

TOGOLESE REPUBLIC
Labour – Liberty- Fatherland



**3rd, 4th and 5th COMBINED PERIODIC REPORTS
OF THE GOVERNMENT OF THE REPUBLIC OF TOGO
ON THE IMPLEMENTATION OF THE AFRICAN CHARTER
ON HUMAN AND PEOPLES' RIGHTS**

(Article 62 of the Charter)

Lomé, December 2010

Reminder

1. On 6 and 7 May 2002, Togo presented its second Periodic Report to the African Commission on Human and Peoples' Rights in conformity with Article 62 of the African Charter on Human and Peoples' Rights.
2. Following Note Verbal ACHPR/PR/ TOGO/184.11 of 21 March 2011 requesting the State Party to submit its outstanding Reports in a single document, the Togolese Government herewith submits its 3rd, 4th and 5th cumulated Periodic Reports:

Introduction

3. Determined to launch the country on the path to genuine democracy and the Rule of Law and to restore relations of cooperation with the International Community which had been damaged since 1993, the Togolese Government had embarked on consultations with the European Union after the somewhat controversial presidential elections of 2003.

4. Following these consultations, the Government, on the 14 April 2004, made twenty two (22) commitments the implementation of which was intended to culminate in the strengthening of the democratic institutions, in the respect for Human Rights and in the Rule of Law, and in promoting the full normalization of the relations of cooperation between the two Parties.

5. These commitments consisted of two essential aspects:

- The opening of an inclusive and credible dialogue to guarantee the full respect for democratic principles;
- Respect for Human Rights and Public Liberties.

6. Unfortunately this impetus of political, institutional and legal reforms intended to lead to the holding of early legislative elections before the end of June 2005, had been interrupted by the abrupt demise of President GNASSINGBE Eyadéma on 5 February 2005. His demise opened a new era of socio-political tension and agitation marked by errors in the field of human rights and fundamental freedoms.

7. Thus the presidential elections of 24 April 2005 had been riddled with acts of violence, destruction, assaults, and the destruction of public and private property. This situation also gave rise to the displacement of persons both within and without the country.

8. In conformity with the twenty two commitments that it had undertaken, the Togolese Government initiated a national political dialogue which, with the support of the President Blaise COMPAORE of Burkina Faso, resulted in the signature on 20 August 2006, of an Agreement called « Global Political Accord (APG) ».

9. Numerous activities have since been undertaken by the Togolese Government in the effort to improve the Human Rights situation. These consist of:

- The amendment of the Organic Law on the organization and operations of the Constitutional Court in 2004;
- The de-criminalization of media related offences in 2004;
- The revision of the mandate and status of the National Human Rights Commission (NHRI) in 2005;
- The implementation of the national Justice System Modernization Programme from 2005;
- The revision of the mandate and statutes of the High Audiovisual and Communication Authority (HACA) in 2005 and 2009;
- The implementation of a National Programme for the promotion and protection of Human Rights and of a Democracy and Peace Consolidation Strategy since 2007;

- The organization of early free and transparent legislative elections in 2007;
- The revision of the Electoral Code in 2007;
- The organization of nation wide consultations in support of the truth, justice and reconciliation process in 2008;
- The organization of free legal consultations which promoted the release of several detainees and persons in remand in 2008 and 2009;
- The passing of the Decree n° 2009-046/PR which established the Truth, Justice and Reconciliation Commission on 25 February 2009 and its institution on 29 May 2009;
- The passing of the Organic Law n° 2009-003 of 15 April 2009 on the status of the Accounts Tribunal Judges whose official inauguration took place on 24 September 2009.

10. On 10 July 2006 the Togolese Government signed an Agreement for the establishment of a Bureau of the United Nations High Commissioner for Human Rights (HCDH) in Togo. This Agreement had been renewed on 31 July 2008.

11. The Togolese HCDH-Bureau which became operational in November 2006 had the objectives of monitoring the human rights situation throughout the country and of building national capacities in the promotion and protection of human rights.

12. Since its establishment, it had provided support to the Authorities, among other things, in the implementation of their international commitments, had contributed to the organization of the early legislative elections in October 2007 and organized training sessions for the national institutions working in the field of human rights, for Judges, the Security Forces, for the Media and Civil Society.

13. In the area of detention, pursuant to the provisions of the Penal and Criminal Procedure Codes, the Government gave directives to the Heads of the Prosecutor's Department and the Examining Magistrates to carry out periodic visits to the detention centres and to submit Reports of these visits to the Attorney General, Minister of Justice.

14. These periodic visits facilitated the release of more than 400 individuals detained without valid grounds, and more than 700 individuals who had served half of their sentence and had submitted valid guarantees in relation to their social reintegration, as well as accused persons who had served more than half of their maximum sentence in detention but had not been brought before a Court for sentencing between June and December 2005.

15. In order to enable the arrested persons to obtain assistance from a Counsel from the 24th hour of their detention, the Minister for the Interior, Security and Decentralization had issued a Circular n°222/MISD-CAB dated 17 May 2004. This Circular by the Minister made applicable the provisions of Article 16 of the Constitution of the IVth Republic.

16. On 10 August 2005, a Security Services Inspectorate had been created within the Ministry of Security to safeguard, in particular, the conditions of police custody and respect for their duration. This Inspectorate had, within its competence, the power to impose disciplinary punishment against officers who kept persons in detention beyond the legal

deadlines without the specific extension authorized by the Public Prosecutor or by the Judge responsible for the Ministry responsible for Public Affairs.

17. Similar sanctions are applicable to any officer or officers guilty of acts of torture against detainees in police custody without prejudice to criminal proceedings.

18. Within the framework of the Emergency Support Programme to the Prisons Sector (PAUSEP), the Government, with the support of the Development Partners, renovated 12 civil prisons, increasing the reception capacity of the Lomé Civil Prison and creating a quarter for minors in each civil prison.

19. Pertaining to the feeding of detainees, the Government, despite its limited resources, is endeavouring to improve the quantity and quality of the meals served to prisoners.

20. On 14 March 2006, the Government signed an Agreement with the International Committee of the Red Cross (ICRC), allowing the latter to pay unexpected visits to any detention centre so as to observe the conditions of the detainees and to submit a Report to the Government for the improvement of the said detention conditions.

II – THE NATIONAL MEASURES FOR THE APPLICATION OF THE CHARTER

Article 3:

Equality before the Law

21. The principle of equality means that the Law should be the same for all the citizens of the same nation. It should take into account neither social condition, nor gender, nor ethnic group or religious persuasion, nor of political status. This principle of the equality of citizens is guaranteed in the legislation by Article 11 of the Constitution which stipulates that « all human beings are equal in dignity and in Law ».

22. Despite this Constitutional provision, Article 391 of the Togolese Persons and Family Code stipulates that « the provisions of the present Chapter are only applicable to the succession of those who may have declared their renunciation of the customary status in the matter of inheritance. This declaration may result either from a Will or from an Option declared before the Civil Status Officer ».

23. This is in opposition to the custom which rules that women cannot inherit land. The current rewriting of the Togolese Persons and Family Code should make it possible for this discrimination to be eliminated and will make effective the principle of equality before the Law.

Article 4:

The protection of the Right to Life

24. Life is a sacred right and as such it should enjoy maximum protection. It is an intangible right, and cannot be subjected to dispensation even where an exceptional public danger threatens the existence of the nation.

25. The Togolese Constitution of the IVth Republic in its Article 13 alludes to the principle by expressing that « the State is obligated to guarantee the physical and mental integrity, the life and security of all persons living on its national territory. No one shall be arbitrarily deprived of his liberty or of his life ».

26. Likewise, the Togolese Criminal Code in its Chapter I, Section II, punishes the violation of life through offences such as wilfull homicide (Articles 44 and 45), threats even where they are not yet followed by effect (Article 50), manslaughter (Articles 51 to 53).

27. Nonetheless, the socio-political unrest that took place in Togo during the 24 April 2005 presidential elections had a negative impact on the respect for the right to life. It has therefore become imperative and urgent to deal with issues of violation of the right to life and with impunity keeping always in mind the urgent need for pardon and reconciliation, federating and mobilizing factors which are indispensable for the reconstruction of national unity, peace and social cohesion.

28. In this transitional context, for the effort to combat violations to the right to life and impunity to be effective, it needs to be closely linked to the legitimate and urgent quest for pardon and national reconciliation. However, the struggle cannot be restricted solely to the redress of the wrongs done against the victims of political violence.

29. In order to obtain the anticipated positive legitimate effects, the combat needs necessarily to include educational activities, to reform the awareness and the reactions of the perpetrators of political violence, and this with the well-understood ultimate objective of changing their behaviour so as to prevent the non-repetition of such acts now and in the future. It is in this connection that the Government launched national consultations in support of the truth, justice and reconciliation process with the technical support of the HCDH Bureau in Togo in April 2008.

30. On the basis of the conclusions of these consultations, the Government passed, during the Cabinet meeting of 25 February 2009, the Decree N°2009-046/PR establishing the Truth, Justice and Reconciliation Commission (CVJR). In effect, it is one of Government's priorities in the effort to improve political governance and achieve social peace. This Commission was established on 29 May 2009.

The Death Penalty

31. On 23 June 2009 the Government promulgated, through the National Assembly, the Law on the abolition of the Death Penalty in Togo, commuting all the sentences already pronounced, which had not yet been executed, into life imprisonment. By this means Togo intended to de facto formalize the abolition which it had not implemented for the past several years.

The prohibition of physical or moral torture and cruel, inhuman and degrading punishment or treatment

32. The prohibition of torture is formal. It is a right which is not subject to dispensation, no matter what the circumstances.

33. In Togo, nothing can justify torture. In 1987 Togo ratified the Convention against Torture and other punishments or cruel, inhuman or degrading treatment and on 20 July 2010 acceded to the Optional Protocol relative to the Convention against Torture.

34. Furthermore in the concern to better guarantee the physical integrity of individuals, Article 21 of the Constitution stipulates: « The human being is sacred and inviolable. No one shall be subjected to torture or other forms of cruel, inhuman or degrading treatment. No one can escape the penalty incurred as a result of these violations by alluding to the instructions of a superior or of a public authority. Any individual or State official guilty of such acts, whether on his own initiative or on instructions, shall be punished in conformity with the Law. Any individual or State official shall be released from his obligation to obey where the instruction constitutes a serious and evident violation of the respect for Human Rights and Public Liberties ».

35. Whereas the Law n° 80-1 of 13 August 1980 establishing the Criminal Code does not specifically set out provisions relating to the suppression of torture, the draft Bill which amended the Penal Code, and which was validated during the workshop organized from 24 to 29 January 2010 by the Ministry of Justice, included the definition of torture as set out by Article 1 of the Convention against Torture and outlined appropriate sanctions as well as the concept of penalties or cruel, inhuman and degrading treatment. All these offences as well as their repression are contained in Section 12 entitled « On Torture and other ill-treatment ». In all eleven Articles are devoted to it.

36. This incorporation of the definition of torture and of the notion of cruel, inhuman and degrading punishment and treatment in the first draft the Penal Code, is in consonance with the will already affirmed by the Constituent of the IVth Republic to combat all forms of violence by setting out that « any person imprisoned or detained shall enjoy treatment which protects his dignity, his physical and mental health and his social re-integration » (Article 16 parag. 1).

37. From the above mentioned provisions it follows that any individual guilty of such action should be judged and condemned by the competent Courts.

38. In this respect only the common Law judicial courts, specifically the Magistrates' Courts, are competent to hear and determine the said offences. In making reference to the legal concept in criminal Law according to which « there is no sentence without legislative enactment » recaptured in Togolese substantial Law through Articles 1 and 2 of the Togolese criminal Code, the Togolese justice system has, so far, not yet recorded in its annals a typical case of torture.

39. Sequel to the ratification of the Optional Protocol to the Convention against Torture and other penalties or cruel, inhuman or degrading treatment on 20 July 2010, the Government embarked on the establishment of a national mechanism for the prevention of torture in conformity with the requirements of the Protocol.

40. Thus on the 20 and 21 July 2010 a workshop on the theme: « What torture prevention mechanism for Togo » had been jointly organized by the Ministry for Human Rights, Democracy Consolidation and Civic Education, the Office of the United Nations High Commissioner for Human Rights and the Association for the prevention of Torture (APT) based in Geneva.

41. On the basis of the recommendations emanating from the seminar a draft Bill on the establishment, organization and functioning of the national Observatory is currently being prepared.

Article 5: The prohibition of Trafficking in Slaves

42. Togo has since 1990 adhered to the international norms prohibiting the buying and selling of slaves or of all slavery related practices.

43. There is no trafficking in slaves in Togo. However certain cultural practices have been observed in the Maritime and Plateau regions in Convents where children in particular are subjected to initiation rites which are prejudicial to their development and to their physical integrity (Tronsi), which is assimilated to contemporary forms of slavery.

44. In the concern to enable children of school going age to be educated and to undergo the initiation rites of the « voodoo » cult in conformity with the tradition, the Ministry of Social Affairs, Women's Affairs and Protection of the Child and Elderly Persons, in 2007, associated the Heads of the Convents in a brainstorming on the excessively long duration (3 years) of these initiation ceremonies for children. Thanks to the action of the local child protection Committees combined with the spirit of openness of the Convent Heads, the initiation of children takes place during school holidays and extends over a period of 2 to 4 weeks, thus allowing the children to participate in and undergo the « vodou » cult initiation.

45. There is in Togo however the internal and external trafficking of children which the Government is endeavouring to eradicate.

46. The Children's Code has set out provisions relative to the prohibition and repression of child trafficking. Pursuant to these provisions, any process through which a child is recruited or kidnapped, transported, housed or received within or outside the national territory, by one or several persons for the purpose of exploitation, is considered as an offence.

47. According to Article 420 of the Children Code, the exiting from the national territory of a child is subject to the presentation of a special authorization the terms of which are established by Decree passed in the Council of Ministers. The measures taken should guarantee the maximum interest of the child and respect for its dignity. Likewise, the

issuing of a Passport to a minor is subject to the presentation of an authorization from the Father and Mother or from the legal guardian.

48. Initially, the Law loi n° 2005-009 of 3 August 2005 relative to child trafficking in Togo had been passed. This Law, in its Article 11 punishes the traffickers and their accomplices with a sentence of 5 to 10 years imprisonment and a fine ranging from 5 to 10 million francs CFA.

49. The Government embarked on the training of Magistrates and Social Workers to facilitate the implementation of the Law n° 2005-009 of 3 August 2005, relative to child trafficking in Togo and to better equip all the key players in the protection of children.

50. The National Network for the Combat against Child Trafficking in Togo (RELUTET) has put in place a programme for support to child victims and to vulnerable children. This programme seeks to achieve:

- Sensitization activities, radio broadcasts, translation and simplification of the Law of 3 August 2005;
- The training of Teachers on this Law;
- The setting up of protection clubs for children in the schools;
- Activities for the detection and re-integration of children victims of trafficking (about 1,200 have been re-integrated);
- Support for the judgment of 11 child traffickers in 2007;
- Legal assistance for children exploited by the traffickers.

51. Child prostitution and child pornography can be the consequences of child trafficking or the sale of children. Besides the State to State cooperation, certain NGOs have links with several organizations working towards the same goal in other countries in Africa and around the world. Togolese children, victims of child trafficking who are intercepted in other countries are linked up with the Togolese Authorities who contact the NGOs in Togo for the process of their re-integration. Even after their re-integration the NGOs provide the necessary services to the children to guarantee their social re-integration and continue to monitor them.

52. Likewise children sold from other countries and sent to Togo are recovered by the Togolese Authorities who, with the help of the NGOs, organize their repatriation to their countries of origin.

53. In June 2005, two Togolese minors were subjected to a double sale for the purpose of prostitution in Nigeria. Alerted, the Authorities repatriated and re-integrated these two victims. The guilty persons were arrested by the Security Forces in Nigeria.

54. The training of all the key players for a clear cut comprehension, the sensitization campaigns, the campaigns for the popularization of the legal instruments, the policy of the Ministry of Justice during the re-opening of the legal year, the Circular to the Judges, all constitute measures taken, among others, for the effective application of the Laws.

55. In November 2008 a sub-regional workshop had been organized in Lomé, bringing together 8 networks working to control child trafficking and child labour in the West and Central African countries on the Theme: « Setting out of national and sub-regional strategies for the combat against the trafficking of children ». It sought to strengthen cooperation between the civil society organizations of the neighbouring countries, to promote exchanges and capitalization and finally to put in place an Action Plan and a common sub-regional advocacy outline.

56. Several other mechanisms were set up to prevent the kidnapping, the sale and trafficking of children for any ends whatsoever. These consist, among others, of:

- The Convention on the Rights of the Child;
- The African Charter on the Rights and Welfare of the Child;
- The Optional Protocol to the Convention on the Rights of the Child relative to the sale of Children, child prostitution and child pornography;
- The Additional Protocol to the United Nations Convention against Transnational Organized Crime aimed at preventing, repressing and punishing the trafficking in persons, in particular of women and children;
- The Multilateral Cooperation Agreement in the combat against child trafficking in West Africa signed in Abidjan in 2005;
- The Multilateral Abuja Agreement signed in 2006 in relation to the trafficking of persons, in particular of women and children in West and Central Africa;
- The Quadripartite Cooperation Agreement in criminal police matters between Benin, Ghana, Nigeria and Togo in 1984;
- The Children's Code;
- The establishment of a mechanism for the protection of Child Rights such as the National Child Protection and Promotion Commission (CNE) and the National Commission for the Reception and Social Re-integration of Children Victims of Trafficking (CNARSEVT);
- Law n° 2005-009 of 3rd August 2005 on Child Trafficking in Togo;
- The simplification and translation of this Law into the local languages and its popularization;
- The sensitization and information campaigns for the NGOs and the Associations;
- The pilot project for the eradication of child trafficking in twenty communities of the Central region;
- The eradication project of the Togo-Benin, Togo-Ghana trans-border trafficking;
- The regional project for the combat against child trafficking, child labour and the sexual exploitation of children;
- The setting up of vigilante committees in the villages, the training Drivers', Police and Customs Officers' Unions in the detection of cases of trafficking;
- The radio-television broadcasts and debates, the broadcasting of traffickers' hearings.

57. The Civil Society Organizations working in the field of Child Rights carried out the following activities:

- The establishment of certain NGOs as civil parties on the side of the victims for the prosecution of traffickers;
- The launching of a regional campaign to combat child trafficking in West Africa by the Togolese Red Cross;
- The launching by the International Catholic Child Bureau (BICE) of a project to combat child trafficking in West and Central Africa;
- The putting in place of national child rights protection mechanisms such as the Network of Centres for the Reception and Social Re-integration of Children Victims of exploitation (RESAEV), the Oasis Centre of Terre des Hommes, the WAO-Africa Hope Centre, the Kékéli Centre, etc.
- Start of the training of Judicial police officers on specific issues of child protection;
- Building the capacities of about fifty police and customs officers and Judges in Child rights issues by WAO-Africa.
- Training of about thirty Gendarmes and Police officers in child rights, on evidence collection and investigation within the framework of the international training and assistance programme in criminal investigation by the American State and Justice Departments (from 23 June to 5 July 2008).

