

TOGO

CERD A/38/18 (1983)

476. The initial, second, third, fourth and fifth periodic reports of Togo (CERD/C/75/Add.12) were considered by the Committee together with the introductory statement made by the representative of the reporting State, who outlined and elaborated upon the information provided by his Government.

477. The members of the Committee commended the Government of Togo for the high quality of its report which provided ample information on the various aspects relating to the implementation of the Convention in the country. They noted with appreciation that Togo had overcome the difficulties that sometimes small countries faced in preparing reports and they expressed the hope that, in future, reports would be received regularly.

478. Reference was made to the preamble of the 1979 Constitution of Togo and it was asked whether that preamble had the force of law. It was also observed that the report gave the impression that for a number of years Togo had been subject to domestic ethnic and regional disputes which had so threatened the existence of the nation that the army had twice had to intervene. It was, therefore, hard to understand the contention that racial discrimination did not exist in Togo. In this respect, members of the Committee expressed the view that it was important, in a multi-ethnic country such as Togo, to contemplate special measures in line with article 1, paragraph 4, and article 2, paragraph 2, of the Convention, especially in those areas where ethnic groups were concentrated, in order to avoid that the economic grievances of people living in backward areas could sometimes take on the aspect of racial discrimination.

479. As far as article 4 of the Convention was concerned, the Committee recalled that no matter whether acts, practices, organizations or institutions based on racial discrimination existed, States parties were bound, under that article, to pass legislation declaring them illegal and to prohibit them. The Committee, therefore, expressed the wish that the Government of Togo would provide specific information on legal steps that it would take to comply with its obligations under article 4 of the Convention.

480. Further information was requested on the implementation in Togo of article 5 (d), subparagraphs (ii), (viii) and (ix), of the Convention and on activities undertaken pursuant to article 7 of the Convention.

481. As regards article 6 of the Convention, information was requested on the decisions of the Togolese courts referred to in paragraph 36 of the report. It was also asked whether the watchwords and resolutions of the party formed part of the country's legislation and, if so, whether the courts were obliged to apply their provisions.

482. Replying to questions raised by members of the Committee, the representative of Togo explained that the preamble of the Constitution did not have binding legal force but was simply a declaration of intent. It could, however, be used as the basis of a court decision.

483. With regard to article 1, paragraph 4, and article 2, paragraph 2, of the Convention, he stated that his Government was making every effort to eliminate regional disparities by such means as the provision of roads, schools, electricity and hospitals. He also explained, in that connection, that immediately after independence there had been in Togo a plethora of parties, each acting in its own interest and representing particular ethnic groups and that, therefore, a single party had been established to work for the good of the country as a whole and to show people, regardless of their ethnic origin, that they were part of an embryonic nation.

484. With reference to article 4 of the Convention, the representative took note of the recommendations of the Committee, but stated that the Interministerial Commission on Human Rights and the national Human Rights Committee established in Togo under the African Charter on Human and People's Rights were considering whether it was necessary to establish criminal penalties based on racial discrimination if such activities did not take place.

485. As regards article 6 of the Convention, he referred to the judicial system of his country and stated that in Togo there were also administrative courts where individuals could seek remedies if they felt their interests had been damaged by administrative actions. In addition, there was a special administrative chamber in the Supreme Court.

486. The representative of Togo finally stated that the comments made by members of the Committee would be taken into account by his Government in the preparation of its next periodic report.

CERD A/46/18 (1991)

328. At its 924th meeting, on 12 August 1991 (see CERD/C/SR.924), the Committee reviewed the implementation of the Convention by Togo based on its previous reports (CERD/C/75/Add.12) and their consideration by the Committee (see CERD/C/SR.640 and 641). The Committee noted that no information had been received from the State party since 1983.

329. With regard to the previous reports, members of the Committee recalled that the Government of Togo had submitted detailed information, according to which the Togolese Constitution provided for rights and freedoms without distinction as to origin, sex, belief or opinion, as stipulated by article 5 of the Convention, but did not prohibit discrimination on the basis of language or property. However, members of the Committee noted in this connection that in its initial report submitted to the Human Rights Committee (CCPR/C/36/Add.5), of 11 November 1988, the Government of Togo had stated that the rights recognized in the International Covenant on Civil and Political Rights were enjoyed by the entire population without distinction as to race, colour, sex, language, religion, political and other opinion, national or social origins, property, birth or other status, and that the various ethnic, linguistic and religious groups were entitled to enjoy their own culture and to profess and practice their own religion.

