).

Supreme Council of Justice

96. The Supreme Council of Justice was established under Organic Act No. 97-04 of 6 March 1997, the act on its organization and functioning.

97. It serves as a disciplinary board for the judicial corps. Its decisions must be reasoned, and they are published in their entirety. The applicable penalties and procedures are set forth in the Organic Act on the judicial corps (Constitution, new art. 116).

Head of the opposition

98. The implementing decree on the Status of the Opposition Act (Act No. 2013-015 of 13 June 2013) sets out the privileges accorded to the head of the opposition, who, under State protocol, has the status of the head of an institution and is therefore entitled to the financial and material benefits set by decree by the Council of Ministers (art. 26).

99. Under article 24 of the Act, the head of the opposition is the leader of the opposition party that has the most deputies in the National Assembly.

100. If multiple parties hold the same number of seats, the head of the opposition is the leader of the party that received the most votes in the most recent legislative elections.

101. A head of the opposition ceases to hold that post when he or she dies, resigns, ceases to be the leader of the party on whose behalf he or she held the position, receives a final sentence of imprisonment or accepts a post incompatible with party leadership or the Constitutional Court duly finds that there is a lasting impediment (art. 27).

After the legislative elections of December 2018, Mr. Gilchrist Olympio, leader of the political party Union des Forces de Changement (UFC), became the new head of the opposition.

Independent National Electoral Commission

102. The Independent National Electoral Commission, established under Act No. 2012-002 of 29 May 2012, as amended by Act No. 2013-004 of 19 February 2013 and Act No. 2013-008 of 22 March 2013, is the institution responsible for organizing and supervising referendums and elections. It ensures that the vote is legal, secure and transparent and that voters and candidates may freely exercise their rights.

Economic and Social Council

103. The Economic and Social Council will be established shortly. It will have 70 members from all sectors of the economy.

Part three: Information on non-discrimination and equality and effective remedies

A. Non-discrimination and equality

104. The Togolese Constitution contains provisions relating to the elimination of all forms of discrimination. Article 2 provides that the State guarantees the equality of all citizens before the law, without distinction as to origin, race, sex, social status or religion. The State respects all political and philosophical views and all religious beliefs.

105. Article 7 provides that political parties and groupings of political parties must respect the Constitution and that their identity may not be based on any particular region, ethnic group or religion.

106. Article 11 provides that all human beings are equal in dignity and in rights. Men and women are equal in dignity and in rights. No person may be favoured or disadvantaged as a result of his or her family background, ethnic or regional origin, social or economic status, or political, religious, philosophical or other convictions.

107. Article 25 guarantees the right to freedom of thought, conscience, religion, worship, opinion and expression without any discrimination.

108. Article 3 of the Charter of Political Parties prohibits the use of, or incitement to, violence and hatred and all forms of tribalism, ethnocentrism, regionalism, racism, xenophobia and religious intolerance.

109. An entire section of the new Criminal Code is devoted to discrimination (section 2, entitled "Discrimination"). Articles 304 to 310 under paragraph 1 of this section define and punish discrimination in general while articles 311 to 313 under paragraph 2 deal with discrimination against women and articles 314 to 316 under the final paragraph deal with discrimination against persons living with HIV/AIDS.

110. A law on combating discrimination against persons living with HIV/AIDS was adopted on 31 December 2010.

111. The Persons and Family Code and the General Civil Service Regulations also guarantee the equality of citizens before the law. These laws do not authorize any discrimination on the grounds of race, colour, sex, religion or any other characteristic.

B. Effective remedies

112. Every citizen has the right to be heard before the courts. Remedies may also be sought through non-judicial mechanisms.

Legal remedies

113. Judicial protection of human rights is ensured by the ordinary courts and the Constitutional Court, which is the highest court responsible for constitutional matters.

Remedies sought before the Constitutional Court

114. The new article 104 of the Constitution provides that the Constitutional Court is responsible for ensuring compliance with the Constitution. The Court rules on the legality of referendums and presidential, legislative and senatorial elections. It issues rulings on disputes arising from such referendums and elections and determines whether laws are in compliance with the Constitution.