Article 6: The Right to Freedom and the Security of One's Person

58. Every individual has the right to have his security and freedom guaranteed. This highlights the prohibition of arbitrary arrests, (Article 15 of the Constitution).

59. The arrests, the indictments and the judgements of the convicted persons are regulated by the Criminal and the Criminal Procedure Codes. Likewise the 1992 Constitution set out in its Articles 15 to 20 the conditions governing the arresting of persons who have violated the criminal legislation. Article 19 provides for the compensation of damages resulting from an error of justice or from the faulty functioning of the latter. This provision has never been applied due to the ignorance of their rights of the persons seeking justice.

60. To guarantee the safety of the human person the Public Authorities took measures which are both preventive and repressive.

61. Regarding the preventive measures, the Public Authorities created District Police Stations and a special Unit of Community Policing, Companies, Brigades, Squads and Specialized Units of the Gendarmerie.

62. Initially the Districts Police Stations had been created by an Order of 6 February 1995 and had replaced the Divisional Police Stations. Their mandate was to organize day and night patrols. They were therefore given for this purpose, through cooperation, some suitable intervention equipment which nonetheless was insufficient.

63. Then, the creation of a special unit for community policing was based on the idea that the Police should from henceforth be close to the population which it is expected to protect. This led to the creation of a special corps whose mandate consisted in monitoring certain public places. It is within this context that the daily organization of joint patrols between all

the components of the security forces should be situated, within the framework of Operation Spider across the entire national territory.

64. With regard to the repressive measures, these consist in acting immediately an offence is committed, whatever its gravity. In this regard the Police have two units specialized in research and repression of crime in its broad sense, besides the competences of the judicial police which are attributed to all the police units, with the exception of those that are mandated to maintain Law and order.

65. Thus from henceforth there is an anti-crime brigade whose mandate is to search for cases of flagrant misdemeanor. Furthermore it is a unit which operates in all the sectors of the City and intervenes at the request of the victims, in particular through telephone calls made to « police assistance ».

66. To the mandate of the anti-crime brigade should be added that of the search and intervention brigade based within the judicial police and comprising of officers trained essentially in techniques of research and action at scenes of crime. This research mandate makes it possible for them to infiltrate the networks of criminals as they develop and enables them to prevent the latter from passing into action.

67. With these new arrangements the current statistics indicate a significant reduction in crime in Togo. In 2007 there were 228 cases of hold ups and armed robbery and 1,103 cases of compound robbery. In 2008 there were 79 cases of hold ups and armed robbery and 881 cases of compound robbery.

The prohibition of Arbitrary Arrests

68. Under the terms of Article 15 of the Togolese Constitution « no one can be arbitrarily arrested or detained. Whoever is arrested without legal basis or detained beyond the legal time limit in police custody can, on his request or on that of any interested party, seize the judicial authority appointed to intervene in this context by the Law. The judicial authority shall immediately rule on the legality or regularity of his detention ».

69. In practice this action is difficult in that the Code does not give any indication of the Judge responsible for dealing with these cases. However in the first draft of the organic Law on the organization of the Judiciary, the President of the Court receives this competence in the exercise of habeas corpus.

70. The conditions regarding the arresting and detention of individuals are determined by the Criminal Procedure Code. The arrest and indictment of an individual can only be carried out for good reasons, namely an offence against the Criminal Law.

71. In Togolese Law, indictment is regulated by Article 92 of the Law n° 83-1 of 3 March 1983, instituting the Criminal Procedure Code. The arresting of an individual for a civil or commercial debt is formally prohibited. Despite this imperative nature of Article 92 of the Criminal Procedure Code, there are persons detained in the detention centres for offences which relate to civil or commercial debts.

72. In effect it should be recalled that most of the time offences such as breach of trust or fraud are also presented by the detainees as debts. The lack of an exhaustive listing of Agreements or Conventions that cannot be qualified as breach of trust sometimes leads the judicial police officers to make wrong interpretations of civil or commercial facts within criminal offences and to qualify them as fraud or breach of trust.

73. To address this shortcoming, a series of training sessions for judicial police officers and agents is carried out within the framework of the national programme for the modernization of the justice system, on both preliminary investigation procedures and on techniques of interpretation of the Laws and qualification of facts.

74. The Judicial Police officers and agents do not have the right to carry out any arrests without a warrant unless it is a case of flagrante delicto. They are required to make a report to the Public Prosecutor of their area of competence on any offence against the Law in order to receive directives for further action. But in practice one sometimes sees a violation of these provisions. In such a case when the Judge is seized about it he pronounces the nullity of the procedure.

The treatment of Detainees

75. The conditions governing the treatment of prisoners and detainees such as the respect for their dignity, the rule of separation of detainees from convicted persons, of minor detainees from adult detainees, are set out by the Constitution and the Children's Code (Articles 16 and 17 of the Constitution; Article 348 of Law n°2007-017 of 6 July 2007 on the Children's Code).

76. Today, with the Emergency Support to the Prison Sector Project (PAUSEP), the regulation on the separation of minor detainees from adult detainees is respected with the creation of quarters for minors in all the detention centres.

77. It should be pointed out that despite the lack of specific buildings for women the latter have always been separated from the men. The only handicap, which is currently being addressed, is the guarding of female detainees by male wardens.

78. In effect, the current recruitment of five hundred (500) prison wardens should solve this problem. Out of the five hundred (500) wardens, close to 1/6 of them will be women. It should be pointed out that the status of this staff has already been adopted.

79. The Department of Prisons Administration and Re-integration (DAPR), with the assistance of some civil society organizations has implemented a few re-integration activities. These consist of workshops on sewing, weaving, hair dressing, basketry, cheese making, market gardening, soap making and initiation to the raising of small ruminants.

80. Most of these activities conducted by Non-Governmental Organizations such as Prisons Fraternity, Prisoners without Borders, Chap International and Village Renaissance are made possible thanks to financial support from the European Union (EU) within the framework of the National Programme for the Modernization of the Justice System (PNMJ) and other

partners. These are pilot projects which not only need to be extended but above all to be perpetuated.

81. The conditions of detention during police custody (police and gendarmerie) or during remand (goal) can in fact constitute cause for concern. The reasons justifying the non-application of these provisions are two-fold:

- The inadequacy of the infrastructure and equipment in relation to the prison population;
- The lack of training of the prison wardens guarding the detainees in the basic notions of human rights. The new body of prison wardens will be trained in the basic notions of human rights and as a result should be able to respect the relevant provisions of the Charter regarding the treatment of detainees.

82. It is true that the programme for the modernization of the Justice System covers the detention centres sector, but one must admit that its activities will not always suffice to solve the problem of infrastructure and equipment.

83. The managerial team is strengthened with the addition to the Prisons Administration Department of five sociologists, two specialized teachers, a civil administrator, two human resource managers and a health services manager.

Article 7: The Right to institute Proceedings

84. Article 1, paragraph 2 of the Criminal Procedure Code stipulates that any individual who feels himself wronged can institute proceedings. The Civil Procedure Code for its part specifies in its Article 3 that this action is open to all those who have a legitimate interest in the success or rejection of a claim.

85. The exercise of this right should nonetheless respect the conditions governing the legal capacity and quality aspect. Thus, minors and incapable adults cannot institute proceedings on their own but can do so through the intermediary of their guardian or trustee. Likewise no one can institute proceedings if he cannot take advantage of a personal and legitimate interest.

86. In practice, the sometimes exorbitant nature of the bail fixed by the Judges in complaint proceedings with the constitution of a civil party or of direct filing is such that it discourages some persons seeking justice who cannot afford it.

The presumption of Innocence

87. Article 18 of the Constitution states the principle of the presumption of innocence. In effect, according to this Instrument « any detainee or accused person is presumed innocent until proven guilty following a trial which offers him the guarantees indispensable for his defence ».

88. This concept is the basis of the Article 112 of the Criminal Procedure Code which makes remand an exceptional measure. It should however be admitted that in practice it is rather the remand which is the rule and the release an exceptional measure. As a result, the presumption of innocence gives way to « the presumption of guilt ».

89. The various refresher courses for Judges organized within the National Programme for the Modernization of the Justice System as well as the capacity building of the Ministry of Justice staff with the appointment of Court and Prisons Services Inspectors, will make it possible to keep track of the detentions and ensure respect for the presumption of innocence and for the aforementioned Article 112.

90. The draft Bill on the amendment of the Criminal Procedure Code instituted the Liberties Judge and that of the application of penalties. The institution of the Liberties Judge and that of the application of penalties constitutes a guarantee for respecting this Constitutional Principle.

The Right of Defence

91. Every individual has the right to defend his interests before the Courts. Article 11 of the Decree n°78-35 of 7 September 1978 on the organization of the Judiciary specifies: « In all matters no one can be judged without being provided with the opportunity of presenting his means of defence. The Lawyers have free access before all the Courts. The defence and choice of defender are free ».

92. Likewise during the interrogation of indicted persons, the Judge has the obligation to warn the indicted person of his right to a Counsel of his choice (Article 92 of the Criminal Procedure Code).

93. The assistance of a Counsel is compulsory in criminal matters (Article 186 of the Criminal Procedure Code). Thus, where the accused person does not have the means to pay for the services of a Counsel, one is automatically appointed for him by the Court. Moreover, sessions of free legal assistance were organized in 2008 and 2009 on the occasion of the solemn re-openings of the Lomé Bar Association for the benefit of prisoners and indicted persons who could not afford it.

94. The activities carried out by some civil society organizations, in particular the Women's Reflection, Democracy and Development Action (GF2D), the Network for the Combat against Child Trafficking in Togo (RELUTET) and the Group of Associations Against Impunity in Togo (CACIT) consist in the defending of certain categories of prisoners by the constituted Lawyers (they contribute to the realization of the right to defence).

95. A draft Bill on legal assistance had been validated during a workshop organized by the Ministry of Justice from 13 to 15 October 2010 in Lomé.

96. Free legal assistance is sometimes provided by through the NGOs to children victims of offences. Thus, with UNICEF financial support the BICE provides free legal assistance in its areas of activity in Lomé and in the South East Maritime region to children victims of

violence and sexual abuse discovered by the local protection committees and by other persons within the context of its integrated project for the protection of children's basic rights.

97. Furthermore, BICE systematically provides legal assistance to child perpetrators of offences for Minors from the examining stage up to judgement phase.

98. The NGO Terre des Hommes also provided free legal assistance to 58 children during 2007. The Network for the Combat against Child Trafficking in Togo, (RELUTET) provided assistance to 11 children between June 2007 and January 2008.

The Right of every individual to be judged within a reasonable time frame

99. The judgement of defendants and accused persons should be delivered within the time frame which fulfills the requirements of human rights protection. It is a Constitutional Right expressed in Article 19, paragraph 1 of the Constitution of the IVth Republic. The presumption of innocence which is the rule in our indictment proceedings requires that the defendants be judged within a reasonable time frame.

100. Thus, the Criminal Procedure Code, without defining the concept of « reasonable time frame », sets out time limits beyond which the detention instruments lose their legitimacy and lead to his automatic release if the defendant has not yet been brought before the examining Judge.

101. In this respect Article 273 of the Criminal Procedure Code stipulates that if the defendant is placed in a goal through a committal order from the Public Prosecutor he should be brought before a Judge within 48 hours, otherwise it constitutes an arbitrary detention.

102. Article 113 of the same Code stipulates that where the maximum limit of the sentence set out by Law is less than two years of imprisonment, the indicted person residing in Togo cannot be detained for more than 10 days after his first appearance before the examining Magistrate if he is a first offender. Paragraph 2 of the same Article stipulates that should the duration of the remand amount to half of the overall sentence incurred, his release is automatic. This Article is being increasingly applied with the recall to order addressed by the Attorney General and Minister of Justice to the Judges and especially with the control being carried out by the Indictment Division.

103. The right of every individual to be judged within a reasonable time frame is implicitly recalled in Articles 100, 101 and 108 of the Criminal Procedure Code which compels the examining Magistrate to embark immediately on the interrogation of the indicted person as soon as he is brought before him or at the latest within forty eight hours, failing which the indicted person is released.

104. To avoid keeping a defendant for long without his knowing his fate the Criminal Procedure Code sets out the time frames regarding offences and crimes. Thus, an offence lapses after five (5) years with effect from the day it is committed if no judgement is delivered and no hearing is opened. This time frame is extended by six (6) months if the

hearing has been opened. Concerning crime, it lapses after ten (10) years with effect from the day it is committed if no judgement has been delivered and no hearing opened. This time frame is extended by one year if a hearing has been opened (Article 7 of the Criminal Procedure Code). This provision does not refer to crimes against humanity and war crimes which are infeasible.

105. Before the Assize Court the judgement within a reasonable time frame implies in the substance of Article 202 of the Criminal Procedure Code that the accused persons should be judged not later than six months with effect from the date of the judicial decision for the indictment. This time frame is always respected in practice.

106. It should be admitted that in practice most of these deadlines (except where the Assize Court is concerned) are not respected due to the insufficient number of Judges and the inadequacy of the Judges' working tools in relation to the cases to be dealt with. The Judges' recruitment policy established since 1993 by the Togolese Government and strengthened by the on-going National Programme for the Modernization of the Justice System should make it possible, in the near future, for the Laws regarding the judgement of persons offenders to be respected. Moreover the new Article 400 of the Draft Bill establishing the Criminal Procedure Code makes it possible to refer to the guarantees of international humanitarian Law to which the Instrument accords an absolute nature (Article 400-4 regarding the right to be judged within a reasonable time frame).

The Principle of Legality of Misdemeanors and Penalties

107. This right is guaranteed by Togolese legislation. In effect, according to Article 1 of the Togolese Criminal Code, « no one can be subjected to the imposition of a criminal punishment which had not been set out by the Law before the commission of the offence. Whereas the new Law is less severe than the old one it is beneficial to the perpetrators of previous offences which have not yet been ruled on ».

108. Article 2 of the same Code specifies: « the Judge can only pronounce a criminal punishment in so far as the matter being prosecuted had been set out and qualified by the Law. The repressive, legislative and regulatory provisions must be strictly interpreted ».

The Procedure applicable to Minors.

109. On 6 July 2007 Togo promulgated a new Law (Law n° 2007-017 of 6 July 2007) relative to the Children's Code. This Code assembles all the various provisions scattered in several Laws and relating to the criminal procedure specific to Minors. This Law fixes the age of criminal majority and the age of criminal irresponsibility.

110. In criminal matters, Minors aged 14 are criminally irresponsible (Article 302 of the Children's Code). Minors aged more than 14 are judged by a special Judge (the Children's Judge: Article 318 of the Children's Code).

111. The procedure regarding Minors is regulated in Chapter 1 of Sub-Title III of Title II of the Children's Code. It provides guarantees for the protection for Minors whether they are

perpetrators or victims of offences. The procedure concerning children perpetrators focuses on the child's protection from the preliminary investigation up to the delivery of the judgement, via the criminal mediation, the hearing, the composition of the Tribunal, the judgement and the possibility of holding amendment proceedings (Article 300 to 338 of the Children's Code). Means of appeal are recognized for children under a procedure which is different from that of adults in relation to the public nature of the audience (Article 339 to 341).

112. In the concern to take the fragility of children into account, the Children's Code instituted protection for the children even in the detention centres. Thus the convicted Minors need to be separated from adults where they cannot be detained in different buildings and should not be subjected to torture or punishment, or inhuman or degrading treatment (Articles 347 and 348 of the Children's Code).

113. Finally the Children's Code set out in its Articles 351 and 352 action by private institutions in support of the protection of children who have broken the Law, by proposing to the Judge the substitution of remand or imprisonment by either close monitoring of the latter, or placement in an educational institution or household, or finally his placement in a family.

114. To facilitate respect for this procedure, capacity building seminars for the Judges responsible for the case files of Minors had been organized within the context of the justice modernization programme. In the same vein, the Draft Bill of the Organic Law on the organization of the Judiciary created a Children's Court in each region which, because of the specificity of the procedure for this category of persons, was to be headed by Judges trained in this field (Article 87).

Article 8: The Freedom of Conscience, the free profession and practice of religion

115. Article 1 of the Constitution which stipulates that Togo « is a secular, democratic and social State » assumes the absence of restrictions in relation to the exercise of the religion of one's choice.

116 The freedom of thought, of conscience and of religion is sanctioned by the Constitution in its Article 25 which stipulates that « every individual has the right to the freedom of thought, of conscience, of religion, of faith, of opinion and of expression. The exercise of these rights and freedoms is achieved in the respect for the norms established by the Law and the regulations ». Today all religions are practiced in total freedom.

117. On this basis, the Government considers the freedom of religion as a fundamental right that should be protected. Overall, the various religions existing on the national territory can be categorized in three major groups: Animism, Christianity and Islam.

118. The organization and the practice of religious beliefs are freely exercised within respect for the Law; likewise for the philosophical Orders. The exercise of one's faith and the expression of convictions are carried out with respect for the secularity of the State. The

religious denominations have the right to organize themselves and to freely carry out their activities in full respect for the Law.

119. The religious sects and organizations co-exist peacefully and engage in intense activities in the field. Thus they enjoy a freedom of manifestation which entails the organization of religious activities in both public and private places, the organization of marches of the Faithful through the cities of the country.

120. Every religion is free to establish its own school. The citizens are free to associate with Protestant, Islamic, Catholic or other educational institutions as they wish. Likewise the members of same household can freely practice different religions.

Article 9: The Freedom of Expression and of the Press

121. The Freedom of Expression and Freedom of the Press are respectively guaranteed and protected by Articles 25 and 26 of the Constitution. But the legal framework relating to the exercise of the freedom of the press is fixed by the Law n°98-004 of 11 February 1998 establishing the Press and Communication Code amended and completed by the Laws n° 2000/006 of 23 February 2000, n° 2002-06 of 25 September 2002 and n° 2004-015 of 27 August 2004.

122. These latter amendments completely de-criminalize media related offences and provide for imprisonment only in cases of crimes and offences committed against the internal or external security of the State, incitement to racial or ethnic hatred and the calling on the Defence and Security Forces to turn away from their responsibilities to the Fatherland.

123. Due to its liberal nature, the Press and Communication Code currently in force in Togo is considered to be one of the best instruments for the protection of the media in the West African sub-region.

124. An independent Constitutional Organ, the High Audiovisual and Communication Authority (HACA) protects the respect for the professional code of ethics in the field of communication and the fair access of the Political Parties to the public media.

