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**TOGO**

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## I. LAND AND PEOPLE

1. Situated in West Africa, Togo has an area of 56,600 square kilometres. It extends over 600 kilometres in length, 45 to 150 kilometres in width, and has a 50-kilometre-long Atlantic coastline. To the north it is bounded by Burkina Faso, to the south by the Gulf of Guinea, to the east by the Republic of Benin and to the west by Ghana.
2. It is divided into five economic regions: Savanes, Kara, Centrale, Plateaux and Maritimes. Each economic region is divided into prefectures, of which there are 30, with 4 sub-prefectures. The capital is Lomé.
3. In 1999 the population was estimated at 4,506,000, with a population density of 82 inhabitants per square kilometre (Statistical Service). Sixty per cent of the population is under 20, 45.8 per cent being under 15, according to the second Togo demographic and health survey (Demographic Research Units, 1998).
4. In Togo there are a great number of ethnic groups. There are over 36, generally divided into 6 major categories: the Adja-Ewé, the Akposso-Akébou, the Ana-Ifè, the Tem-Kabyè, the Para-Gourma and the Haoussa-Peuls. These different ethnic groups coincide with the languages and dialects of the populations in question.
5. The official language is French. In 1967, four literacy languages were adopted: Ben, Kabyè, Tem and Ewé. In 1980, Ewé and Kabyè became national languages taught in schools. For the past five years some 20 dialects have been used on the country's State-owned and private radio stations.
6. The principal religions are animism, Christianity and Islam. However, in recent years there has been a proliferation of sects further to the recognition of religious freedom in 1990, which it is not always easy to classify in one or other group.
7. The marriage regime includes both monogamous and polygamous marriages. The second demographic and health survey, conducted in 1998, found that the average household comprised 4.9 people in urban areas and 5.6 people in rural areas. The same survey found that many households are headed by women: 29 per cent in urban areas and 23 per cent in rural areas.

## II. HEALTH

8. Health indicators remain disquieting:
  - (a) In 1998 the maternal mortality rate was estimated at 478 per 100,000 live births;
  - (b) In 1998 the infant mortality rate was 80 per 1,000;
  - (c) In 1998 the infant and child mortality rate was estimated at 146 per 1,000;

(d) In 1998 there was a 31 per cent coverage rate for the six vaccines under the expanded programme of immunization;

(e) In 1998 there was a 25 per cent malnutrition rate among children.

9. There is insufficient use of modern contraceptive methods. The second demographic survey found that contraceptive use was higher in urban areas, at 10 per cent, compared with 6 per cent in rural areas.

10. HIV infection is increasing; in 1999 the national anti-AIDS programme estimated that 5.9 per cent of the population was HIV-positive.

### **III. EDUCATION**

11. The State acknowledges that both boys and girls have a right to compulsory and free education to the age of 15. Data from the second demographic survey confirmed that there was an improvement in the level of education of the population between 1988 and 1998. The net enrolment rate was 77.1 per cent in 1999, with 80 per cent for boys and 73 per cent for girls. Incentives have been taken to rectify the imbalance and encourage school attendance by girls. Literacy rates remain fairly low (38.3 per cent among women in 1998, compared with 67 per cent among men).

### **IV. ECONOMIC SITUATION**

12. In economic terms Togo is among those countries with a low ranking on the human development index (HDI): 0.468 in 1999, ranked 143rd out of the poorest 175 countries. In 1998 per capita gross national product (GNP) was US\$ 375.

13. The suspension of external aid in 1993 and the devaluation of the CFA franc in January 1994 aggravated the country's economic and social situation. The rate of growth in the gross domestic product (GDP) was 4.3 per cent in 1997, and 4.7 per cent in 1999. Per capita income has remained almost stationary over the past decade. In 1995, it was 55,200 CFA francs, and in 1999 it was 55,600 CFA francs.

14. There is a very high unemployment rate nationally, at 25 per cent of the active population in 1999.

15. The private sector is little developed and uncompetitive. Most companies operate at below 35 per cent of capacity.

### **V. GENERAL POLITICAL STRUCTURE**

16. Togo is currently going through a period of social peace after the socio-political crisis of the 1990s. Today dialogue is under way between the political parties, with the conclusion of the Lomé Framework Agreement in July 1999, which led to the adoption of a new electoral code and the establishment of an independent national electoral commission.