115. Before being promulgated, laws may be referred to the Court by the President of the Republic, the Prime Minister, the President of the National Assembly, the President of the Senate, the President of the High Audiovisual and Communications Authority, the President of the Economic and Social Council, the President of the National Human Rights Commission, the President of the Supreme Council of Justice, the Ombudsman, the chairs of the parliamentary groups or one fifth of the members of the National Assembly or the Senate.

116. For the same purposes, organic laws must be submitted to the Court before they are promulgated and the rules of procedure of the National Assembly, the Senate, the High Audiovisual and Communications Authority, the Economic and Social Council, the National Human Rights Commission and the Supreme Council of Justice must be submitted to it before they are implemented.

117. A request for an opinion on the meaning of constitutional provisions may be submitted to the Constitutional Court by the President of the Republic, the Prime Minister, the President of the National Assembly, the President of the Senate, the President of the High Audiovisual and Communications Authority, the President of the Economic and Social Council, the President of the National Human Rights Commission, the President of the Supreme Council of Justice, the Ombudsman and the chairs of parliamentary groups.

118. An organic law determines the other authorities and legal persons that may bring cases concerning the protection of fundamental rights before the Constitutional Court.

119. In the course of judicial proceedings, any natural or legal person may, at the start of the proceedings, challenge the constitutionality of a law before the courts. In such cases, the court stays the proceedings and refers the matter to the Constitutional Court.

120. The Constitutional Court must issue a ruling within one month. In emergency situations, however, this period may be reduced to eight days. An instrument that is declared to be at variance with the Constitution may not be promulgated. If it has already been implemented, it must be removed from the legal system.

121. The Constitutional Court sets forth opinions on orders issued under articles 69 and 86 of the current Constitution (art. 105).

122. Proceedings before the Constitutional Court are adversarial. The parties are given an opportunity to put forward their observations.

123. The decisions of the Constitutional Court are not appealable. They are binding on the public authorities and on all civil, military and legal authorities and legal and natural persons (art. 106).

124. In electoral matters, the Constitutional Court is responsible for ruling on disputes concerning elections for parliamentary seats or the presidency and also challenges to voting operations and the election results announced by the Independent National Electoral Commission (art. 63).

125. Any candidate or list may challenge the legality of an election by submitting a complaint to the Constitutional Court within 48 hours of a presidential election or within 72 days of a legislative election, from the time of publication of the results. The complaint must set out the complainant's grievances. If the Constitutional Court's examination of the case reveals serious irregularities of a kind that cast doubt on the validity of the overall result of the election, the Court will declare the election to be null and void.

126. If an election is declared null and void, the Government, in accordance with a joint proposal issued by the Independent National Electoral Commission and the Electoral Administration, will set the date of a new election, to take place no more than 60 days after the date on which the nullification order was issued.

Remedies sought before the courts

127. Justice is administered without any discrimination on grounds of gender, religion or financial resources.

128. Article 19 of the Constitution provides that all persons, in all matters, are entitled to a fair and prompt hearing before an independent and impartial court.

129. A number of legal provisions, including articles 1 and 2 of the Code of Criminal Procedure and article 3 of the Code of Civil Procedure, recognize the right of all persons to bring a case before the Togolese courts.

130. Persons brought before the ordinary courts enjoy the rights established for any individual on trial as well as the rights provided for in criminal proceedings, including the right to a public hearing and to a defence.

131. In accordance with article 21 of the Constitution, which provides that no person may be subjected to torture or other forms of cruel, inhuman or degrading treatment, persons being prosecuted have the right to respect for their physical and mental integrity.

132. At all stages in the proceedings, persons being prosecuted enjoy all the rights provided for in the Constitution and the international human rights instruments to which Togo is a party.

133. The Constitution provides that the judiciary is responsible for safeguarding human rights and public freedoms. The second paragraph of article 18 provides that the judiciary, as the body tasked with safeguarding individual liberty, will ensure respect for this principle under the conditions stipulated by law.

134. Victims of a violation of human rights may refer the matter to the courts in accordance with the Code of Civil Procedure of 15 March 1982, the new Criminal Code, the Code of Criminal Procedure or article 1382 of the French Civil Code, which remains in force in Togo. However, if a victim wishes to seek a remedy under the Criminal Code, the violation that is the subject of the prosecution must first be covered in the Criminal Code and a penalty must be prescribed for the perpetrator of the violation.