125. The make up of this Body was reviewed in 2005 to grant it maximum professionalism and impartiality. Organic Law n° 2004-021 of 15 December 2004 which governs this Institution stipulates in its Article 21, paragraph 1 that: the High Authority has as mandate, to guarantee and defend the freedom and protection of the media and the other means of mass communication with full respect for the principles outlined in Article 3 of the same Law (respect for the dignity of the human being, for the protection of peace and public law and order, for national unity, for national defence imperatives, for the professional code of ethics in the area of information and communication etc.).

126. Within the context of the HACA's monitoring of radio-televised programmes, it was able to pick up several irregularities and excesses and took disciplinary measures such as the suspension of the authorization for establishment and operation for fifteen days, the temporary withdrawal of the Receipt for irreverent behaviour, denial of authority and refusal

to respect the basic rules of journalism and of the regulatory instruments, the definitive suspension of the editorials, columns, the chronicles or reflections of a Journalist.

127. On the eve of the date set for the legislative elections of October 2007, several workshops and training seminars had been organized for the Journalists to ensure the professional and responsible coverage of this event which the Government and its partners wanted to be as transparent as possible. To quote:

- The training seminar for Journalists on the Theme: For a responsible journalism in the service of the electoral process: the media in the face of the appeasement challenge of the 2007 legislative elections (19 to 21 June 2007);
- The seminar on the contribution of the public media to the success of the 2007 legislative elections: Radio Module (04 to 15 June 2007 ; TV Module (06 to 14 July 2007);
- The studying of the legislative and regulatory instruments relative to media coverage of the electoral campaign (19 to 20 July 2007);
- Days of discussions on the management of Articles in election time (24 to 25 September 2007).

128. Funds for assistance to the media had been allocated in the 2009 Budget and the Ministry of Communication, in collaboration with the HACA and the media organizations had defined the modalities for the distribution of this amount which totalled three hundred and fifty million (350,000,000) francs CFA.

129. In December 2008 there were 11 television stations, 70 radio stations and close to 200 Newspapers, some of which appeared, disappeared and reappeared due to financial difficulties.

Articles 10 and 11: The Freedom of Association, of Assembly and of Demonstration

130. The freedom of assembly and of demonstration is sanctioned by several instruments. The Togolese Constitution of 14 October 1992 stipulates in its Article 30 that the State recognizes and guarantees, under the conditions established by the Law, the exercise of the freedoms of assembly and of peaceful demonstration without use of violence.

131. Moreover, the Electoral Code states the principle of the freedom to hold electoral meetings and rallies over the entire territory. The exercise of this freedom is subject to the following conditions:

- The meetings and rallies cannot be held on the public thoroughfare;
- They are prohibited between 22h.00 and 06h.00;
- The declaration should be conveyed in writing to the office of the Prefect or the Mayor at least eight hours in advance during legal working hours of the Public Service (Article 88).

132. The Political Parties' Charter of 12 April 1991 in its Article 16 makes the exercise of public activities by any Political Party dependent on the acquisition of a corporate

personality. This corporate personality is acquired by making a declaration to the Ministry for Territorial and Local Government and Decentralization.

133. However when the activity of a Party degenerates into disturbance of public Law and Order, the Minister for Territorial Government can prohibit it. The decision taken is conveyed right away to the Party representatives. The referee Judge must make a ruling without delay. The Party can seize the referee Judge for the removal of the measure taken. Failure to convey the above indicated notification or should the referee Judge fail to make a ruling, the measure taken becomes null and void.

134. The Togolese Constitution sanctions the freedom of assembly and of public demonstration, but in practice there is the problem of reconciling the imperative need to respect these freedoms and the thorny issue of safeguarding public Law and Order.

135. In effect, the Togolese Constitution, in devoting more than thirty Articles to citizens' rights and freedoms, places man in the centre of the State's preoccupations. It nonetheless admits, in its Article 14 that: « the exercise of the rights and freedoms guaranteed by the present Constitution can only be subjected to limitations specifically set out by the Law necessary for the protection of national security, of public Law and Order, of public health, of the morale or the fundamental rights and freedoms of others ».

136. In the absence of a regulatory Law, the exercise of the said freedoms is dealt with in a pragmatic manner between the Public Service and the Organizers of the public manifestations.

137. A draft Bill establishing the conditions governing the exercise of the freedom of assembly and of demonstration in public thoroughfares or in public areas is under preparation.

138. The creation of Associations is governed by the French Law of 1 July 1901 made applicable in Togo through Decree n° 265/CAB of 8 April 1946. It took on a new lease of life with the advent of democracy in Togo in 1990.

139. The Decree N°92-130/PMRT dated 27 May 1992 defines the conditions for setting up international or foreign Associations in Togo. Pursuant to Article 4 of this Decree, the setting up in Togo of any international or foreign Association under the guise of an NGO should be lawfully authorized by the competent Authorities. The request for establishment should be conveyed to the Ministry for Local Government and Decentralization which will make a ruling by Decree in case of approval, or by simple notification in case of rejection (Article 5 Decree n° 92-130/PMRT).

140. Concerning the request for their recognition as an NGO, this should be addressed to the Ministry of Foreign Affairs and Cooperation, by the international and foreign Associations (Article 8 Decree n° 92-130/PMRT). The approval from the Ministry for Local Government and Decentralization should be attached to this request.

141. On the matter of national Associations requesting NGO status, their requests should be addressed to the Ministry of Planning, Development and Lands on the presentation of the approval issued by the Ministry for Local Government and Decentralization and Local Authorities. The Ministry of Planning, Development and Lands will make a pronouncement on this request through the signature of a programme agreement in case of approval or by simple notification in case of rejection (Art. 7 Decree n°92-130/PMRT).

142. Law n° 91-4 of 12 April 1991, establishing the Political Parties' Charter governs the creation of Political Parties. In December 2010, 93 Political Parties were registered in the Ministry for Local Government and Decentralization and Local Authorities.

143. The difficulties encountered by the Associations and NGOs in obtaining Receipts and in the organization of meetings and rallies can hardly be interpreted as a refusal by the Government to issue Receipts or as a deliberate intention to restrict the enjoyment of these freedoms.

144. In effect the Ministry for Local Government is setting up a database to register the nature, area of intervention and activity reports of all the Associations active on the national territory. This measure should make simpler the declaration procedure for NGOs and Associations since the character/morality surveys are no longer systematic for all the Associations.

145. This approach should however not be interpreted as a desire on the part of the Authorities to deprive them of Receipts and thereby the legal capacity of special types of Associations. Furthermore the notification system to which the exercise of the above mentioned freedoms is subjected can hardly be interpreted as an evident will to restrict their enjoyment.

146. Pertaining to the exercise of the above mentioned freedoms by women, in particular the human rights defenders, they encounter certain difficulties in exercising their freedom of association. The weight of sociological and cultural factors is a determining element in the obstacles that women encounter in the exercise of their daily activities. In effect, the fact of the matter is that there is a mentality which refuses to admit that women are capable of being active anywhere else other than in the home.

147. It is through the intensification of sensitization, information, education and communication campaigns that the Government intends to effect a change of mentality and thereby remove the prejudices and the taboos which surround women in the society.

Article 12: The Freedom of Movement

148. Several Laws sanction the right and freedom of each citizen to move around freely on Togolese territory. One can quote Article 22 of the Constitution which stipulates that « all Togolese have the right to move about freely and to settle anywhere of their choice on the national territory under the conditions defined by the Law or the local custom ».

149. Article 23 prohibits the expulsion or the extradition of a foreigner from the national

territory subject to a decision conforming to the Law and to the possibility of this foreigner to assert his defence before a competent judicial authority. Article 24 for its part prohibits the extradition of any Togolese national from the national territory.

150. The freedom of movement implies the right for any Togolese to leave his country and to return to it at any time without any problem. Likewise any Togolese has the right to travel to anywhere in the national territory and to freely choose his place of residence. Thus any citizen can travel to anywhere in the territory so long as he can justify having a fixed residence. Here residence means that which is established by Law, in other words - the Persons and Family Code, the Civil Procedure Code and the Criminal Procedure Code.

151. Finally, the right to leave Togo and to return to it is subject to the production of travel documents. If within the framework of ECOWAS the presentation of a valid national identity card suffices, the same is not true for travel to other African, American, Asian and European countries where a Passport is required.

Status of the Foreigner desiring to reside in Togo

152. It is governed by the Law n° 87-12 of 18 November 1987 relative to the policing of foreigners and the Decree n° 96-113 of 16 October 1996 which determine the general conditions for the issue of visas and residential permits and special regimes.

153. According to the provisions of the Decree n° 96-113 mentioned earlier, the entry and residential visa relative to the general regime is issued by the Director General of the National Police or by the Ministry of Foreign Affairs when it relates to members of Diplomatic and Consular Missions and International Organizations.

154. The conditions for the issue of entry visas are the following:

- produce a valid Passport with a duration period that surpasses that of the Visa to enable the foreigner to return to his country of origin or his entry into a third country;
- provide three passport size photographs;
- produce a Vaccination Card which conforms to the WHO vaccination requirements;
- complete a Visa request Form;
- provide evidence of sufficient financial resources.

155. The Visa cannot be affixed onto an expired travel document.

Outside Togo the entry visa and residence permit are issued by the Diplomatic and Consular Missions and the Honorary Consulates of the Togolese Republic as well as all other Diplomatic and Consular Missions of foreign countries mandated by Togo.

156. Where the validity period of the Diplomatic or Courtesy Visa, still referred to as an official Visa, varies from 1 to 3 years as the case may be, the same is not true for the ordinary Visas, the duration of which is from 1 to 90 days for a short stay Visa and more than 90 days for a long stay Visa.

157. The foreigner needs to seek a residence permit where the length of one uninterrupted stay and the total length of successive stays surpass three months per quarter with effect

from the date of the first entry. It is issued by the Head Office of the National Police.

158. The requirements for the acquisition of a residence permit are established as follows:

- Provision of a police Report of less than 3 months from the country of origin;
- Provision of a medical certificate of less than 3 months, a photocopy of the first three pages of the Passport, six passport size photographs and three stamped envelopes addressed to oneself;
- Transmission of a stamped letter of request to the Head Office of the National Police;
- Completion of two information slips to be obtained from the Head Office of the National Police (Article 12 of the Decree of 16 October 1996-113).

159. Regarding the members of Diplomatic and Consular Missions and those of International Organizations, a Diplomatic Card issued by the Ministry for Foreign Affairs represents the residence permit.

Article 13: The Right to participate in the management of Public Affairs

160. Article 37 of the Constitution sets out the principle of the right of each citizen to participate in the management of public affairs. This participation can take place either directly or indirectly through the intermediary of the elected representatives as evidenced by the holding, under non-violent conditions, of the legislative elections of 14 October 2007 and the presidential elections of 4 March 2010. The consolidation of the current decentralization process should facilitate the strengthening of this participation by citizens in the management of public affairs.

161. This principle of direct or indirect participation conforms to the spirit of Articles 13 and 14 of the African Charter on Human and Peoples' Rights and is sanctioned by Articles 2 to 13 and 4, parag. 1 and 5 of the Constitution. The only restriction to this right relates to the loss of civil and political rights sequel to a definitive sentencing for a crime or a misdemeanor.

The Right to Vote

162. Voting is universal, equal and secret. In this regard all Togolese of both sexes are voters and are eligible under the conditions established by the Constitution and the Electoral Code.

163. According to the Constitutional Laws the people can participate in decision making regarding national activities either directly through referendum or indirectly through the intermediary of its elected representatives.

164. Election matters are governed by the Law loi n° 2007-012 of 14 June 2007 on the amendment of the Law n° 2000-007 of 5 April 2000, amended by the Law n°2002-01 of 13 March 2002, Law n°2003-01 of 7 February 2003, Law n°2003-014 of 20 October 2003, Law n°2005-001 of 21 January 2005 and Law n°2007-009 of 7 February 2007 establishing the Electoral Code.

165. The organization and supervision of elections and referendums fall under the responsibility of the National Independent Electoral Commission (NIEC) which implements in collaboration with the Ministry for Local Government.

The NIEC comprises seventeen (17) members:

- Five (05) members appointed by the Presidential Group;
- Five (05) members appointed by the Opposition;
- Three (03) members appointed by Civil Society;
- Three (03) members appointed by the extra-parliamentary Political Parties;
- One (01) member appointed by the Public Service.

The Chairman of the Commission is elected by his peers.

The Voting Right

166. The right to vote is recognized for all Togolese citizens of both sexes of over 18 years, who enjoy their civic and political rights.

167. Nonetheless the following are excluded from the electoral process:

- Those sentenced to more than six (6) months in prison with or without reprieve, with or without a fine for theft, fraud, breach of trust, embezzlement of public funds, for forgery and the use of forgeries, corruption and influence-peddling or indecent assault;
- Those who are in contempt of court;
- Disabled adults;
- The non-certificated bankrupts;
- Individuals deprived of their civic and political rights within a timeframe established by a process of legal authority in application of the laws in force (Article 54).

The Right to Eligibility

168. In Togo, all citizens of both sexes can submit their candidature for the various elections subject to the conditions set out by the Law.

169. During the period from 2003 to 2010, Togo organized three (3) presidential elections in 2003, 2005 and 2010 respectively and a legislative election in 2007.

The Presidential Elections

170. The requirements for the submission of candidacy for the presidential elections are established by the Constitution and the Electoral Code.

171. Pursuant to Article 62 of the Constitution, every candidate to the presidential election should:

- Exclusively have Togolese nationality by birth;
- Be over 35 years on the date of submission of the candidature;

- Be in possession of all his civil and political rights;
- Present a general state of physical and mental well-being duly confirmed by three (3) sworn in Doctors, appointed by the Constitutional Court;
- Have been resident on the national territory for at least twelve (12) months.

172. According to the Electoral Code the candidate for the presidential election is obliged to deposit to the Public Treasury a surety the amount of which is fixed by Decree during a Cabinet Ministers' meeting on the joint proposal of the NIEC and the Electoral Office (Article 174 of the Electoral Code).

173. The candidate should also have the nomination of one or of several political parties or a list of two thousand (2,000) registered voters residing in ten (10) Prefectures of at least two hundred (200) per Prefecture (Article 170 of the Electoral Code).

The conduct of the Presidential Elections

The 2003 Presidential Election

174. Seven (7) candidates participated in the presidential elections of 1 June 2003, opened at the call of the Electorate through a Decree ordered in Cabinet, namely:

- Eyadema GNASSINGBE of the Togolese Peoples' Party (RPT);
- Bob AKITANI of the Union of the Forces of Change (UFC);
- Yawovi AGBOYIBO of the Renaissance Action Committee (CAR);
- Edem KODJO of the Pan-African Patriotic Convergence (CPP);
- Léopold GNININVI of the African Peoples' Democratic Convention (CDPA);
- Dahuku PERE of the Agreement for Socialist Renaissance (PSR);
- Nicolas LAWSON of the Renaissance and Redemption Party (PRR).

175. The electoral campaign which started two weeks before the voting took place in a peaceful and non-violent atmosphere across the entire national territory.

176. The access by the candidates to the public media and the media coverage of their meetings was guaranteed by the public media under the conditions determined by the High Audiovisual and Communication Authority.

177. The 125 Observers who had been deployed throughout the national territory were unanimous in admitting that the elections of 1 June 2003 had « taken place under good conditions despite the few difficulties observed at the level of the distribution of voting cards, mainly in the Lomé District ».

178. At the end of the voting the Constitutional Court had declared GNASSINGBE Eyadema, candidate of the Togolese Peoples' Party who had obtained 59.13% of the votes cast, winner. The other candidates had obtained the following percentages of votes:

- Bob AKITANI of the UFC: 33.68%;
- Yawovi AGBOYIBO of the CAR: 5.12%;

- Dahuku PERE of the PSR: 2.20%;
- Edem KODJO of the CPP: 0.96%;
- Nicolas LAWSON of the PRR: 0.20%;
- Léopold GNININVI of the CDPA: 0.17%.

The 2005 Presidential Elections

178. Following the demise of the Head of State, the late Eyadéma GNASSINGBE on 5 February 2005, the Togolese Armed Forces decided to entrust Mr. Faure GNASSINGBE with the power. On 6 February the National Assembly met in extraordinary session and embarked on the review of the Constitution and the Electoral Code to enable Mr. Faure GNASSINGBE to complete his late Father's term of office.

180. However the Togolese Opposition protested and with the support of the International Community the Togolese Government was emphatically invited to re-establish constitutional legality. In the face of this situation, Mr. Faure GNASSINGBE resigned from the office of President of the Republic. The Parliament therefore elected Mr. Abass BONFOH as Speaker of the National Assembly who was to assume the office of President of the Republic ad interim.

181. By Decree n° 2005-013/PR of 4 March 2005 the Government called on the electorate to elect a President of the Republic the date for which was fixed for the 24 April 2005.

182. The electoral campaign for the elections was marked with a series of acts of violence. On 22 April 2005, the Minister for the Interior and Security responsible for the elections had handed in his resignation due to the risks of mistakes which were looming on the horizon.

183. The following candidatures were accepted by the Constitutional Court for participation in these elections:

- Faure GNASSINGBE of the Togolese Peoples' Party (RPT);
- Bob AKITANI candidate of the coalition of five (5) political parties: Union of the Forces of Change (UFC), the Renaissance Action Committee (CAR), the African Peoples' Democratic Convention (CDPA), the Alliance for Democracy and Integral Development (ADDI) and the Union for Social Democracy (UDS-Togo);
- Nicolas LAWSON of the Renaissance and Redemption Party (PRR);
- Harry OLYMPIO of the Party for Support to Democracy and Development (RSDD).

184. At the end of the voting process the Constitutional Court declared the candidate of the Togolese Peoples' Party, Mr. Faure GNASSINGBE, who had obtained 60.15% of the votes cast, provisionally elected. The other candidates obtained the following results:

- Bob AKITANI candidate of the coalition of five (5) political parties: Union of the Forces of Change (UFC), the Renaissance Action Committee (CAR), the African Peoples' Democratic Convention (CDPA), the Alliance for Democracy and Integral Development (ADDI) and the Union for Social Democracy (UDS-Togo): 38.25%.
- Nicolas LAWSON of the Renaissance and Redemption Party (PRR): 1.04%;

- Harry OLYMPIO of the Party for Support to Democracy and Development (RSDD): 0.55%.

On the proclamation of the provisional results by the National Independent Electoral Commission (NIEC), acts of violence were registered in several cities throughout the country giving rise to considerable loss of human lives and damage to property. These acts also gave rise to internal displacements of populations and to the flight of refugees into the neighbouring countries, to Benin and Ghana notably.