17. Civil society is gradually organizing itself and a number of development non-governmental organizations and associations for the promotion of democracy and the rule of law operate in the country, but their impact is still limited as the result of inadequate resources.

18. Togo has a semi-parliamentary regime, with a parliament, an executive headed by a prime minister appointed by the parliamentary majority, and an independent judiciary. In terms of the legislature, Parliament has 81 seats and deputies are elected democratically, with majority voting in two rounds for single candidates.

19. The judiciary functions at two levels:

(a) The Supreme Court, which rules on the law; its seat is in Lomé. The Constitutional Court also functions at the same level:

(b) Two appeals courts, one in Lomé, the other in Kara.

The Supreme Court and the appeals courts have administrative divisions, whose responsibility it is to rule on appeals against abuse of administrative authority.

20. At the prefecture level, there are second and third class courts of first instance. Only the Lomé court is first class. There is a juvenile court only in Lomé. The presidents of the other courts of first instance serve as juvenile judges. The functions of president, attorney-general and examining magistrate have recently been separated out and are discharged by judges appointed in the various jurisdictions throughout the country.

## **VI. GENERAL LEGAL FRAMEWORK FOR THE PROTECTION OF HUMAN RIGHTS**

21. National and international instruments emphasize the need to protect human rights. With the establishment of the National Human Rights Commission (CNDH) efforts are being made to guarantee citizens their rights and freedoms.

### **A. State human rights institutions**

22. The system of justice in Togo, the independence of which is enshrined in constitutional legislation, acts as a guardian of rights and freedoms. The institutions which in recent years have played a significant role in the protection and defence of human rights are the National Human Rights Commission, the Ministry of Justice with responsibility for democracy and the rule of law, the Ministry for Social Affairs, the Advancement of Women and the Protection of Children, the National Committee for the Protection and Promotion of Children's rights (CNE), and human rights non-governmental organizations.

#### **1. National Human Rights Commission (CNDH)**

23. The National Human Rights Commission was established by Act No. 87-09, of 9 June 1987, and recognized in the Constitution in 1992. It has legal personality. It has the following functions:

(a) To ensure the protection of the rights of citizens;

- (b) To review and recommend to the Government all draft legislation relating to human rights with a view to its adoption;
- (c) To organize human rights seminars and colloquiums;
- (d) To hand down opinions on human rights issues.

24. In terms of appeals, any person who considers that his or her rights have been violated, in particular with regard to civil and political rights, or who considers that he or she is the victim of an act of commission or of omission on the part of the authorities, may submit an appeal to the Commission. The appeal may be originated by a third party or by a non-governmental organization.

## **2. Ministry of Human Rights**

25. The Ministry of Human Rights, established in January 1992, became, on 22 June 1999, pursuant to the restructuring of the Government, the Ministry for the Promotion of Democracy and the Rule of Law. In 2000 it was brought under the authority of the Ministry of Justice, thenceforth termed the Ministry of Justice with responsibility for the promotion of democracy and the rule of law.

26. In particular the Ministry is responsible for:

- (a) Promoting and protecting human rights;
- (b) Educating citizens in their rights and obligations;
- (c) Ensuring better follow-up and effective implementation in domestic legislation of the provisions of international human rights instruments ratified by Togo;
- (d) Proposing and securing the adoption of new instruments consonant with international human rights norms.

### **B. Non-governmental human rights organizations**

27. In Togo there are many non-governmental organizations for the defence of human rights, in particular:

The Togolese Human Rights League;

The Togolese Human Rights and Public Freedoms League;

The Togolese League for the Defence of Human Rights;

The Togolese League for Women's Rights;

The Togolese League for the Rights and Welfare of the Child;

The Association for the Promotion of the Rule of Law;

The Togolese Association for the Abolition of Torture;

The Togolese Association against Manipulation of Opinion;

The Togo Section of Defence of Children International;

The Group for Policy and Action, Women, Democracy and Development.

Togo also hosts the Pan-African Observatory of Democracy (OPAD).