135. In practice, the cost and slowness of legal proceedings restrict the number of remedies sought and deter many people from taking legal action.

136. Defendants are protected by a number of rights, including the right to be treated in a manner that does not impair their physical and mental health, the right to be examined by a doctor of their choice and the right to be assisted by counsel during the preliminary investigation (art. 16 of the Constitution).

137. In order to enable all members of the public, without distinction of any kind, to go to court in accordance with the principle of equity, a law providing for legal aid was adopted in 2013.

138. Each time the Lomé Bar Association formally reassembles, it organizes free legal aid sessions for accused persons and defendants who cannot afford a lawyer.

Non-judicial remedies

139. Non-judicial remedies include those that may be sought before the National Human Rights Commission, the Ministry of Human Rights, the Ombudsman and the legal advice centres, those specifically available to government officials, private sector workers, workers employed in export processing zones and those open to any interested person or member of the public.

National Human Rights Commission

140. The referral of cases to the National Human Rights Commission and the settlement of cases involving human rights violations are governed by articles 35 to 45 of the Organic Act on the Commission's composition, organization and operation.

Referral procedure

141. Any person who considers himself or herself to be a victim of the violation of a human right, or any third party or civil society organization, may submit a written or oral application to the Commission.

142. At the request of its President or one of its members, the Commission takes up, on its own initiative, cases of human rights violations brought to its attention.

Admissibility criteria

143. In order to be declared admissible, applications must:
- Specify the complainant's identity and address
 - Specify the type of violation committed
 - Not relate to facts that are already before the courts, except where a miscarriage of justice has clearly occurred
 - Not contain any abusive or insulting language aimed at the official or administration concerned

Resolution of cases of human rights violations

144. The Commission deals promptly with the applications addressed to it. When the Commission considers that the admissibility criteria have been met, it appoints a special rapporteur from among its members, or establishes a working group, depending on the nature of the case, for the purpose of examining the case.

145. The special rapporteur or working group may propose an amicable settlement of the violation within the bounds of the law. Should this prove successful, a detailed report is sent to the Commission so that it may approve it and close the case.

146. Otherwise, the special rapporteur or working group submits a report to the Commission so that it may issue a ruling.

147. In such cases, the executive board meets within 48 hours in order to rule on the report. If the Commission is unable to meet within the prescribed time, or if, owing to the lack of quorum, it cannot validly deliberate, the President of the Commission is empowered to exercise the powers vested in the executive board.

148. In the course of his or her investigations, the special rapporteur is empowered to:
- Inform the official or administration concerned of the application with a view to receiving an explanation
 - Hear the victim, the official involved and any other person able to shed light on the case
 - Obtain access to any reports, records or other documents and any objects or premises connected with the investigation
 - Receive support, in the accomplishment of his or her mission, from the hierarchical superiors of the staff member involved

149. Where appropriate, the special rapporteur, together with the administration concerned, will look for a way of putting an end to the violation that is the subject of the complaint. He or she may appeal to any competent authority or administration required to stop violations proven to have taken place and may, if necessary, make recommendations for redress. Within 15 days of being appointed, he or she will submit a report on all the steps that he or she has taken and, where appropriate, will formulate opinions and recommendations to submit to the Commission, which will rule on the violation.

150. Should the violation continue, the Commission will meet immediately to consider the report submitted by the special rapporteur or working group and will adopt any measures that might bring the violation to an end, including:

- Appealing to the Head of State
- Appealing to the President of the National Assembly, who will report to the National Assembly
- Reporting the facts to the competent judicial authority

151. If the measures taken under article 40 prove to be ineffective, and if the Commission considers it necessary, it will immediately make the contents of the report public.

152. All persons summoned to a hearing held by the Commission are required to respond to the summons. If necessary, the Commission will ensure their protection.

153. Public or private service providers that are requested by the Commission to submit reports, records or other documents or objects pertinent to its investigation are required to do so.

154. The Commission may, in cooperation with the State prosecutor of the court that has regional jurisdiction, request the police force to ensure the appearance of any person who has been summoned but is refusing to comply with the summons or cooperate with the Commission.

155. Unless the Commission decides otherwise, human rights violations examined under the procedure set out in this section will be kept confidential, without prejudice to the Commission's right to refer to them anonymously in its periodic reports.