The Presidential Election of 4 March 2010

185. The Electorate had been called on by Decree N°2010-019/PR on 1st February 2010 for the presidential election. In the concern to guarantee the security of the electoral process throughout the national territory, the « 2010 Presidential Election Security Force » had been established by Decree N°2009-278/PR on 1 November 2009.

186. In conformity with the provisions of the Electoral Code, the National Independent Electoral Commission (NIEC) launched an invitation for candidatures. The NIEC registered eight (8) dossiers of candidatures in respect of the following personalities:

- Madam ADJAMAGBO-JOHNSON Brigitte Kafui of the African Peoples' Democratic Convention (CDPA);
- Mr. AGBOYIBO Yawovi of the Renaissance Action Committee (CAR);
- Mr. FABRE Jean-Pierre of the Union of the Forces of Change (UFC);
- Mr. GNASSINGBE Essozimna Faure of the Togolese Peoples' Party (RPT);
- Mr. KAGBARA Bassabi of the Party for Development and Progress (PDP);
- Mr. KODJO Messan Agbéyomé of the Organization for the Construction of a United and Interdependent Togo (OBUTS);
- Mr. LAWSON Jean Nicolas Messan of the Renaissance and Redemption Party (PRR);
- Mr. YAMGNANE Kofi, Independent Candidate.

187. It should be emphasized that there were three (3) incomplete dossiers which were not retained by the NIEC. These were in respect of Messrs:

- Dahuku PERE of the Alliance (missing document: surety)
- Gilchrist OLYMPIO of the Union of the Forces of Change (missing documents: declaration of candidacy; legalized signature; medical certificate);
- Kokou Ségno N'SOUKPOE of the New Forces (missing document: surety).

188. The dossiers had been transmitted to the Ministry responsible for Local Government for administrative checking. They were to return to the NIEC after this verification for transmission to the Constitutional Court for examination and publication of the list of accepted candidates for the presidential election of 4 March 2010.

189. By Ruling N°E-003/10 of 1 February 2010, delivered by the Constitutional Court, the following candidates were accepted for the presidential election of 4 March 2010:

- Madam ADJAMAGBO-JOHNSON Brigitte Kafui of the African Peoples' Democratic Convention (CDPA);
- Mr. AGBOYIBO Yawovi of the Renaissance Action Committee (CAR);
- Mr. FABRE Jean-Pierre of the Union of the Forces of Change (UFC);
- Mr. GNASSINGBE Essozimna Faure of the Togolese Peoples' Party (RPT);
- Mr. KAGBARA Bassabi of the Party for Development and Progress (PDP);
- Mr. KODJO Messan Agbéyomé of the Organization for the Construction of a United and Interdependent Togo (OBUTS);
- Mr. LAWSON Jean Nicolas Messan of the Renaissance and Redemption Party (PRR);

The Electoral Campaign

190. The NIEC reminded the Political Parties and the candidates that the electoral process had entered the pre-campaign phase since mid-December 2010 and that they were required to conform to the provisions of the Electoral Code regarding the electoral campaign.

191. In liaison with the High Audiovisual and Communication Authority (HACA), the NIEC ensured the application of the provisions of the Electoral Code regarding the equal access of the candidates to the State media.

192. The NIEC embarked on the training of the members of the Local Electoral Commissions for a close monitoring of the electoral process to avoid mistakes. Within the context of the electoral process support project, ten (10) civil society organizations were trained and deployed throughout the national territory to carry out civic education and sensitization for the elections.

193. Within the framework of the national observation process of the elections, the NIEC accredited more than thirty (30) civil society organizations which had submitted a request.

194. Regarding the international electoral observation, besides the ECOWAS and the European Union (EU)'s Observation Missions, the NIEC granted accreditation to several foreign organizations which had submitted a request.

195. The electoral campaign took place from 16 February to 2nd March 2010 without any violence across the entire national territory.

196. At the end of the voting the Constitutional Court declared the following final results:

Number of registered voters:	3,277, 492
Number of voters:	2,119,829
Blank and void votes:	79,283
Votes cast:	2,040,546

Votes obtained by the candidates:

- Madam ADJAMAGBO-JOHNSON Brigitte Kafui 13,452 namely 0.65%
- Mr. AGBOYIBO Yawovi 60,370 namely 2.95%

- Mr. FABRE Jean-Pierre 692,554 namely 33.95%
- Mr. GNASSINGBE Essozimna Faure 1,242,409 namely 60.88%
- Mr. KAGBARA Bassabi 8,341 namely 0.40%
- Mr. KODJO Messan Agbéyomé 17,393 namely 0.85%
- Mr. LAWSON Jean Nicolas Messan 6,027 namely 0.29 %.

197. Pursuant to Article 60 of the Constitution, the election of the President of the Republic takes place in a single majority round vote for a single candidate. The President of the Republic is elected by a majority of the votes cast.

198. In accordance with the provisions of Article 60 of the Constitution, Mr. GNASSINGBE Faure Essozimna who had obtained the greatest number of votes cast had been proclaimed elected President of the Republic by the Constitutional Court.

199. The election of 4 March 2010 had been judged free and transparent by the national and international observers.

The Legislative Elections

200. The requirements to be fulfilled for candidacy to the legislative elections are set out by Articles 197 to 200 of the Electoral Code. Pursuant to these provisions, the candidate for the legislative elections should:

- Be over 25 years on the date of the election;
- Be Togolese by birth;
- Be able to read and write the official language.

201. However, the following cannot submit a candidature for the legislative elections:

- Persons who have forfeited their civic and political rights through judicial decision;
- Persons equipped with a judicial council;
- Secretaries General, Permanent Secretaries of the Ministries, Directors General of the Public Services;
- The Prefects, Deputy Prefects and Secretaries General of the Prefectures;
- Labour Inspectors;
- The Treasurer General and Heads of Treasury and Tax Departments, and Accountants and officers employed in the tax base, collection and revenue recovery Departments or the public expenditure payment Division;
- The Directors of Customs and Heads of Customs Offices;
- The Gendarmes, the Officers and senior Officers of the Gendarmerie;
- Police Officers, Agents and Police Commissioners;
- Officers of the Armed Forces;
- Court and Tribunal Judges.

The conduct of the early Legislative Elections of 14 October 2007

202. By Decree n° 2007-094/PR of 30 August 2007, the Government called on the electorate for the early legislative elections of 14 October 2007. In the running for these elections were 2,122 candidates representing 30 Political Parties and 395 lists of independent candidates for 81 parliamentary seats distributed as follows:

- 21 for the Maritime region;
- 22 for the Plateaux region;
- 11 for the Central region;
- 16 for the Kara region;
- 11 for the Savana region.

203. The following Political Parties took part in this election:

1. The Togolese Democratic Alliance (ATD);
2. The Democratic Alliance for Integral Development (ADDI);
3. The Renaissance Action Committee (CAR);
4. The African Peoples' Democratic Convention (CDPA);
5. The Togolese Peoples' Party (RPT);
6. Union of the Forces of Change (UFC);
7. The Democratic Alliance for the Fatherland (ALLIANCE);
8. The Pan-African Patriotic Convergence (CPP);
9. The New Forces Convention (CFN);
10. The Party for Justice, Vigilance, Education, Nationalism, Tenacity and Optimism (JUVENTO);
11. The African Front for Democracy and Development (FADD);
12. The Action Party for Change in Togo (PACT);
13. The Party for Democracy and Renaissance (PDR);
14. The Socialist Renaissance Agreement (PSR);
15. The Pan-African Democratic Party (PDP);
16. The Citizens' Movement for Democracy and Development (MCD);
17. The Renaissance and Redemption Party (PRR);
18. The National Workers' Salvation Party (PNTS);
19. The New Peoples' Dynamic Party (NDP);
20. The New Initiative for Development (NID);
21. Youth and Dignity (JD);
22. The Union for Democracy and Social Progress (UDPS);
23. The Union of Socialist Democrats of Togo (UDS - Togo);
24. The Believers' Movement for Equality and Peace (MOCEP);
25. The Pan-African Green Party (PEP);
26. The Peoples' Union for the Republic (UPR);
27. The Union of Nationalists for Employment (UNT);
28. The Movement of Centrist Republicans (MRC);
29. The Party of the Union for Renewal and Development (PURD);
30. The Party of the Union for Peace, Justice and Labour (UPAJUT).

204. The electoral campaign took place in a peaceful atmosphere across the entire national territory and no incident was reported anywhere in the country.

205. At the end of the voting, the Constitutional Court proclaimed the following results:

- Number registered: 2,974,718;
- Number of voters: 2,526,049;
- Blank votes: 181,941,
- Votes cast: 2,344,108;
- Rate of participation: 85%.

206. Obtained:

- The Togolese Peoples' Party (RPT): 50 seats out of 81;
- The Union of the Forces of Change (UFC): 27 out of 81;
- The Renaissance Action Committee (CAR): 4 out of 81.

These elections were judged free, democratic and transparent by the national and international observers.

The Right of every individual to accede to public office

207. The Togolese Constitution, the General Orders of the Public Service and the Labour Code sanction equal access for all citizens of both sexes to public and private positions, subject to the requirements of physical aptitude, and special restrictions (Article 2 and Article 37 of the Constitution).

208. To guarantee the respect for equal access of all citizens to public office, the accepted principle is direct examination.

209. In effect, direct examination is periodically organized for the recruitment of young public servants and professional examinations for the promotion of public servants already pursuing their careers.

210. Special examinations are organized for the recruitment of each corps and general examinations are organized for the recruitment of general staff for several Ministerial Departments.

211. Between 2003 and 2007 a general examination and five (5) sectorial examinations were organized, thus facilitating the recruitment of more than three thousand (3,000) young graduates on the basis of criteria defined beforehand. The most recent general examination organized on the 1st and 2nd August allowed the recruitment of four thousand (4,000) job seekers into the Public Service.

212. The written or eligibility exams take place under the control of a Commission. All the necessary arrangements are made to ensure the reliability and secrecy of the exams (written or oral) the correction of which is done under the control of a Jury appointed on the decision of the Minister of the Public Service.

213. Nonetheless recruitment on the basis of qualification can be done exceptionally for some citizens who may hold Diplomas, Titles, professional qualifications or rare abilities for the requirements of the Public Service.

214. The State gives a prominent place to men. This observation also holds true in the distribution of decision making positions which are for the most part occupied by men.

215. This imbalance has remote causes the most conspicuous of which relate to cultural constraints which discourage the education of women and the strengthening of their leadership.

216. The measures taken by the Authorities, notably the suppression in 2008 of school fees in the public nursery and primary schools coupled with the sensitization campaigns aimed at removing the last obstacles to the large scale schooling of young girls should make it possible to fill the gaps observed earlier.

Article 14: The Right to own Property

217. The right to own property is sanctioned by the Togolese Constitution of 14 October 1992. In effect, pursuant to Article 27 of the said Constitution, « the Right to own property is guaranteed by Law and cannot be violated except in the interest of a legally sanctioned public need and this only after the payment of fair compensation beforehand. No one can be deprived of his property except pursuant to a judicial ruling ».

Article 15: The Right to decent Employment

218. An entire arsenal of legal texts and regulations guarantee the principle of the right to employment in Togo.

219. The fundamental law states the principle of the right to employment in its Article 37, paragraph 1 which stipulates: « The State recognizes for each citizen the right to work and endeavours to create the conditions for the effective enjoyment of this right ».

220. In practice the will of Government to provide employment for its citizens of both sexes is seen in the establishment in 1984 of a recruitment examination reserved indiscriminately to candidates of both sexes. Modalities for the promotion, progress, recruitment of men and women public servants are set on the basis of egalitarian principles. Thus, the Togolese female public servant is entitled to the same salary treatment as that of the male public servant.

The measures adopted in the area of Employment

221. Togo does not have statistics allowing it to precisely assess the level of employment and its development. Nonetheless, concerning the rate of unemployment and under-employment, UNDP's most recent Report (December 2008) reveals that the unemployment rate in Togo is 6.1% and that of under-employment is 27%.

222. This observation is an acknowledged fact among the underprivileged classes, namely women, disabled persons and the youth who are increasingly falling victim to marginalization and exclusion on the job market. Since 2006 a certain number of measures have been taken to re-dynamize the employment sector.

At the legal and institutional level

223. With the technical and financial support of the International Labour Office (ILO), the Togolese Government designed, then adopted, during the Council of Ministers meeting of the 18 January, an Employment Policy and Poverty Alleviation Framework document.

224. This document identified the priority areas and strategic points that should allow the reversal of the staggering trend of the unemployment rate. This framework document was backed up by an operational Action Plan which constituted the operative formula of the employment policy.

225. On the basis of the above-mentioned documents, the Government established, besides the Ministry of Labour, Employment and Social Security, a Secretariat of State to the Prime Minister responsible for Youth and Youth Employment which is allocated a budget allowing it to launch its programmes for the youth.

226. The voting in by the National Assembly of the Law n° 2006-010 of 13 December 2006 establishing the Labour Code marked a turning point in the improvement of the employment sector's legal framework. This new Labour Code took into account areas which were both essential and innovative in the legislation of employment such as:

- Health and security in the workplace (Title VII);
- The placement control services (Title VIII);
- The social dialogue (Title VIII).

227. Likewise, a modernization programme of the public employment management structure sanctioned by the Labour Code of 13 December 2006 in its Articles 195 and following, was launched. The public employment management structure currently comprises three Departments:

- A Department for the designing of programmes inherent to the employment policy called the Employment Head Office (DGE) which would replace the current National Employment Policy Head Office (DPNE);
- A Department for the implementation of the employment programmes for the benefit of various target groups: the youth, women, disabled persons. This is the National Employment Agency (ANPE) whose headquarters were inaugurated on 30 April 2009.
- A Department for the collection, processing and dissemination of employment related data. This institution which would serve as an employment and workforce observatory is at the design stage. An embryonic project of the said observatory is to be initiated within the ANPE.

228. A framework for permanent dialogue has been established and meets on a tripartite basis - Government, workers syndicates, employers – the key players in the job market to promote the making of consensual decisions on all the problems generated by the conflicting interests of the protagonists of the employment world.

229. To conclude, the Public Service Consultative Assembly held in December 2006 outlined a certain number of factors which undermine the productivity and performance of the benefits from the Public Service. Following this forum a thematic group supported by two international Experts was set up.

230. The Commission is ready to start work but the instruments which were prepared and which relate to the building of the capacities of the Public Service (rehabilitation of the employment framework, review of the General Orders as well as the special and particular Orders), have not yet been validated.

231. In conclusion, on the basis of the measures established by the Government, the interim DSRP had retained the development of social sectors, of human resources and of employment as « strategic axe 3 ». In this respect and with the support of its development partners, the Government seeks to improve the legal, institutional and economic framework for job creation. These will consist in¹ :

- The operationalization of the National Agency for Employment Promotion;
- The development of self-employment by the youth through the access to decent employment;
- The improvement of the activities of the informal sector.

232. Pertaining to the private sector, the document relative to the Business Charter was validated on 26 February 2009. The private sector actors await the effective implementation of the policy guidelines set out by the said Charter in order to give this sector a new lease of life.

In the area of professional training

233. Promotion of professional training is carried out from a global perspective. A dynamic interaction links the training, the intermediary financing institutions and the employers. The educational reform seeks to include in the school curricula the techniques of creation and management of businesses. Likewise an ad hoc committee has been set up to harmonize the requirements of the employers with the training content.

234. In the area of professional training, the under financing of the education and professional training system did not favour the appropriateness of the supply to the demand for jobs in the formal sector. These variables resulted in the high rate of unemployment among the youth. The measures taken by the Government are accomplished on the basis of a global approach².

¹ Source: UNDP: Monitoring the Millennium Development Goals in Togo, Second Report, Summary, December 2008.

² Source: UNDP: Monitoring the Millennium Development Goals in Togo, Second Report, Summary, December 2008.

235. The Public Servant benefits from the measures to guarantee his training and professional specialization. The training can be on an individual or collective basis taking into consideration the requirements of the Service and the specificities of each Body³.

236. Technical education and professional training fall under the responsibility of the Ministry of Technical Education and Professional Training. It is responsible for the training and specialization of labourers, technicians, senior officers and engineers for the modern sector and the training of apprentices for the formal and informal sectors. All this training is carried out in different public and private institutions controlled by this Ministry.

237. At the level of the craftsmen the component of apprentices in the dual system and in the other centres of professional training amounted to 1,592 pupils of whom 231 were girls, namely 14.5%⁴.

238. In conclusion, the number of girls in technical and professional education is low in comparison to that of boys. They are also under represented in the industrial sector.

239. It is important to note that employment prospects in the Public Service are reassuring, especially with the renewal of cooperation between Togo and its development partners.

240. In 2004 an Employment and Poverty Alleviation Policy Framework Document was prepared with the aim of promoting employment. In this Document the Togolese Government, with the support of the ILO and UNDP, set up a training and implementation framework for an Employment and Poverty Alleviation Policy⁵. The global objectives governing this framework document prepared in 2004 consist in:

- Instituting greater visibility on the job and employment market;
- Instituting a legal and institutional environment conducive for productive employment;
- Increasing the various systems of credit to make them accessible to all the promoters of micro, small scale, medium and large scale enterprises;
- Improving the quality of training, support and counselling services for the promoters and for the businesses; and
- Creating and guaranteeing the functioning of diverse forms of social protection for the different categories of workers.

241. In order to attain these goals, the following strategic axes were defined⁶:

- Building the capacities of the employment promotion institutions;
- The restructuring of the National Employment Promotion Department;
- Strengthening the information systems on the employment market;
- Strengthening the qualifier training programmes;
- Improving the legal framework;

³ Articles 38 to 43 of the Public Service Statutes.

⁴1995-1996 Statistics Yearbook, Studies, Research and Planning Department.

⁵ Source: DSRP-C.

⁶ Source: Ministry of the Public Service, Labour and Employment (2004).

- Promoting the right to employment;
- The political will and commitment;
- The development of self-employment; and
- The strengthening of social dialogue.

242. Let us note that in the past few years the Senior Technician Diploma (BTS) programme has developed so well that a Department has been devoted to it within the Ministry for Technical Education and Professional Training.

The Results

243. It is too early to draw an exhaustive conclusion of this reform which is mid-way in its implementation. Nonetheless we can already indicate that more than 13,000 young people have been recruited into the Public Service since 2006 and a large number of them have been taken on at part-time within the context of High Intensity Labour Activities (THIMO): cleaning of gutters, paving of streets, site maintenance etc.

244. Moreover, the continuous improvement of the economy's legal and institutional framework, and that of the private sector in particular and the public service administrative reform programme constitute as many factors permitting the rebounding of the short and medium term employment related data.

245. In terms of action, the Government set out as priority action, in the DSRP-C⁷:

- The development of self-employment and access by women to greater and better quality jobs, the access by the youth and vulnerable groups to decent employment, the improvement of the activities of the informal sector;
- The strengthening of the micro-credit and micro insurance mechanisms;
- The reinforcement of qualifier training programmes, the revitalization of the National Apprenticeship, Training and Professional Specialization Fund, (FNAFPP), of the Youth Economic Initiatives Support Fund (FAIEJ), of the Youth Integration Fund (FIJ).