28. All these non-governmental organizations and leagues have as objectives: (i) promoting and protecting human rights; (ii) disseminating national and international human rights instruments; (iii) increasing awareness of human rights; and (iv) drafting human rights legal submissions.

### **C. Incorporation of international human rights provisions into domestic legislation**

29. The new legislation adopted since the democratic opening are consonant with human rights provisions, which feature prominently in the legislation.

30. The preamble to the Constitution states that the Togolese State is dedicated to the protection of human rights, as defined in the Charter of the United Nations of 1945, the Universal Declaration of Human Rights of 1948, the International Covenants on Civil and Political and on Economic, Social and Cultural Rights of 1966, and the African Charter of Human and Peoples' Rights of 1981. Title 1 of the Constitution is, in fact, exclusively devoted to rights and freedoms.

31. The Electoral Code (Act No. 92-3, of 8 July 1992), contains provisions governing the organization of election campaigns and voting procedures. The Political Parties Charter organizes political competition between the various political parties whose functioning is permitted in the new pluralist political context.

32. Freedom of the press is ensured by Act No. 90-25 of 30 November 1990. Similarly, associations may freely exercise their activities. These public freedoms are also enshrined in other national legislative instruments.

33. In this context earlier legislation has been brought into line with the instruments comprising the various codes: the Criminal Code, the Code of Criminal Procedure, the Nationality Code and the Individuals and Family Code.

34. The preamble to the Constitution of 14 October 1992 reaffirms its attachment to and protects the various rights enshrined in the different international human rights instruments. Further, the 1992 Constitution, in its article 140, states that treaties and agreements ratified through regular procedures enter into force upon their publication.

## VII. INFORMATION AND PUBLICITY

35. Efforts at encouraging media coverage are made by the various structures involved in human rights, in particular with respect to the rights of women, the rights of the child, the rights and duties of the citizen, and public freedoms. Legislative instruments are reproduced and made available to the public, including the Individuals and Family Code and the Convention on the Rights of the Child, which has now been translated into the national languages.

36. Since its establishment, the National Human Rights Commission has undertaken periodic campaigns throughout the country to raise awareness and educate people in fundamental rights. The Commission organizes training seminars, colloquiums and visits to prisons and pre-trial detention centres (police and gendarmerie stations). In addition, the various leagues and associations organize similar activities. The same is true of the Ministry of Justice with responsibility for democracy and the rule of law, the Ministry of Social Affairs, the Advancement of Women and the Protection of Children, and the National Committee for the Protection and Promotion of Children's Rights.

37. In 2000 the Ministry for the Promotion of Democracy and the Rule of Law established a human rights documentation centre. A legal and general information centre was set up in Lomé by the Group for Policy and Action, Women, Democracy and Development.

38. In recent years there has been a significant increase in the publicity given to international and national human rights instruments, by means of:

- (a) Educational broadcasts by the State and private media;
- (b) Posters, publicity spots and sketches about child labour and trafficking in children;
- (c) Seminars, workshops, colloquiums and information and training campaigns about human rights and the rights of the child for law enforcement officers, traditional chiefs, teachers, workshop leaders, students and apprentices;
- (d) The celebration of various national and international days on human rights, women and children;
- (e) Institutionalization and teaching of human rights in educational establishments;
- (f) The establishment of various committees dealing with the rights of the child and of women, drugs, AIDS, the environment;
- (g) Establishment of a junior deputies Parliament;
- (h) A national campaign on trafficking in children and child labour;
- (i) Proclamation of 1999 as human rights year by the Head of State;
- (j) Launching of the Global Movement for Children on 20 June 2001;

(k) An illustrated publication of the Convention on the Rights of the Child by and for children and comic strips on the Convention;

(l) A workshop on revision of the Individuals and Family Code by the Ministry for Social Affairs, the Advancement of Women and the Protection of Children;

(m) A workshop on racial discrimination, xenophobia and related intolerance, on 16 August 2001;

(n) A workshop on completion of the preliminary draft of the Children's Code in August 2001;

(o) Togo has also signed the United Nations Convention against Transnational Organized Crime, organized in Palermo, Italy, in December 2000;

(p) In October 2000 the Department of Social Affairs assumed responsibility for the protection of children.

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