Ombudsman

156. See section B – Institutional framework.

Legal advice centres

157. Legal advice centres were established pursuant to Decree No. 2018-034/PR of 27 February 2018. This decision was intended to introduce conciliation and mediation as alternative dispute resolution mechanisms.

158. The main purpose of legal advice centres is to strengthen social harmony and promote free and prompt resolution of conflicts within families or between individuals or communities. They also provide citizens with information and guidance.

159. In one year of operation, 362 mediation and conciliation processes and 798 legal counselling sessions took place.

160. Five other locations have been identified as potential sites for new legal advice centres.

Supreme Council of Justice

161. The Supreme Council of Justice assists the President of the Republic in his or her task of guaranteeing the independence of the judiciary (Constitution, art. 115).

162. The Supreme Council is empowered to impose sentences on judges and can therefore suspend or demote them, delay their promotion and strike them off the bench, among other measures.

163. Its remit includes issuing its opinion on:

- The recruitment of any judge
- The appointment of prosecutors
- Requests for clemency and bills on amnesty
- Petitions of clemency

164. The Supreme Council is also responsible for recommending the appointment of judges, by decree, in the Council of Ministers. Every year, the Supreme Council reviews and adopts the promotion register for judges and tries to find solutions to claims filed by judges.

High Audiovisual and Communications Authority

165. Any individual or legal entity may refer any violation of legislation on the press or offences against the press to the High Audiovisual and Communications Authority with a view to reaching an amicable settlement in accordance with the Press and Communications Code (Organic Act, art. 66).

166. The decisions taken are reasoned and are enforceable once the media outlets concerned have been notified. Petitions for the annulment of the Authority's decisions may

be submitted to the administrative chamber of the Supreme Court. Such petitions must be filed within five days and a decision will be issued by the administrative chamber within one month (Act on the High Audiovisual and Communications Authority, art. 67).

167. The Authority may not receive complaints relating to facts dating back more than three years if no action has been taken to investigate or establish those facts or to punish the perpetrators (art. 68).

Public Procurement Regulatory Authority

168. The Public Procurement Regulatory Authority is governed by Decree No. 2011-182/PR of 28 December 2011, amending Decree No. 2009-296/PR of 30 December 2009 on the Mission, Remit, Organization and Operation of the Public Procurement Regulatory Authority.

169. Disputes arising from the conclusion or implementation of public contracts may be referred to the Authority.

170. Any applicant or tenderer who considers that he or she has been unfairly excluded from public procurement procedures may apply to the Authority's Dispute Resolution Committee in order to have his or her rights restored. Applications must be submitted by email or by registered letter, with acknowledgement of receipt, to the Chair of the Committee.

171. Any interested party may submit a complaint concerning an irregularity in the award or implementation of a public contract. Such complaints must be addressed to the Authority.

172. Complaints must be submitted by letter, by email or by calling the Authority's toll-free telephone number (80 00 88 88). Complaints may or may not be anonymous.

173. Complaints are not subject to any particular conditions. Their outcome depends only on the Authority's ability to establish the facts constituting the irregularity or violation of public procurement regulations.

High Authority for the Prevention and Fight against Corruption and Related Offences

174. The High Authority for the Prevention and Fight against Corruption and Related Offences was established pursuant to Act No. 2015-006 of 28 July 2015 providing for the establishment of the High Authority for the Prevention and Fight against Corruption and Related Offences.

175. The High Authority is responsible for promoting and strengthening the fight against corruption and related offences.

176. In order to prevent illicit enrichment, a draft organic law on the rules governing the declaration of property and assets by high-ranking officials, senior civil servants and other public officials was adopted by the Council of Ministers on 27 November 2019, in accordance with article 145 of the Constitution.

177. Reports may be submitted to the High Authority for the Prevention and Fight against Corruption and Related Offences using the following means:

- By post, to 16 BP 177 Lomé
- By email, to haplucia@haplucia-togo.org
- Via the website www.haplucia-togo.org
- By calling 00228 22 61 20 15/93 10 84 84/96 61 12 12
- By calling the toll-free number 8277

Ministry of Security and Civil Protection

178. The Ministry of Security and Civil Protection has set up a dedicated toll-free number (1014) that members of the public can call to report acts of corruption or abuse by the security forces.