Article 16: The Right to Good Health

The Health Situation

246. The Togolese populations' state of health remains very precarious, due in particular to the consequences of the socio-political crisis on the social sectors. The mortality rate remains very high, particularly among the children. The infant mortality rate (less than a year old) is estimated at 77‰ and that of infant-juvenile mortality at 123‰. The mortality rate is moreover far higher in the rural areas with an infant mortality of 89‰ as against 49‰ in the urban areas and an infant-juvenile mortality rate of 143‰ in the rural areas as against 73‰ in the urban areas. Life expectancy stands at 57.5 (56.5 years for men and 58.5 years for women).

⁷ DSRP-C, pages 69-70.

247. Most of the diseases and health problems are due to transmissible and non-transmissible diseases which can be avoided for the most part but are caused or worsened by poverty and peoples' behaviour.

248. Among these diseases are those which can be avoided through vaccination. They are tuberculosis, diphtheria, whooping-cough, tetanus, measles, and poliomyelitis which have been covered by the Extended Immunization Programme (EPI) since 1980. The target constitutes children of 0 to 11 months and pregnant women for maternal-neonatal tetanus. To these diseases today can be added Yellow Fever, Hepatitis B and Haemophilus influenzae B infections.

249. With regard to the immunization status according to the MICS3 2006 data, 49.2% of the children received all eight doses of the vaccine of the Extended Immunization Programme (EPI) before their first birthday while 43% were fully vaccinated before their first birthday. At the same time 6% of the children did not receive any dose of the vaccine before the age of 1 year.

250. This average level of the immunization cover hides relatively important disparities according to gender and according to area. Thanks to the support of the Global Alliance for Vaccines and Immunization (GAVI), Togo introduced in July 2008 in the routine EPI, the vaccine pentavalent DTC-HepB-Hib against diphtheria, whooping-cough, tetanus, Hepatitis B and Haemophilus influenzae B infections.

251. The mass immunization campaign against measles in children aged 9 months to 14 years organized in 2001, helped to reduce the mortality rate linked to this disease by 100% and reduced the morbidity rate by 84%, bringing about the disappearance of the quasi-annual epidemics of measles in 2002 and 2003. Armed with these results, a new campaign against measles was organized in December 2004 and January 2008.

252. Thus, the struggle to eradicate poliomyelitis has made considerable progress in Togo, with very satisfactory monitoring indicators (3 per 100,000 children of less than 15 years of the rates of Acute Flaccid non polio Paralysis (PFA) since 2000 and 100% of samples of faeces collected in fourteen days). In 2007, Togo was certified as a country which had eradicated poliomyelitis. Against all expectations, three (3) new cases had been detected and confirmed in the Tône and Oti Districts in November 2008. In reaction an anti-polio immunization campaign had been organized in December 2008 in the Tône District and extended to the entire country in January 2009.

253. With regard to maternal-neonatal tetanus, Togo's performance in the area of immunization led to the validation of its elimination in 2005 as a country unscathed from neonatal tetanus.

254. Generally, special attention needs to be paid to the strengthening of epidemiological monitoring in order to better understand the current trends in the development of transmissible diseases which can be prevented through immunization.

255. The transmissible diseases which cannot be prevented through immunization constitute:

- HIV/AIDS: the prevalence rate of HIV in Togo was estimated at 3.2% in 2006 among the 15 to 49 year olds (UNAIDS/WHO), which represents about 110,000 adults living with HIV. This prevalence rate stands at 44.5% among sex workers in Lomé and at 9.7% among soldiers. At the end of 2007 the total number of AIDS cases was about 21,740. That of children and adolescents made orphans by AIDS was estimated at 88,000. The frequency of infection to HIV among 18 month old children diminished from 16.1% in 2006 to 13.2% in 2007.

256. The number of patients on retroviral drugs rose from 6,579 to 7, 980 from 2006 to 2007, increasing the coverage rate from 24% to 30.4%. The proportion of HIV positive pregnant women who receive treatment to reduce the mother to child transmission rose from 1.8% in 2005 to 6.8% in 2007.

257. Tuberculosis: in 2005, according to the WHO, the number of new cases estimated was one hundred and fifty (150) cases of positive microscopy pulmonary tuberculosis (TPM+) per 100,000 inhabitants and three hundred (300) cases of all types per 100,000 inhabitants. In order to improve the treatment success rate, the DOTS (Direct Observing Treatment Short Course) strategy has been applied in Togo since 1996 in conformity with international directives. The tuberculosis detection rate improved, increasing from 30.66% in 2004 to 39% in 2006. Unfortunately, during the same period, the recovery rate dropped from 66.6% to 60%, the rate of « lost from sight » rose from 13.51% to 15% and the rate of deaths rose from 10.13% to 11%.

258. A nation wide survey on the HIV/TUB co-infection carried out in 2005 on 340 new patients affected with TPM+ showed a HIV prevalence rate of 27%. In the face of this situation, a collaboration plan between the national programmes for the control of the two diseases had been prepared and implemented. We do not have up-to-date data at the national level on cases of multi resistant bacillus tuberculosis. Nonetheless the results of a survey carried out in Lomé in 2004 on 268 strains showed an MDR-TB rate of 0.5%.

259. Malaria: the proportional morbidity rate of malaria in external consultation has diminished from 53% in 2007 to 42% in 2008 while in hospital mortality from malaria has gone down from 23.1% in 1998 to 20% in 2008. Malaria thus occupies the 1st rank of individualized pathologies with an average lethality rate of 8%. Children of 0 to 5 years are the most affected in a proportion of 37% in relation to the number of registered cases, of all ages.

260. In the area of prevention, the 2004 integrated campaign of immunization and distribution of Insecticide soaked Bednets (MII) helped to increase the availability and use of the MIIs. The percentage of children aged less than 5 who sleep under MIIs was 38.4% and that of pregnant women was 57.8% in 2006, for a target fixed at 100% to be attained in 2015. In December 2008, a second integrated campaign of distribution of MII and the administration of Vitamin A and Albendazole was carried out to consolidate earlier achievements.

261. In view of the new malaria treatment policy, the Artemisinin (CTA) based Therapeutic Combinations are used to treat simple malaria to the detriment of chloroquine which has become ineffective. During this time the combination of sulfadoxine-pyriméthamine is used as occasional prophylactic treatment to prevent malaria during pregnancy.

262. Dracunculiasis or Guinea worm disease: an incapacitating illness, endemic in several areas of the country, transmitted through the consumption of contaminated water by cyclops infected by Median filarial, is characterized by its links with sources of dirty water. The principal strategies for its control are: the filtering of infected water, treatment of contaminated sources of water, drilling and adduction of clean drinking water. These strategies helped to reduce the 10,390 cases in 1993 to 0 cases in December 2008. This enabled the country to qualify for certification.

263. Onchocerciasis or river blindness: the control of this incapacitating disease benefitted from the support of the sub-regional (multi-country) programme supported by the World Health Organization (WHO). After the ending of this regional programme in December 2002, low performance zones had been earmarked for a continuation of the special interventions up to December 2007. Togo is particularly concerned about the regions along the Rivers Kara, Kéran and Mô the interventions for which were to become the responsibility of the Togolese State from January 2008.

264. Meningitis, Cholera and other diarrhoeal diseases: the recurrent annual epidemics of cholera and meningitis still make numerous victims with continued highly lethal rate levels. Since 1980 cerebrospinal meningitis has been developing in Togo, serrated with epidemic peaks and an inter-epidemic space which is diminishing from 10 years to 5 or 3 years. Cholera is developing in an endemoepidemic manner in Lomé and in other urban areas of the maritime region. Shigellosis rages sporadically everywhere across the national territory.

265. The development of diarrhoeal diseases is closely linked to inadequate food hygiene and basic sanitary measures. Regarding the assumption of costs the institutions and resources are not always adequate to deal with epidemic situations.

266. Bird Flu: the sporadic emergence in Togo and in the sub-region of new diseases such as avian flu (due to the H5N1 virus), constitute a danger for public health.

267. Greater efforts need to be deployed in relation to the Buruli ulcer, Noma (gangrenous stomatitis), Lymphatic Filariasis, Bilharziasis, Leprosy, Trypanosomiasis and Yaws (Frambesia).

268. The health situation in Togo is also influenced by the emergence of non-transmissible diseases the majority of which are linked to peoples' mode of living and behaviour. These are in particular cardio-vascular diseases, mental illnesses, diabetes, domestic accidents, household violence, early and unwanted pregnancies, sickle cell anemia, etc.

269. – Wounds and Trauma: their incidence is very high and they take place constantly at the second level of the reasons for curative consultation in the health centres. Their main causes are public road accidents, domestic accidents and injuries in the fields.

270. – Mental Health: the problems of mental health and neurological disorders have not yet been subjected to systematic analysis and the national programme is only at its embryonic stage. In the particular case of Epilepsy, it has not been possible to extend the experiments in detection and assumption of costs for epileptics in the Temberma community due to lack of funding. Togo has a psychiatric centre to take care of mental patients.

271. Malnutrition and food deficiency: the results of the 2006 MICS survey revealed at the national level 23.7% of chronic malnutrition (T/A < 2 ET) and 14.3% of acute malnutrition (P/T < 2 ET) among children aged less than five (5). The nutritional profile is characterized by weight deficiency, retarded growth, emaciation and obesity. According to the results of the (2006) MICS3 survey, the prevalence rate of weight loss is translated in relation to age. It is 26% among children aged less than five (5) of whom 7% suffer its severe form. This percentage reached 32% in the rural areas and 16% in the urban areas. It is 55% in the Savanna region as against 15% in Lomé.

272. The delay in growth is manifested by a height which is a little shorter in relation to the age which is caused by chronic under nutrition. It affects 23.7% of the children with 10% of them in its severe form. Emaciation or acute weight loss is manifested by excessively low weight in relation to the height. It affects 14.3% of the children of whom 3.2% show are severe form.

273. The prevalence of obesity among the same age group is 3%. Overall, the children of the rural areas are underprivileged in comparison to those of the urban areas.

274. The deficiencies in micro nutrients (Iron, Iodine and Vitamin A) are also frequent. The coverage rate of Vitamin A supplements integrated within the routine EPI is 80% for children of 9 months and 58% for breast feeding women. The anaemia prevalence rate remains high and is estimated at more than 40% among pregnant women and 76 to 91% among children aged between 6 and 36 months⁸.

275. Analysis on Reproductive Health in Togo carried out in 2003 indicated that the use of modern contraceptives had risen to 11.3% among women of child bearing age as against 8% according to EDST-1998 and 16.8% in 2006 according to MICS3. However, the unsatisfied needs in family planning persist even where they had diminished from 35% to 25% between 1998 and 2003 to increase to 40.6% in 2006 (MICS3).

276. The percentage of assisted deliveries by qualified health staff rose from 51% in 1998 (EDST-1998) to 62% in 2006 (MICS3). The contraceptive prevalence rate increased from 24% (EDST-1998) to 25.7% in 2003 (ASSR) for all methods combined (including natural methods). The proportion of mothers who benefited from ante-natal consultations was 83.8% in 2006 (MICS3).

⁸ National Nutrition Department, Survey on Anaemia in Togo 1999-2000, Ministry of Health, Lomé, 2000.

277. Concerning the mothers, it was observed that despite the progress made in the area of ante-natal monitoring (84% of pregnant women benefit from ante-natal consultations) and the specialized supervision of the deliveries, maternal mortality remained relatively high (478 deaths per 100,000 live births).

278. This situation was confirmed by the inadequacy of the maternal and neo-natal care provided. The evaluation of the Emergency Neo-natal Obstetrical Care provides the:

- Rate of delivery in the Emergency Neo-natal Obstetrical Care Centres: 1.6%;
- Satisfied needs for neo-natal complications: 5%;
- Rates of Caesarean sections in hospitals: 1.6%.

279. The subvention for Caesarean sections the operationalization of which is underway and the campaign to accelerate the reduction of maternal mortality launched in September 2010 should facilitate the reduction of maternal and neo-natal mortality. According to the estimates of the United Nations Population Fund (UNFPA), the average cost of the said activity is valued at 80,000 F CFA.

280. At the strategic level the country seeks to make reproductive health services available and accessible and to satisfy all needs. Towards this end a long term Plan has been established to secure contraceptive products for the country. Health activities for the youth and for adolescents can be summarised into benefits provided in the health centres, in particular those which include reproductive health.

281. The health problems specific to children in difficult situations, notably drug addiction, sexual abuse and other forms of abuse including the sale of children, are being subjected to greater attention by the national authorities with the support of the international partners. According to a national survey, tobacco addiction is increasing in the school environment with a prevalence rate of 32%. A draft Bill adopted by the Government is currently under examination in the National Assembly. Furthermore, in 2006, Togo ratified the WHO Anti-tobacco Framework Agreement.

282. The insufficient access to clean drinking water and the lack of hygiene and cleanliness are major problems, especially in the rural areas. In effect, the monitoring of the quality of water and food is not well organized and is not systematic. Likewise the evacuation of waste water is uncontrolled in both urban and rural areas. Despite the private initiatives of the hygienic evacuation of solid waste in the major cities of the country, they are more often than not dumped in unauthorized places. The data from the MICS3 survey indicates an access rate of 57.1% to an improved source of clean drinking water. In the area of sanitation the access rate to an improved installation still remains low (31.7%). The lack of sanitary equipment and the absence of hygiene give rise to numerous infectious and parasitic diseases.

283. In matter of handicaps and disabilities the data which is available in this area dates back to the 1981 population census when the handicap prevalence rate was 2%. However, the WHO has estimated the handicap prevalence rate among African populations at 10%. Three types of major disabilities can be observed: deaf-muteness (37.3%), paralysis (32.8%)

and blindness (27.9%). The provision of care for these cases has not yet been effectively guaranteed within the framework of the national programme.

284. Concerning the cases of mobility impairment one (1) national centre (Lomé), four (4) regional orthotic device centres (Atakpamé, Sokodé, Kara and Dapaong) and two (2) private centres (Afagnan and Bombouaka) provide health care benefits. The main reasons for consultation in the national orthotic device centre of Lomé are lumbago, deformity, malformations and the after effects of injections. The after effects of polio represent 3.43% of the reasons for consultation.

285. Togo is also prone to emergency situations due to socio-political crises or epidemics to which are added natural disasters (floods, landslides, etc.). During such situations the level of national reaction is generally low.

The National Health Policy

286. Within the general framework of Government options in the health sector adopted in October 1996, the national health policy seeks to guarantee for the population a state of health that allows all citizens to live a socially and economically productive life.

287. In its introductory clauses priority is given to the following activities:

- Provision of a health cover that is as wide as possible aimed at bringing the health services and the populations closer together;
- Strengthening the activities of information, education and prevention of the major diseases;
- Encouraging the private sector to contribute to the improvement of the health cover in both the urban and rural areas;
- Distributing supplies of essential drugs to all the health centres;
- Encouraging applied research in traditional pharmacopeia;
- Training of sufficient personnel adapted to the socio-sanitary requirements of the populations.

288. Togo has also adopted, within the framework of the National Health Programme (PNDS), a policy of immunization cover as well as a strategy of distribution of insecticide soaked bednets.

289. Before dealing with the strategic sectorial guidelines relative to promotional, preventive, curative and rehabilitative care, the national health policy document grouped together the priority issues which exist in the sector generally into three categories. These are:

- Health problems comprising infectious and parasitic diseases, nutritional deficiencies and the new health problems;
- Problems underlying the health system, comprising the deficiencies of the health cover, the scarcity of drugs, vaccines and consumables, the low organization and management capacity of the sector, the ineffectiveness of the health district and insufficient funding of the sector;

- Underlying problems foreign to the health system, comprising the insufficiency of clean drinking water and bad hygienic conditions, the low level of Information, Education and Communication (IEC), the low participation level of the populations in the development of the health sector, the low contribution level of the other sectors and finally the high demographic pressure.

290. Overall, the guidelines provided are rather vague which requires contemplating the adoption of accompanying measures. With this in view a strategic sectorial Note and a national health development plan were adopted in 2001. This Five-Year Plan (2002-2006) had been based on three strategic axes, namely:

- To reform the health system in order to adapt it to the new challenges of the sector;
- To direct the development of the health system in a way to ensure its appropriateness in relation to the needs of the poorest and most vulnerable populations;
- To promote a physical, economic and political climate favourable to the health system and engage in advocacy so as to place health issues in the heart of economic and social development activities.

291. On the conclusion of its implementation, this Plan had been evaluated in 2007. According to the various aspects it was possible to note the following achievements:

- In the area of health sector reform annual reviews at all levels of the health pyramid have been established, several national reference documents such as the national health development strategy based on the MDGs have been prepared, as well as on the health indicators and the MDGs, the national policy on universal access to treatment with RVDs, the new malaria treatment policy based on Artemisinin (CTA) based Therapeutic Combinations, the road map for the reduction of maternal and neo-natal mortality, the strategic plan for the health of the youth and adolescents, the integrated supervision guide, the national health accounts, the mapping of the supply, the national health sector human resources development and management plan, the Health Code, the Law protecting individuals against HIV, the Environment Law and the Law on Reproductive Health.
- In the area of development of the health system can be cited: the competence building of the health staff through training, the revision of the Statutes of the Lomé Public Health Training Centre and the broadening of its partnership framework, the review of the health schools' training curricula, the reviewing and appraisal of the priority programmes, the reinforcement of the DOTS strategy, the preparation of a plan for the collaboration of HIV/TUB related activities, the establishment of drug monitoring, the organization of the very first distribution campaign of impregnated bednets carried out at country level, the drafting of national plans to combat Buruli ulcer and Noma. To this is added the accomplishment of several national immunization campaigns (polio, measles, yellow fever), the introduction of new vaccines, the extension of the implementation of the Integrated Assumption of Charges for the Diseases of Newly born Babies and for the Child (PCIMNE) in the clinics and communities, and its teaching in the training schools for health professionals, the establishment of reviews/audits of maternal and neo-natal deaths,

the development of a computerized system of health information management in the Kloto District for its extension across the entire country, the mobilization of resources, in particular through the Global Fund for the combating of AIDS, Tuberculosis and Malaria, the GAVI Fund, etc.

- Concerning the third axe, most of the achievements outlined above are the fruits of the support from the different national and international development partners, from intersectorial collaboration and from advocacy. Among the mechanisms put in place for this purpose can be cited the Organ for the national coordination of projects funded by the Global Fund (CCM), the Health Sector Coordination Committee (CCSS), the Inter-Agency Coordination Committee (CCIA) within the framework of the EPI and the National Relief Planning Committee (CNPS) and the Disaster Relief Organization Plan in Togo (ORSEC).