330. Disagreement had been voiced, during the consideration of previous reports, with the Government's view that it was unnecessary to declare punishable by law any acts, practices, organizations or institutions based on racial discrimination. They had also wished to know whether there were any provisions defining the circumstances in which the President of the Republic was empowered to proclaim a state of emergency and regulating its duration; whether it was possible to suspend the rights and freedoms recognized under article 5 of the Convention; whether the National Assembly had the right to review such measures; and whether the President could dissolve the National Assembly in such a situation. In addition, members had requested information concerning racial discrimination-related activities of the Interministerial Commission on Human Rights.

331. Turning to more recent developments, members of the Committee noted that a National Human Rights Commission had been established on 9 June 1987, which would protect the civil and individual rights of citizens, recommend legislation, organize seminars and symposia, and which could consider petitions from individuals who claimed that their rights had been violated as a result of an act or omission of the Government. They asked to be provided with that Commission's annual reports in the future. Furthermore, noting that, in March and April 1991, a number of injuries had occurred during student demonstrations and that a commission had been established to investigate those events, as well as the role played by the armed forces, members of the Committee wished to be informed of that Commission's findings. They also wished to know whether members of the ethnic group to which the President belonged enjoyed preferential treatment in the army and in certain areas of political life; what measures had been taken to alleviate existing tribal tensions; what had been done about the situation of those farmers who had been resettled by force; and what progress had been made with regard to the organization of a referendum on a new Constitution. With regard to the latter, it was requested that provisions of the new Constitution be communicated to the Committee.

Concluding observations

332. In concluding its review, the Committee regretted that, despite its invitation, Togo had not participated in its meeting or furnished relevant information. The Committee invited the Government to resume the dialogue with the Committee by submitting the reports that were due as soon as possible.

CERD A/51/18 (1996)

431. At its 1165th meeting, held on 9 August 1996 (see CERD/C/SR.1165), the Committee reviewed the implementation of the Convention by Togo based upon its previous reports (CERD/C/75/Add.12) and its consideration by the Committee (see CERD/C/SR.924). The Committee noted with regret that no report had been submitted to the Committee since 1991.

432. The Committee regretted that Togo had not responded to its invitation to participate in the meeting and to furnish relevant information. The Committee decided that a communication should be sent to the Government of the reporting State setting out its reporting obligations under the Convention and urging that the dialogue with the Committee should be resumed as soon as possible.

433. The Committee, taking into account the seminar organized by the Centre for Human Rights on the preparation of reports to be submitted to human rights treaty bodies, in April 1996 in Lomé, invites the Government of Togo to submit its report as soon as possible.

CERD A/56/18 (2001)

227. At its 1442nd meeting, on 8 March 2001 (CERD/C/SR.1442), the Committee reviewed the implementation of the Convention by Togo based upon its previous review¹⁰ of the implementation of the Convention. The Committee noted with regret that no report had been submitted to the Committee since 1981.

228. The Committee regretted that Togo had for the third time not responded to its invitation to participate in the meeting and to furnish relevant information.

229. The Committee noted that the Government of Togo had transmitted a full response to the questionnaire distributed by the High Commissioner for Human Rights in accordance with Commission on Human Rights resolution 1999/78 on racism, racial discrimination, xenophobia and related intolerance and that it had benefited in 1996 from a programme of technical assistance of the Office of the High Commissioner for Human Rights (then Centre for Human Rights). The Committee suggested that the Government avail itself again of the technical assistance offered by the Office of the High Commissioner for Human Rights, with the aim of drawing up and submitting a report by January 2002, drafted in accordance with the reporting guidelines.

230. The Committee decided that a communication should be sent to the Government of Togo setting out its reporting obligations under the Convention and urging that the dialogue with the Committee should resume as soon as possible.

¹⁰ [Official Records of the General Assembly], Fifty-First Session, Supplement No. 18 (A/51/18), paras. 431-433; see also document CERD/C/SR.1165.