Ministry responsible for human rights

179. Every year, the Ministry of Human Rights receives numerous written and oral applications from persons who consider themselves to be victims of human rights violations and from third parties, civil society organizations and international and regional bodies for the promotion and protection of human rights.

180. On receiving such applications, the Ministry refers the victims to the appropriate agencies or lays the matter before the public service against which the claims are directed.

181. It is difficult for the Ministry to produce statistics on the processing of applications because the public services that are implicated do not always state what actions they have taken to follow up on the communications addressed to them.

182. The Ministry of Human Rights promotes human rights by organizing seminars, symposiums, workshops and training and awareness-raising campaigns.

Higher Council of the Civil Service

183. The mechanism for submitting applications to the Higher Council of the Civil Service was formally established and organized pursuant to Ordinance No. 1 of 4 January 1968 establishing the General Civil Service Regulations and its implementing decrees. These laws were repealed pursuant to Act No. 2013-002 of 21 January 2013 establishing the General Civil Service Regulations and its implementing Decree No. 2015-120 establishing the standard procedures for implementing the General Civil Service Regulations.

184. Article 13 of the new law (Act No. 2013-002 of 21 January 2013 on the General Civil Service Regulations) establishes that the Higher Council of the Civil Service is an advisory, consultative and mediation body that provides technical support in relation to the administration and management of staff and undertakes technical validation of reforms and measures requiring government approval.

185. The Higher Council has a multidisciplinary composition and reports to the Minister of Public Service, Labour, Administrative Reform and Social Protection.

186. In undertaking its consultation and mediation functions, the Higher Council:

- Provides a forum for exchange between the administration, employers and social partners with a view to perpetuating and strengthening social dialogue
- Supports organizations representing users of the administration's services whose actions enhance the transparency and performance of the civil service
- Provides mediation and arbitration services in order to prevent and resolve social conflicts (Act, art. 5)

187. If measures taken by the authorities are at variance with the formal opinions duly issued by the Higher Council of the Civil Service, a complaint of abuse of authority may be submitted to the administrative courts (Decree, art. 24).

188. Under the terms of article 3 and the articles following of the implementing decree, the Minister of Public Service, Labour, Administrative Reform and Social Protection refers matters to the Higher Council, which reports back to the Minister.

189. The Higher Council holds three plenary sessions per year and extraordinary sessions at the request of the Minister or on the initiative of his or her office.

190. At its plenary assemblies, the Higher Council issues opinions and adopts recommendations.

191. When a request for an opinion is duly submitted to the Higher Council, it is required to issue a ruling within 30 days of the date of the submission.

192. Except in cases of force majeure, the competent authority concerned will take a decision if no opinion is issued within that period.

193. The acts of the Higher Council are published in its annual report.

194. The Higher Council is made up of different groups: the specialized sections, the combined sections and the ad hoc committees.

195. The specialized sections meet at the request of the Minister or on the initiative of his or her office. They carry out the following tasks:

- Classifying and checking qualifications
- Monitoring recruitment competitions
- Monitoring the activities of the joint committees
- Examining applications
- Producing studies, documentation and publications, including the annual report

196. The specialized sections also deliberate and draw up minutes.

Inspectorate of Labour and Social Legislation

197. Persons covered by the Labour Code may address the Inspectorate of Labour and Social Legislation to request that a dispute be settled. If the Inspectorate fails or refuses to negotiate a friendly settlement, the parties may refer the matter to a labour court.

Société d'Administration de la Zone Franche (SAZOF)

198. An application may also be submitted to the Société d'Administration de la Zone Franche (SAZOF), the semi-public limited liability company responsible for managing the Togolese free zones, or to the Interpretation and Conciliation Board. In accordance with the Agreement of 1 June 1996 governing labour relations between employers and employees in free zones, any dispute arising within a company may be referred to SAZOF with a view to reaching a final settlement.

199. If a settlement cannot be reached, SAZOF may refer the matter to the Interpretation and Conciliation Board, a dispute settlement body of last resort whose decisions may not be appealed (Agreement, art. 145). The Interpretation and Conciliation Board is made up of an equal number of employees and employers and is chaired by a representative of SAZOF.