292. On the basis of the conclusions and recommendations of the evaluation Report of the last Plan (2002-2006) and Togo's priorities defined in the Poverty Alleviation Strategic Document as well as the sub-regional and international guidelines in health matters, in particular the Millennium Development Goals, a new Health Development Plan (PNDS) 2009-2013 was drafted and validated on 25 March 2009 to enable the Health Department to pursue its process of health development on a participative and bottom-up basis.

Mother and Child Protection

293. The Campaign to Accelerate the Reduction of Maternal Neo-natal and Infant Mortality (CARMMA) the theme of which is entitled « No woman should die in giving life » had been officially launched on 14 September 2010 by the Head of State.

294. In effect, maternal and infant mortality is a daily drama experienced by thousands of families in Togo. Its causes are of obstetrical origin such as hemorrhage, eclampsia, dystocia, the infections and complications linked to miscarriages added to factors such as the malfunctioning of the health system and the low involvement of the communities.

295. This gives rise to delays in dealing with obstetrical and neo-natal emergencies which are detrimental to the health of the mother and the newly born.

296. It was to put an end to these tragedies and misfortunes that Togo launched the campaign for the Acceleration of the Reduction of Maternal Neo-natal and Infant Mortality like twenty other African countries which had already embarked on this course.

297. CARMMA seeks to accelerate the availability and use of quality maternal and infant health services in order to reduce the mortality rate among women during pregnancy, and during or after delivery among the newly born.

Health Sector Funding

298. The health system suffers from notorious public under-funding, thus pushing the financing costs onto the households. The State budget allocated to the health sector

stagnated for a while, after a period of progression increasing from 9.4 billion (6.3% of the national budget) to 13.6 billion (8.8% of the national budget) between 1995 and 1999, even diminishing from 5.7% of the national budget in 2002 to 4.1% in 2004, then increasing to 7.6% in 2006 (14.4 billion F CFA, namely barely 5.5% of global public expenditure). This same year, total health expenditure went down to a ratio of 1% of GDP, namely half lower than the average of the countries of the sub-region.

299. The households contribute to the funding of the health sector through the recovery of costs in the health centres (Bamako Initiative). The contribution from the households is made up through the payment of a fee for service and purchase of generic drugs by the patients. According to the most recent data available for the year 2006, the resources generated through cost recovery in the public sector health centres amounted to 6.837 billion F CFA, corresponding to 41% of the budget allocated by the State for the health sector.

300. Certain local Authorities (municipalities or Prefectures) contribute to the financing of the health services through the payment of the salaries of a certain category of staff known as Prefecture health officers.

301. To these funding difficulties of the State can be added an insufficiency of support from the central level to the regional and peripheral areas as well as a stagnation of the national institutional framework in view of the ongoing reforms.

302. Furthermore, the interdependent health care financing systems, the only ones in a position to allow access to all the health care services, are for the time being, only localized in a few health districts.

303. Apart from the State, its sub-divisions and the households, the partners provide their contribution to the financing of the health sector. Thus, in 2007 the partners contributed up to 35% of the total health budget.

304. Several development partners contribute to the interventions and financing of the health sector. We can single out the partners of the United Nations system and the bilateral and multilateral partners.

The benefits and use of the Services

The Organization

305. The Togolese health system is organized in the form of a three-tier pyramid in conformity with the three phased health development framework advocated by the WHO. These three levels constitute:

- The base of the pyramid which represents the peripheric or operation level corresponding to thirty five (35) health districts, their health institutions and grassroots communities. This level is the point of implementation of the health interventions inspired by the policy and directives of the central level;

- The middle of the pyramid represents the intermediary or regional level corresponding to six (6) health regions. The regional level is responsible for support to and monitoring and evaluating the operational level in the implementation of the health policy and national directives;
- The top of the pyramid represents the central or national level and its technical Departments. It is responsible for the definition and monitoring of the implementation of the major guidelines of the country's health policy.

The provision of Services

The Public Health Care Sector

306. It has 535 health institutions of all categories, unequally distributed across the territory with a more or less complete technical support centre.

Table n°1: Table showing a summary of the Public Sector Health Institutions

Type of health Centre	Savana	Kara	Central	Plateaus	Maritime	Lomé-District	Total
UHC		1				2	3
RHC	1	1	1	1	1	1	6
Specialized Hospital					1		1
District Hospital	3	6	4	7	4	1	25
USP	55	101	59	140	111	19	485
PMI				9	1		15
Total health centres	59	114	64	157	118	23	535
Hospital Beds	406	1 010	714	1 266	1 118	645	5 159
Public pharmacy store	3	12	6	16	13	3	53
HIV screening Centres	2	2	2	1	3	32	41

Source: Map of health services supplies, MS/DISER, October 2006

307. To all of these institutions can be added:

- At the central level, the National Blood Transfusion Centre (CNTS), the National Hygiene Institute (INH) which is the National Reference Laboratory (LNR) and the National Orthotic Device Centre (CNAO);
- At the regional level, the Regional Blood Transfusion Centre in the Central Region and an Orthotic Device Centre in the Plateaux, Kara, Central and Savanna region.

308. At the educational level is the increase in the establishment of training schools such as the School of Midwifery and Auxiliary Health Workers opened in 2009 in Kara.

309. The infrastructure and equipment has been subjected to physical deterioration due to the lack of renovation and maintenance.

The Private Health Sector

310. The private health sector in Togo is very flourishing. It comprises:

- Private non-profit making service providers, essentially denominational and communal;
- Private profit making service providers concentrated in the Capital;
- Traditional therapists (traditherapists); they are everywhere on the ground.

311. The level of collaboration between the public and private sectors remains low. There is in all, two hundred and eighty four (284) health institutions and one hundred and eighty seven (187) pharmaceutical dispensaries as indicated in the following Table:

Table^o2: Table showing a summary of the Private Sector Health Institutions in 2006

Type of health Centre	Savanas	Kara	Central	Plateaux	Maritime	Lomé-District	Total
Private denominational Hospital	1		1	4	2		8
Private CMS/Dispensaries	10	9	13	23	4	5	64
Private Clinics/Cabinets	1	14			32	247	284
Total Private Sector	11	13	14	27	38	252	284
Pharmaceutical Dispensaries	02	04	02	05	46	128	187

Source: Map of health services supplies, MS/DISER, October 2006

The Health Cover

312. The health system is adequately provided with health infrastructure. According to the analysis of the situation carried out in 2003, about 88% of the population live at less than 5km, namely less than an hour's walk from a health institution.

313. Furthermore, the results of the MICS3 in 2006 give a proportion of 62.5% of the populations living at less than 2.5 km, namely less than 30 minutes walk from a health institution.

314. Despite this good geographical access to health centres the effective use of the public health services has been considerably reduced in the last few years. The attendance rate to

curative services in the public health centres remains low and fluctuates between 25% and 29%. This rate is lower still in Lomé. In 2007, it was 17.5% in the Maritime and Plateaux regions, 59.8% in the Central region, 36.4% in the Kara and Savanna regions and 28.6% for the national average. The continued deterioration of the buildings and equipment, the paucity and lack of motivation of the staff, the bad reception, the proliferation of street pharmacies, « wild » clinics (clinics established without approval), the bad quality of the care and the relatively high cost of the services, not forgetting the development of the private health care sector, is the reason for the reduced attendance of the public curative health services.

315. According to the QUIBB 2006 survey, the Savanna and Plateau regions, in particular East-Mono, are considered as the zones where the medical situation is distinctly worse than in the other regions of the country.

The Human Resources

316. The Togolese health system is faced with a serious lack of human resources. In 2008, the staff component was 8,064 workers for a population estimated at 5,596,000 inhabitants.

317. The principal ratios (population/health staff, in 2007), according to WHO standards, were as follows:

- 1 Doctor per 11,171 inhabitants as against 1 per 10,000 inhabitants;
- 1 State Nurse per 6,135 inhabitants as against 1 per 4,000 inhabitants;
- 1 Midwife per 13,710 inhabitants as against 1 per 4,000 inhabitants.

318. This human resource crisis does not only exist in terms of numbers, but also in terms of quality and distribution. Close to 80% of the staff remain concentrated in the urban centres, mainly in Lomé and in the Maritime region.

319. The low level of human resources in the health sector in Togo is linked essentially to the low recruitment level and to the failure to replace those who have left on retirement, or have died, or due to the brain drain. It is based on a number of factors and deficiencies, notably:

- The weaknesses linked to staff planning and management, including those in the private sector;
- The insufficiency of budgetary resources and the ceilings imposed on recruitment.

320. In order to reduce the deficit, the Government, in January 2008, took measures to extend the retirement age (60 years for senior officers and 57 for the rest) and recruited new officers with special emphasis on medical and paramedical personnel.

Table n°3: Distribution of the staff per professional category and per region in 2008

Categories	District of Lomé-	Maritime	Plateaux	Central	Kara	Savanas	Total
Medical	192	36	32	21	34	14	329
Paramedical and Technical	1567	886	830	609	846	397	5135
Administrative and Support	951	365	374	320	381	209	2600
Total	2710	1287	1236	950	1261	620	8064

Source: Data from the Ministry of Health (DAC/DARH)

The National Pharmaceutical Policy

321. Adopted in 1997, the national pharmaceutical policy seeks to make available effective, essential, safe and good quality drugs, and to guarantee their rational use for the entire population. As an instrument and an integral part of the national health policy, the national pharmaceutical policy will contribute to the strengthening of health care strategy in the primary health centres and in the long term, to the realization of « Health for All ».

322. Some of the achievements are, on the one hand, the re-affirmation of the use of international competitive bidding as a procedure for the acquisition of drugs and on the other, the re-definition of a new legal and regulatory framework for the exercising of the pharmaceutical profession (Framework law n° 2001-002 of 23 January 2001 on drugs and pharmacies).

323. Moreover, under the implementation strategies figure the rationalization of the geographical distribution of the drugs distribution points across the country.

324. The setting up of the Drug Purchasing Department under Generic name (CAMEG-TOGO), created on 3 August 1998 on the basis of the French Law of 1901, can rightly be considered as the first step of this strategy. However, a lot remains to be done to respond to the fixed objective.

Article 17: The Right to Education

325. The principle of free primary education is sanctioned by Decree n°4 of 6 May 1975 on the reform of the education sector and by the Article 35 of the Constitution of 14 October 1992. The first phase of the free education process started in October 2008 with the suppression of school fees in the Nursery and public primary schools through Decree n° 2008-129/PR of 2 October 2008.

326. Pursuant to this principle which makes school compulsory for children of both sexes up to the age of 15, it is the responsibility of the State to create favourable conditions towards this end by notably ensuring in the long term the provision of free education in all public schools.

327. It is from this point of view that major efforts have been deployed since 1975 to make education democratic and accessible to all. Yet very quickly these efforts slowed down, even stagnated due to the socio-economic crisis in the country which resulted in:

- High educational costs for the families due to the reduction of the budgetary resources allocated to the education system;
- The significant development of the private education sector (32% of the primary enrolment in 2007);
- Communities being compelled to establish Local Initiative Schools (Community Schools).

328. To address the challenge of achieving universal enrolment by the year 2015 and the attainment of one of the Millennium Development Goals, the Government set out to formulate a new education sectorial policy, an Action Plan for the period 2010-2020 and a Three-Year Framework of Medium Term Expenditure (CDMT) 2010-2012. The new sectorial policy focused on:

- Improving the access, equity and maintenance of the children at the different levels, in particular in basic education, notably the girls and children in difficulty and the vulnerable and underprivileged classes;
- Improving the quality of education in all its aspects, notably the internal efficiency of the system and the intake requirements at all levels;
- Improving the relevance of the programmes and their adaptation to the development requirements of the country.

329. With the prospect of making primary education universal, the Government is contemplating measures aimed at increasing the offer and stimulating the demand for education, in particular among girls. The envisaged actions include in particular:

- Building the reception capacities of the system to generalize access to schools and to complete primary education;
- Teacher recruitment and training;
- Providing the schools with educational manuals and teaching materials;
- The gradual transformation of the Local Initiative Schools (EDIL) into public primary schools and the assumption of their operational costs as well as the gradual integration of the volunteer teachers serving in these institutions into the category of State Teachers through the recruitment examination;
- The setting up of school canteens.

330. Secondary education is generalized because it is carried out everywhere in the country. However, it is not accessible to all considering the very limited financial capacity of the State.

331. Higher education in Togo is guaranteed both by the Public and Private Universities. The Public Universities are those of Lomé and Kara, (created in 2004). In the area of Private Universities, there is need to point out the creation of the Catholic University of West Africa (UCAO) in 2007 to which can be added some professional training schools.

332. The measures put in place relate to the creation of a National Literacy Education Head Office, regional and prefectural units and literacy education centres at the local level, the establishment of village libraries and reading clubs.

333. The new national education policy provides for the establishment of a national literacy education programme allowing the increase from 6,000 pupils in literacy education in 2007 to 77,300 in 2020. Furthermore, alternative programmes will be developed to take care of uneducated or school drop out children and adolescents aged 9 to 14 years.

The statistics of Literacy Education

334. According to the 2006 QUIBB survey, 855,311 individuals, representing 35.6% of the population aged 15 to 45 years are illiterate. Illiteracy affects 1,338,563 individuals, and the illiteracy rate is therefore 43.1%. This global situation is characterized by strong disparities linked to gender, to place of residence, to age and to the socio-economic situation.

335. Pertaining to the gender-based disparities, 70% of the illiterate population are women. As for the disparities linked to the area of residence, it should be indicated that this also constitutes an important factor in relation to the level of literacy, as is shown by the following Table:

Table n°4: Situation of the disparities linked to the residential environment

Region	Lomé Gulf	Maritime	Plateaux	Central	Kara	Savanas
% Illiteracy	12.4	35.1	40.5	39.6	41.0	69.1
Number of Illiterates	73,313	159,064	219,239	93,751	131,366	178,577

Source: Ministry of Primary, Secondary and Literacy Education

336. With regard to the proportions of men and the rates of literacy, they are:

- Men in urban centres: 86%;
- Women in urban centres: 60%;
- Men in rural areas: 57%;
- Women in rural areas: 25%.

337. In relation to the age-linked disparities, the proportion of illiterates was higher (43%) in the population aged more than 45 years than in that aged 15 to 45 years (35%).

338. Finally, concerning the poverty-linked disparities, the number of poor illiterates (45%), is three times higher than that of the illiterates who do not live in poverty (19%).

Measures to encourage literacy education

339. Several measures were taken by the Authorities to encourage literacy education. These consist, among others, of:

- The integration of the literacy education sub-sector in the national education system;
- The functionality of the literacy education programmes;
- The use of mother tongues (Ewé, Kabyè, Tem, Benn) and basic French to educate the adults;
- The priority given to the literacy education of women and young girls;
- The integration of functional literacy education to production groupings;
- The institutionalization of functional literacy education in development projects and enterprises.
- The discrimination in relation to payment of school fees for young girls.

The sources of funding for the Education sector

340. These are diverse. Can be cited:

- The National Budget;
- The Local Communities;
- The Private Sector;
- Bilateral and Multilateral Cooperation: IOF, UNESCO, UNICEF, UNDP, UNFPA, FAO, World Bank, European Union.

341. The budget allocation for primary and secondary education is described in the following Tables:

Table n°5: Primary Education Budget

AMOUNT	2004	2005	2006	2007	2008
Amount in billions	15.86	15.88	14.19	18.22	18.09

Source: Department of Financial Affairs/Ministries of Primary and Literacy Education

Table n°6: Secondary Education Budget

AMOUNT	2004	2005	2006	2007	2008
Amount in billions	9.26	9.70	12.09	11.25	12.54

Source: Department of Financial Affairs/Ministries of Primary and Literacy Education

THE DIFFICULTIES AND FAILURES

342. Among other difficulties and failures should be highlighted:

- The deficiency in qualified human resources;
- The lack of adequate working material resources;
- The non payment of costs for the 9 to 14 years bracket;
- The lack of coordination structures characterizing the sector's activities;

- The insufficient post literacy education activities and the high risk of the return of illiteracy;
- The literacy education based on the voluntary work of literacy teachers;
- The insufficient use of literacy education languages in professional activities, administration, justice and in political life;
- The non-availability of reliable statistical data;
- The low participation level of women in literacy education programmes for socio-cultural reasons and the poverty of the vast majority of them.

The construction of new schools

343. In order to make school accessible to all children, apart from the institutions existing all over the territory, it should be pointed out that four hundred and fourteen (414) new schools were created in all the regions of the country between 2004 and 2006. In this respect three hundred (300) classes are under construction within the framework of the implementation of the BID II project.

344. The Five Year Plan of 2002 to 2006 extended to 2007 of UNICEF's Grassroots Education Programme made possible the construction of two (2) school buildings and the rehabilitation of school buildings in 45 schools. Between 2005 and 2007, the NGO Borne Fonden built and equipped two (2) school buildings of 3 classrooms each, ten (10) relay schools and thirty eight (38) early childhood early development centres.

The proximity of the Schools

345. In 2004 and 2006, the number of pupils who cover more than 3 km between their houses and the school decreased by 2%. It diminished from 8% in 2004 to 6% in 2006.

The preparation for the teaching profession and the teacher training programme

346. The initial training of primary teachers which had been suspended due to the economic crisis has just resumed in 2009. The initial professional training of Teachers at the Notsè Teacher Training School (ENI) lasts nine (9) months, namely thirty (30) weeks of courses equivalent to 1,050 hours. The training comprises:

- Training and teaching activities administered in the training centres;
- Training courses carried out in the classes of the primary schools network and Nursery schools.

347. The initial training curriculum is prepared on the basis of the approach through skills in a modular framework and alternating courses – training centre/classes in schools network – giving priority to the gradual empowerment of the trainees.

348. The initial professional training of Teachers seeks to:

- Train versatile teachers capable of effectively administering the pre-school and primary curricula;
- Assist in the acquisition of professional skills;

- Strengthen mastery of the French language;
- Place special emphasis on the teaching of French, Mathematics and the Sciences;
- Develop (and equip) the skills required to deal with recurrent issues linked to the teaching/learning of the French language in a multi-lingual context of reading and the production of written documents;
- Train in the use of educational guides and school manuals;
- Train in educational planning and evaluation;
- Implement teaching and learning strategies aimed at reducing year repeating, expulsions and abandonment of pupils.

349. The training curriculum is built around training areas and frameworks depending on those who will be called upon to develop in their disciplinary divisions and in their interdisciplinary implementation in relation to the ongoing curricula reforms.

Teacher specialization

350. Refresher courses are organized periodically for the Teachers in school inspectorates depending on the needs identified by the Inspectors. Initial accelerated training courses were organized in 2002-2003 and 2003-2004 for Professors of the general secondary in the Atakpamé Ecole Normale Supérieure (ENS).

Employment and Careers

351. Every year a national recruitment examination is organized for entry into the teaching field based on the requirements in teaching staff expressed by the Regional Education Head Offices.

352. Regarding employment and careers reference is made to Decree n° 1 of 4 January 1968 establishing the General Orders of the Public Service, to Decree n° 69-113 of 28 May 1969 establishing the common modalities of application of the General Orders of the Public Service for Teachers public servants and to Decree n° 2007-075/PR of 29 June 2007 establishing the framework for auxiliary teachers.

353. The appointment to a permanent post gives the Teacher the definite vocation to occupy the employment for which he had been recruited. It opens the path to progress and gives rise to the necessary deductions for the setting up of the retirement annuity in Togo's Pension Fund. Career development takes place through progress: automatic or moving up one grade every two (2) years or on promotion.

354. The Teachers enjoy special authorizations of absence (special leave), sick leave, maternity leave, etc.

The conditions of Social Security

355. The Teachers enjoy:

- Medical care (consultation and hospital admission costs) 50% is paid by the State;
- A retirement pension;

- A temporary disability allowance (the Teacher who is disabled as a result of an accident at work which has brought about permanent disability of at least 10% or a professional illness, can claim for the payment of a temporary disability allowance to be drawn concurrently with his salary).

The Salaries

356. Every working Teacher is entitled to remuneration comprising the amount from which deductions are made for retirement benefits, a dependency allowance and family allocations.

357. The amount from which deductions for retirement benefits are made is fixed depending on the grade and scale at which the public servant has entered. To this salary may be added residential allowance, allowances representing costs, responsibility allowances and special dependence allowances justified by risks which are inherent in employment. The salaries have been increased by 5% in 1996, by 3% in 2007 and by 5% in 2008.

Comparison of Teachers' salaries to those of other public servants

358. On the comparison between the salaries of auxiliary teachers and public service teachers, the former are paid 90% of the salary of the latter. Comparing the salaries of public service teachers and other public servants, the difference is evident at the recruitment stage on the basis of their Diplomas, as indicated in the Table below:⁹

Table n°7: Salaries of Teachers in relation to other public servants

Categories	Recruitment Category	
	Teachers Public Servants	Other Public Servants
Diplomas		
Doctorate	A1+ grade bonus	A1
DEA and Masters	A1	A2
Bachelors	A2	B
A Levels	B	AP
BEPC	C	AP
CEPD	D	AP

Source: Ministry of Primary, Secondary and Literacy Education

Measures taken or envisaged to improve the living conditions of teaching staff

359. A study is underway for the establishment of a system of motivation and improvement of the living conditions of Teachers.

360. Within the context of the Togolese Public Administration Reform there is an ongoing review of the salary gradings and a Career Plan for all public servants including teachers, and the preparation of special Orders and a Retirement Plan.

Boy-Girl ratio in the education programmes

⁹ The categories are classified in order of hierarchy in the following manner: A1, A2, B, C and D

361. The educational programmes in the various teaching levels, including the university level, reflect the existing gender balance; the study programmes are the same for boys and girls.

362. However, the percentage of girls per series in the graduate studies of the secondary level shows that girls are less interested in science subjects than in the Arts.

363. This same trend can be seen in higher education where the girls opt for subjects like Administrative Secretariat studies, Arts and Social Studies and to a lesser extent Sociology and Law. On the contrary they are very few in Economics and Management, Mathematics, the Physical Sciences and in Medicine.

364. The particular case of the Female Teachers' Ecole Normale's Nursery (ENI-JE) is to be emphasized¹⁰. In effect, although the training is currently open to both sexes, it is to be noted that access to this school is largely dominated by female candidates.

Article 18: Protection of the Family; the Elimination of all forms of Discrimination against Women, and the Protection of Elderly Persons, and the Disabled.

The principle of the Elimination of Discrimination against Women

365. The Togolese Constitution sanctions the principle of the legal equality of man and woman. In effect, pursuant to the provisions of Article 11 of the fundamental law, « all human beings are equal in dignity and in rights. Man and Woman are equal before the Law».

366. Thus since June 2001, the Togolese State undertook the review of the 1980 Persons and Family Code following the ratification of various international legal instruments relative to the protection of Women's Rights. The deliberations of the various Commissions established for this purpose culminated in 2007 in the preparation of a Draft Bill on the review of the Persons and Family Code containing provisions intended to rectify the gender-specific disparities of all sorts contained in the 1980 Code.

367. With specific regard to children, the provisions which are non-discriminatory to children have already been taken into consideration by the Law n° 2007-017 of 6 July 2007 establishing the Children's Code.

368. In the effort to promote gender, diverse actions were implemented. These are notably:

- The adoption in 2006 of a national gender strategy document;
- The taking into account of the gender dimension in the Interim Poverty Reduction Strategy Document (DISRP);
- The validation in October 2008 of the national policy for the promotion of gender equality and equity in Togo.

¹⁰ This School had been established sequel to two Orders. First of all the Order n°23/MEN of 25 July 1976 establishing a Training Centre for Nursery School Teachers and secondly the Order n°28/MEN-RS of 18 July 1977 establishing an Ecole Normale for Nursery School Female Teachers.

369. Despite all these actions the country is confronted with difficulties in promoting the status of women and in the systematic integration of gender in the planning and development process.

370. It is possible to observe the persistent gender inequalities in various areas. Thus in the education field Togolese women are faced with the higher rate of illiteracy which impacts their living conditions. According to the data from the Unified Welfare Base Indicators Survey Questionnaire (QUIBB) carried out in 2006, the literacy education rate stands at 55%.

371. The majority of educated women rarely continue beyond the secondary level. As evidence, the parity index for the 2005-2006 school years was about 75% for the undergraduate studies and 30% for the postgraduate. These disparities are still more evident in the higher education level. The achievement of parity in literacy education requires considerable effort on the part of the State, so great is the gap between the genders.

372. This situation exacerbates the illiteracy of women in legal matters and prevents them from being informed about all the legal provisions favourable to them contained in the international, regional and national instruments.

373. This situation also has an impact on the poverty index in Togo. Whereas the available statistics do not allow an appreciation of the trend of monetary poverty in the country over the long term, they nonetheless clearly indicate a critical trend of the per capita income and a tendency to feminize poverty. Between 1991 and 2006, economic growth increased on average by 1.1% per annum, namely a level far lower than the natural growth of the population estimated at 2.4% per annum. This means that the per capita income has fallen by about almost 20% in that period.

374. The recent surveys indicate that poverty affected 62% of the Togolese population of the 74% of households living in the rural areas in 2006. The rise in prices of food products in 2008, the natural disasters and the destruction of road infrastructure only worsened this situation; which underscored the extreme poverty of the women, vulnerable because of their status and because of the gender disparities which affect them negatively.

375. It is for this reason that despite the identification of actions aimed at reducing gender disparities in the DSRP-I, it appeared urgent to integrate actions aimed at improving the socio-economic and legal situation of women in the Interim Priority Action Programme (PIAP) of 2008-2010.

Persistence of certain discriminatory provisions against women: Institution of the husband head of the family

376. Togolese substantive Law sanctioned the customary practice of establishing the man as head of the family (Article 101 of CPF). This action has, in practice, discriminatory consequences on the woman and in certain legal provisions. It favours, in practice, the monopoly of decision making within the family for the man's benefit:

- The family residence is a place chosen by the married couple by mutual agreement. In the absence of agreement of the married couple the choice of the family home falls to the husband and the wife is obliged to live in the place chosen by the latter unless the household chosen holds some danger for the woman and her children (Article 104 of CPF). In this case, she can be authorized by the Judge to find a residence for herself and her children;
- In a system of community of property the management of the joint and personal property of the married couple is entrusted to the husband (Article 359 of CPF);
- The husband is given the right to oppose, in the family interest, the exercising of a separate profession by the woman (Article 109 of the CPF) ;
- The salaried woman, considered as a dependant, is heavily taxed by the provisions of the General Taxation Code which only grants tax relief to men who are considered as head of the family. Besides, she can only declare their children and benefit from family allocations on the authorization of their Father;
- The widower, whose wife (permanent officer of the public service or employee in the private sector) coming under the jurisdiction of the National Social Security Fund cannot enjoy a widower's pension unless he can prove that he is an invalid or that during his wife's lifetime he was her dependant;
- The exclusive exercise of parental authority by the Father where the child is born out of wedlock;
- The co-existence of customary law and modern law in matters of inheritance;
- The possibility of the widow's judicial debarment from succession if she had refused to submit to the rites of widowhood;
- The absence of positive discriminatory provisions aimed at the participation of women in the decision making process.

377. Nonetheless, although the husband remains the head of the household (Article 101 of the Persons and Family Code), the Togolese woman contributes with him in the material and moral management of the household. She can even replace the husband as head of the family in the event of his absence or travel or his incapacity. The parental authority which is one of the essential prerogatives of the household is exercised by the married couple and even in the event of divorce it is the woman who has priority in the custody of the children up to the age of 7 years.

378. The Persons and Family Code sets out that the married woman has the right to exercise any profession. In the case of unjustified opposition by the husband in the interest of the family, the woman can be authorized by law to go ahead despite the opposition (Article 109). This principle implies that not only the woman's evident will stands and that she is not subjected to that of the man but that moreover, there is no discrimination in relation to the profession of her choice. In the Togolese Criminal Code there is a legal gap relative to the discrimination against women in relation to all the other acts which violate the rights of women, in this case sexo-specific abuse.

379. Certain types of sexual abuse are set out and punished by the law on reproductive health and the new Labour Code. It is important to note that the Criminal Code currently under review deals with the problem of the combat of discrimination against women.

380. The status of women in Togo is not only officially recognized by the 14 October 1992 Constitution, but it is also organized by legislative and regulatory instruments the constant concern of which is the promotion and protection of women's rights. These, in particular, constitute:

- Law n° 2006-010 of 13 December 2006 establishing the Labour Code;
- Law n° 2007-005 of 10 January 2007 on Reproductive Health;
- Law n° 2004-005 of 23 April 2004 on the Social Protection of Disabled Persons;
- Law n° 2005-010 of 14 December 2005 establishing the protection of individuals against HIV/AIDS;
- Law n° 98-16 of 17 November 1998 establishing the prohibition of Female Genital Mutilation;
- Law n° 2007-017 of 6 July 2007 establishing the Children's Code.

381. There is therefore quite a cluster of legal principles which establish and protect the rights of the Togolese woman's rights which every woman can refer to and claim, be it at the level of the family unit, or the education and professional activity levels.

382. In the area of education, the Togolese State gives equal opportunities of access to education and training to both girls and boys. However, because of the sociological constraints, girls' enrolment rate remains lower than that of boys. The disparities observed in girl/boy relationships in the different educational programmes are reflected in the following statistics:

Table n° 9: Trend of the number of pupils by Cycle in general education and by gender from 2004 to 2007

	2004-2005			2005-2006			2006-2007		
	Boy	Girl	Total	Boy	Girl	Total	Boy	Girl	Total
Primary	538,792	457,975	996,707	565,361	486,511	1,051,872	547,622	473,995	1,021,617
Secondary 1 st Cycle	197,943	114,475	312,418	206,328	123,104	329,432	187,106	108,967	296,073
Secondary 2 nd Cycle	48,852	15,886	64,738	54,720	18,072	72,792	18,822	5,949	24,771
Totals General Education	785,587	588,276	1,373,863	826,409	627,687	1,454,096	753,550	588,911	1,342,461

Source: National School Statistics Year Books 2004-2005, 2005-2006, 2006-2007 of the Ministry of Primary, Secondary and Literacy Education (MEPSA.)

Table n°10: Trend of the number of pupils in technical education

2002-2003			2003-2004			2004-2005		
Boy	Girl	Total	Boy	Girl	Total	Boy	Girl	Total
5,706	1,455	7,161	5,810	1,626	7,436	6,357	1,720	8,079

Source: National Technical Education Statistics Year Book 2002-2003; 2003-2004; 2004-2005 of the Ministry for Technical Education and Professional Training

Table n°11: Number of students registered per country and per gender in the Togolese Universities

Country/Sex	Other Countries			TOGO		
	Male	Female	Total	Male	Female	Total
Academic Year: 2003-2004	11,220	2,635	13,855	10,930	2,470	13,400
Academic Year: 2004-2005	11,590	2,862	14,452	11,291	2,707	13,998
Academic Year: 2005-2006	16,627	4,321	20,948	16,328	4,170	20,498
Total	39,437	9,818	49,255	38,549	9,347	47,896

Source: University of Lomé Statistics Year Book.

383. Observations: over the three periods studied, the global proportion of girls is 43.28% as against 56.72% for boys in the general education cycle. But the percentage of Girls increased by 0.35% between the first two years and by 0.7% between 2005-2006 and 2006-2007. There is therefore a positive trend in the number of girls even where this progress remains low.

384. At the professional level, the Togolese women enjoy the same advantages as the men. The Inter-professional Collective Convention, the General Orders of the Public Service and the Labour Code do not make provision for dealing with the discriminatory conditions against women.

385. Thus the Labour Code regulates her period of work for the advantage of the pregnant woman. The delivery cannot be considered as a reason for the breach of contract and the babysitter has a right to one hour of break in her daily job (Articles 148 and 149 of the Labour Code).

386. The public servants' General Orders regulate the access of men and women to the public service. In practice Government's will to provide employment for its citizens of both sexes is evident in the establishment in 1984 of a competition reserved indiscriminately to candidates of both sexes.

387. The modalities of promotion, of progress, of the remuneration of men and women public servants are established on the basis of egalitarian principles. Thus Togolese women public servants have the right to the same salary as that of the men.

388. This same equality of right commands the access of citizens of both sexes to positions of high responsibility.

389. The number of women in decision making positions in Togo is infinitesimal. The stakeholders in the national dialogue which culminated in the signing of the Global Policy Agreement of 20 August 2006 undertook to work to guarantee the equal representation of women in the electoral processes and in national political activities. Towards this end, they urged the Political Parties to impose the representation of a minimum of female

candidatures in the elections. The Tables below show the participation of women in public activities.

Table n°12: Participation of Women in the different Institutions and in decision making positions

Decision making Position	Male	Female	Percentage	Total
Ministers	24	4	14.28%	28
Deputies	72	09	11.11%	81
Constitutional Court	08	01	11.11%	09
Public Prosecutor	10	0		10
Judges	157	18	10.28%	175
Supreme Council of the Judiciary	08	01	11.11%	09
National Human Rights Commission (INRC)	15	02	11.76%	17
High Audiovisual and Communication Authority (HACA)	08	01	11.11%	09
Ambassadors and Chargés d’Affaires	13	0		13
Prefects and Deputy Prefects	34	0		34
Executive Directors	27	01	3.57%	28
Public Administration	20,787	4493	17.77%	25,280
Divisional Heads	324	04	1.22%	328
Village Heads	4,997	03	0.06%	5,000
Supreme Court	19	04	17.39%	23
National Independent Electoral Commission (NIEC)	16	3	33.33%	19

Source: Various Institutions, January 2009

Table n°13: Trend of Public Servants in the Public Service per Gender

Years	Men	Women	Total	Percentage of Women
2005	18,156	5,100	23,256	22%
2006	16,205	4,371	20,756	21%
2007	21,749	5,034	26,783	18.0%
2008	26,792	5,877	32,669	17.99%
May 2009	28,683	6,245	34,928	17.88%

Source: Ministry of the Public Service and Administrative Reform: Department of Staff and Employment Informatics Management (DGIPE)

Table n°14: Number of Public Service Staff per year, per category and per gender from 2005-2008.

Categories Years	A1		A2		B		C		D		Permanent Staff	
	H	F	H	F	H	F	H	F	H	F	H	F
2005	1,703	229	2,764	435	5,129	1,520	2,090	731	1,708	656	2,170	974
2006	1,658	218	2,674	445	4,529	1,626	1,513	549	1,521	528	1,663	646
2007	2,343	290	3,471	565	4,947	1,460	3,525	922	2,313	629	1,691	550
2008	2,696	328	4,216	700	5,781	1,649	5,799	1,335	3,237	719	1,547	515

Source: Ministry of the Public Service and Administrative Reform/Department of Staff and Employment Informatics Management (DGIPE)/June 2009

390. In the Judiciary, Medicine and Higher Education the proportion of women is low in comparison to that of men. In the Judiciary for instance there are 18 women out of a total of 175 Judges.

391. One of the reasons for this low representation level is due to the fact that the Togolese woman has a partiality for the informal sector. Thus the women practically control most of the trade circuits in Togo and it is not rare to see young girls endowed with University Certificates going towards this sector.

392. In practice it is just a matter of making women become aware of the existing laws which are to their advantage and it is up to them to refer to these in order to enjoy the benefits with the support of the public authorities and that of civil society.

393. It is actually within this context that sensitization and conscientization campaigns had been initiated across the entire national territory to make women aware of their situation and to find a remedy for it.

394. The Departments of the Ministry for Social Action, for Women's Affairs, the Protection of the Child and of Elderly Persons, the NGOs, the Associations and Trade Unions sensitize the populations on the need to do away with the socio-cultural constraints which constitute sources of stereotypes. They organize broadcasts on the official media and community radio stations to enhance the woman's image.

Child Protection

395. The legal instruments guaranteeing the civil, social and penal protection of the Child are numerous:

- The Social Security Code of 12 November 1973;
- The Order of 26 December 1975 establishing a Parents/Teachers Association in each primary and secondary school;
- The Persons and Family Code of 31st January 1980;
- The Criminal Code of 13 August 1980;
- The Criminal Procedure Code of 2nd March 1983;

- The Decree of 16 November 1988 regulating Learning;
- The Labour Code of 13 December 2006;
- The Children's Code of 6 July 2007.

396. Taking into account Its vulnerable situation, the Legislator grants the Child special protection. This consists notably in:

- The protection of the working Child;
- The protection of the Child in difficult situations or situations of danger;
- The protection of the Child perpetrator or victim of a crime;
- The protection of the Child against all forms of abuse.

The protection of the Child labourer

397. The protection of the Child labourer is guaranteed by Articles 263 to 264 of the Children's Code.

398. According to Article 262 of the Children's Code « children of both sexes shall not be employed in any business, nor should they engage in any kind of work even on their own account before the age of fifteen (15), except on exemption set out by the Order of the Minister responsible for Labour, taken on the advice of the National Labour Council and after having taken into account the local circumstances and tasks to be assigned to them.

399. Children older than fifteen (15) can engage in light work the list of which is established by the Order of the Minister responsible for Labour on the advice of the National Labour Council. This Order specifies the conditions under which the said work can be carried out».

400. Article 263 prohibits the employment of children in the worst forms of labour. In conformity with the provisions of Article 264, the worst forms of child labour comprise:

- a- All the forms of slavery or related practices such as the sale and trafficking of children, servitude for debt and bondage, as well as forced or compulsory labour of children and their use in armed conflicts;
- b- The use, recruitment or provision of a child for prostitution, for the production of pornographic material or pornography;
- c- The use, recruitment or provision of a child for illegal activities, in particular for the production and sale of narcotics, as defined by the relevant international Conventions;
- d- The labour which by its nature or the conditions under which it is carried out is liable to harm the health, the security or the morality of the child.

The protection of the Child in difficulty or in danger

401. According to Article 276 of the Children's Code, difficult or dangerous situations are those which are liable to threaten the health, the physical, moral or mental development or integrity of the Child:

- a- The loss of the Child's parents leaving him without family support;
- b- The Child that is taken in, abandoned or found;
- c- The exposure of the Child to negligence or vagrancy;
- d- The notorious and continued lack of education and protection;
- e- The habitual ill treatment of the Child;
- f- The sexual abuse of the Child whether it is a girl or a boy;
- g- The exposure of the Child to sexual abuse;
- h- The exposure of the Child to beggary and his economic exploitation;
- i- The using of the Child in organized crime;
- j- The exposure of the Child to a conflict;
- k- The use of the Child in armed conflicts;
- l- The exposure of the Child to practices that have a detrimental effect on his health or are detrimental to his life;
- m- The failure of the parents or those responsible for the Child to ensure his protection and education.

402. Pursuant to Article 285 of the Children's Code, the Children's Judge is seized about the situation of the endangered Child following a request emanating:

- a- Jointly from the parents or from one of them;
- b- From the Child's Teacher or Guardian;
- c- From the Public Ministry;
- d- From the Social Welfare Department in the First Instance Court or from any other Department responsible for Child Protection;
- e- From any Child Rights defence or protection Body;
- f- From the Child itself;
- g- From Public or Private Institutions;
- h- From Individuals who took in the abandoned Child.

403. The Children's Judge can take action automatically in the cases set out in the above mentioned Article 276. He can make a ruling on the following measures for a specific time frame:

- a- To keep the Child with its family under parental responsibility;
- b- To keep the Child with its family and empower the Department responsible for the Child's casefile to monitor it and ensure support and direction for the family;
- c- To submit the Child to medical or psychological examination and/or entrust it to a medical or psycho-educational institution;
- d- To place the Child under guardianship or entrust it to a family or a public or private specialized educational institution, or to an appropriate protection or re-educational institution;
- e- To place the Child in an appropriate training centre or school;
- f- To take, on his being informed by the Public or Private Institutions or by individuals that have taken in the Child, provisional measures for its protection and guardianship (Article 292 of the Children's Code).

404. Furthermore, within the framework of the re-organization of the Ministerial Departments, the Government adopted a Decree n° 2008-090/PR of 29 July 2008 on the organization of the Ministerial Departments which set up within the Ministry responsible for Child Protection, a Department for Assistance to Children in Difficulty, responsible for providing assistance and counselling to children in difficulty or in danger. The same Decree on the organization of Ministerial Departments sets out within the Ministry of Justice, a Department for their Access to Law and Justice.

405. This Department is responsible for « monitoring, in collaboration with the other Departmental Institutions responsible for Child Protection, the casefiles of Children and of the Disabled under legal proceedings and for participating in the execution of missions of education and protection of young Minors, offenders or in danger ». One of the Divisions of this Department for Access to Law and Justice, the Youth Protection Division is specifically responsible for:

- Monitoring the children's casefiles under legal proceedings;
- Assisting the minors who are offenders or victims during legal proceedings or during the execution of a legal ruling;
- Preparing and coordinating the methods for the provision of care for Minors and adults under judicial protection;
- Conducting studies and contributing to the drafting of legislation in the areas of prevention and treatment of juvenile delinquency;
- Counselling and assisting, if need be, individuals, institutions, public or private departments or organs in the implementation of guardianship measures and educational action ordered by the judicial authority;
- Participating in the definition and implementation of the staff training policy of the youth legal protection institutions;
- Guaranteeing the administrative, financial and educational monitoring of the institutions and Departments responsible for the judicial protection of the Youth;
- Studying all issues relating to the education of minors who are offenders or are in moral danger.

Protection against Abuse

406. The sub-title IV of Title II of the Children's Code, in its Articles 353 to 423 protects the Child from all forms of abuse in the family, school or institutional environment.

407. The State protects the Child against all forms of abuse including sexual cruelty, physical or mental assault or brutality, abandonment or negligence, ill treatment perpetrated by its own parents or by any other person having authority over him or his guardian (Article 353).

408. Article 355 on the suppression of abuse against children stipulates that « where the individuals referred to in Article 353 have exercised abuse or assault against a Child of less than fifteen (15) years, they shall be punished by six (6) months to five (5) years of imprisonment where this abuse or assault has given rise to a medically established personal incapacity to work for between ten (10) days and three (3) months ». Should it be punishment which did not lead to a medically established personal incapacity to work for

above ten (10) days, the penalty set out is a fine of between ten thousand (10,000) and thirty thousand (30,000) francs (Article 356 of the Children's Code).

409. But where this abuse is repeated or appear to be repetitive, the imposable penalty is doubled (Article 356, paragraph 2 of the Children's Code). The physical or psychological ill-treatment, corporal punishment, the deliberate deprivation of care or of food are all punishable by penalties set out in Article 356.

410. Within the framework of child protection against all forms of violation of its rights, the Ministry for Social Action, Promotion of Women's Affairs, for the Protection of Children and Elderly Persons, launched an emergency number project « ALLO 111 » to allow the reporting of any abuse or violence committed against children and to enable the Child Rights Protection Associations to intervene effectively, rapidly and urgently in the provision of care for child victims.

411. This telephone line facilitated the reporting of several attacks against children, especially those committed within the family environment and the reporting of the perpetrators.

Protection of the Child Offender

412. In the concern to protect the Child who has committed an offence or is suspected of having committed one or several offences, the Children's Code categorically stipulates that no child that is detained or imprisoned, arrested or deprived of his liberty shall be subjected to torture, or to inhuman or degrading punishment or treatment (Article 347).

413. The child who commits an offence and is deprived of his liberty also has the right to be treated with the humanity and respect that is due to the human being and in a manner that takes into account the requirements of individuals of his age.

414. The Children's Code recognizes for the Child that is capable of discernment the right to freely express his opinions on all issues or judicial or administrative proceedings that concern it (Article 9). One of the major developments carried out is the conduct of a study on the state of justice for minors in the judicial system in Togo in order to better take into account child protection through a system of justice for Minors which is well organized institutionally.

415. The Children's Code sets out several measures alternative to imprisonment, namely:

- The return to trustworthy parents;
- The placement in an educational, professional or health institution;
- Penal mediation where a non-profesisonal mediator is appointed for the amicable settlement of the case.

416. Article 438 of this Code places under the responsibility of the State the obligation to establish appropriate social programmes to prevent ill treatment within the family and to provide the necessary support for the child and for those taking care of it, as well as the

institution of judicial proceedings and investigation for the treatment of his case and its monitoring.

417. At the criminal level, the condemned Minor can appeal the conviction ruling directly without intermediary. In civil proceedings the Minor has to be represented by his Father and Mother or his Guardian.

418. From July 2007 to July 2008, the ICCB assisted 58 children who had been released after their appearance before the Judge, 127 children had benefitted from the search for parents. They had provided psycho-social assistance to 267 children and had carried out monitoring of 468 children for their professional re-integration.

419. In the reception centres, the boarders, in view of their age, return to school, or enter training centres to facilitate their re-adaptation or re-integration. Some children are monitored in open custody by the centres' educators. They undergo professional training in mechanics, carpentry, masonry or sewing.

420. The Children's Code establishes in its sub-title III the procedures relating to the Child offender. This instrument establishes the regulations relative to:

- The preliminary investigation;
- The criminal mediation;
- The examination before the Children's Judge;
- The hearing by the Children's Judge;
- The composition of the Children's Tribunal;
- The modifier proceedings;
- The means of appeal.

421. All these principles respect the dignity of the Child, its personal value and its best interests.

The Right of the Child to be registered at birth and to have a name

422. Decree n°62-89 of 2 July 1962 establishing the re-organization of the civil status in Togo determines the conditions for the registration of births in Togo.

423. This instrument had been repealed and replaced by the Law n°2009-010 of 10 June 2009, on the organization of civil status in Togo.

424. Pursuant to Article 18 of the Law n°-2009-010 of 11 June 2009, the declaration of birth is obligatory.

425. It must be done within forty five (45) days following the birth of the child, at the State Civil Status Centre, or in Togo's diplomatic or consular missions if the birth took place abroad.

426. The declaration of birth is incumbent on one of the child's parents or on any person authorized by one of the parents or failing this by the Doctor or the Midwife.

Article 25, paragraph 3 of the Law specifies that re-registration takes place following the loss by total or partial destruction of the registers or in the case of a declaration affected by foreclosure.

427. In illustration please see below the statistics for the period 2006-2008 in relation to the issuing by some Tribunals of supplementary judgements serving as birth certificates:

- Sokodé First Instance Tribunal:
 - 2006 : 3,327 supplementary judgements;
 - 2007 : 1,895 supplementary judgements;
 - 2008 : 306 supplementary judgements.

- Sotouboua First Instance Tribunal:
 - 2006 : 1,200 supplementary judgements;
 - 2007 : 1,700 supplementary judgements;
 - 2008 : 444 supplementary judgements.

428. The attribution of a family name is governed by the provisions of Chapter I of sub-title I of Title I of the Children's Code. According to this instrument, the name is attributed either through filiation, or through marriage, or by the civil status officer.

429. Concerning the attribution of the family name due to filiation, the legislator makes a distinction on the basis of three categories of children: the child born inside wedlock, the child born out of wedlock and the child obtained through adoption.

430. Article 11 of the Children's Code specifies that the child born inside wedlock bears the name of his Father. In the event of repudiation of paternity he bears the name of his Mother. The child born outside of wedlock bears the name of the parent on whom his filiation is established. Where the latter is simultaneously established for both parents or for the Father, he takes the name of the latter. In adoption the name of the adopter is given to the adoptee. In the case of adoption by the married couple the adoptee takes the name of the husband (Article 12 of the Children's Code).

431. Finally, the child for whom no filiation is regularly established takes the name given to him by the civil status officer to whom his discovery or his birth was declared. The civil status officer chooses two first names the first of which serves as the Surname (Article 13 of the Family Code).

The Right of the Child to acquire citizenship

432. The issue relative to the child's citizenship is regulated by the provisions of Articles 17 to 21 of the Children's Code.

433. Pursuant to Article 17 of Law n° 2007-017 of 6 July 2007 establishing the Children's Code, the child born of Togolese parents is Togolese. The child born of a Togolese Father or Mother is Togolese.

434. Article 18 of the same Code specifies that any child born in Togo of foreign parents has the right to acquire Togolese nationality through declaration on reaching majority subject to the justification of the possession of Togolese status since the age of sixteen (16).

435. According to Article 19 of the Children's Code, any child found on Togolese territory before the age of five (5) and whose filiation is unknown, likewise any child born in Togo of parents whose place of birth is unknown, has the right to acquire Togolese nationality.

436. The Children's Code in its Article 20 specifies that the child whose Father became Togolese by naturalization acquires Togolese nationality as a matter of right. Nonetheless, the following are excluded from benefitting from this provision:

- a- The child aged sixteen (16) who is married on the basis of the conditions established in Article 267 and according to the Children's Code;
- b- The child who has served in the army of his country of origin;
- c- The child affected by an expulsion Order or an Order for house arrest which is not categorically reported in the form in which he intervened;
- d- The child who has been sentenced to more than six (6) months of imprisonment for deliberate offence qualified as a crime or misdemeanor.

437. Pursuant to the provisions of Article 21 of the Children's Code, any foreign child who marries a Togolese can acquire Togolese nationality.

Protection of Disabled Persons and of the Elderly

438. The State is obligated by Article 33 of the Constitution to take measures in favour of disabled persons and the elderly to protect them from social injustices.

439. Within its protection of Elderly Persons policy the Government established a Central Department for Elderly Persons within the Ministry for Social Welfare and National Solidarity. This Department directs the sensitization and information activities regarding Elderly Persons, drafts projects aimed at improving their living conditions and creates enjoyment frameworks for them.

440. The Togolese Government's policy regarding disabled persons is concretized by the enactment and promulgation of the Law N° 2004-005 of 23 April 2004 on the social protection of disabled persons currently under review to harmonize it with the Convention on the Rights of Disabled Persons.

441. There is also a national policy for the re-adaptation of disabled persons, a community based re-adaptation programme and a national programme for the control of blindness.

442. A National Orthotic Devices Centre, five regional branches, two professional training centres have been established to deal with the disabled persons' issues. The education centres for the visually impaired, for children who are hard of hearing and for mentally retarded children are controlled by private institutions, but the State grants them annual subventions. The same is true for the Togolese Federation of the Associations of Disabled Persons.

443. Furthermore, the subjects of Child Protection and that of the Disabled are introduced in the training curricula of the National Social Studies Training School and in that of the Medical Auxiliaries. Despite the existence of a legal framework for the protection of disabled persons, the latter continue to face some difficulties:

- The limited access to education, notably for mentally and sensory retarded children. Apart from the few private or denominational centres which take care of these children they do not have access to the ordinary schools;
- The inaccessibility of the public buildings and institutions (absence of ramps in the schools and public places such as health centres);
- Difficulty of access to employment (public and private);
- Conditions of exercise of difficult professional activities;
- The disabled woman's reproductive health is not taken into account in the training of health staff.

444. Concerning Elderly Persons, in Togo those aged 65 and above represent a little more than 4% of the population. As for the individuals aged more than 55, they represent about 8% of the total population.

445. From all indications, and according to estimates, this formula will increase in the near future.

446. In effect in Togo activities are being organized so as to make, even if a little, the lives of Elderly Persons easier now and in the future. Thus several activities have been initiated by the Government and by the Civil Society Organizations to contribute to the improved provision of care for Elderly Persons in 2005.

- The creation of a Minister Delegate responsible for Child Protection and the protection of Elderly Persons in 2005.
- The setting up of the Division for Senior Citizens within the Elderly Persons Department in 2006.
- The regular celebration at the national level of the International Day of Elderly Persons with effect from 2006. The most recent one was celebrated on the 1st October 2010 in Dapaong.
- The publishing and dissemination in 2007 of the document « the Retiree's Guide »; from the beginning of the career to retirement with the support of UNDP and UNFPA;
- The publishing and dissemination in 2008 of the brochure « To grow old in good health: what precautions to take? With the support of UNFPA;
- The establishment of the CNCPA (Elderly Persons National Consultative Council) and its regional and prefectural branches with effect from 2004;

- Sensitization of the population by the CNCPA in the Regions and Prefectures on the interest of joining the Elderly Persons' grassroots Associations, in the Elderly Persons Health Association and in the Elderly Persons Economic Interest Group;...
- Thus, the Elderly Persons Department had, in July 2010 sponsored a « Qualitative Study on the Opinions and Attitudes of Adults of 35-45 years relative to the preparation for old age in Togo.
- This study fell directly in line with the support of the Togolese Government's and civil society's efforts to guarantee a better life for senior citizens in Togo. Through this study the Elderly Persons Department sought to first of all determine the vision that adults have on old age and secondly to present the behaviours of this intermediary bracket for the preparation of a nice old age.
- In January 2010, the Department of Elderly Persons embarked on the reading and Consolidation of the National Protection Policy and the Strategic Plan for Elderly Persons. The validation of this national policy took place in September 2010.

Article 21: The Right to the free disposal of resources

447. The free disposal of its wealth contributes to the economic and social development of a population. Togo respects this right in its national and international policy.

448. At no time in its history has it violated the rights of other peoples to enjoy their wealth.

449. Togo fishes exclusively in its territorial waters and only exploits the natural wealth that exists on its national territory.

Article 22: The Right to Economic and Cultural Development

450. The last general census of the Togolese population dates back to 1981. Today there are certain approximations that over a population estimated at 5,596,000 inhabitants in 2008, the effects of poverty is 61.7%, namely close to 3,242,257 individuals are distributed over 535,486 households.

451. The poverty phenomenon remains pronounced due to the following factors:

- The floods of 2007-2008 and the generalized price rises in food products by more than 8.4% gave rise to an increase in the poverty thresholds;
- The natural growth rate is 2.4% whereas the average growth rate is 1.1%, which does not allow the households to generate increased revenue to compensate the imbalance caused by the price rises.

452. The consequence is that the per capita GDP fell by 1.4% in 2007 and by 0.8% in 2008, showing a further degradation of the economic situation in the households.

453. The poverty thresholds calculated on the basis of the survey of the Unified Welfare Base Indicators Questionnaire (QUIBB) following the methods based on food requirements (2,400 kilocalories per adult equivalent per day) and the non food requirements for the five (5) economic regions of Togo and of Lomé-District constitute: Maritime: 156,115 F CFA; Plateaux: 154,853; Central: 179,813 F CFA; Kara: 155,025 F CFA; Savanas: 157,294 F CFA; Lomé-District: 242,094 F CFA. The national average is estimated at 242,094 F CFA per adult equivalent per annum.

454. For the purpose of producing an official document on poverty in Togo, the Government organized in Lomé from 10 to 12 October 2001, a national launching seminar of the « preparation process of poverty alleviation strategies ». This process culminated in the adoption in March 2008 of an Interim Poverty Alleviation Strategy Document (DSRP-I). The guidelines of this interim document marked out the way for national reconstruction and the resumption of relations of cooperation with all the development partners.

455. In the wake of this interim, the Togolese Government sought and obtained a Three Year programme of the Facility for Poverty Alleviation and Growth (FRPC) from the International Monetary Fund (IMF). Accords for the reconciling of arrears or debt rescheduling with the bilateral and multilateral creditors were concluded and Togo reached the decision point of the Initiative for Highly Indebted Poor Countries (HIPC) in November 2008.

456. Recapturing the guidelines of the interim document which it completes and improves according to the priorities of the moment, the Complete Poverty Alleviation Strategy Document (DSRP-C), adopted in April 2009, defines the priority actions to be taken to pull the populations out of extreme poverty by the Year 2011 in three points:

- Support for the social sector (education, health, clean drinking water, supply of essential products);
- Promotion of Youth Employment, of income generating activities and access to loans;
- Promotion of good governance.

The Right to sufficient Food

457. In 2006 the results of the MICS survey (Multiple Indicator Cluster Survey) revealed that 26% of children aged less than five (5) were suffering from underweight and close to 24% of the children presented a stunted growth.

458. From a general perspective the Northern regions and more particularly the Savanas region, are the most endemic zones in terms of malnutrition. The rate of affection is higher in the rural than in the urban areas and often a positive correlation can be noted between the Mother's level of education and the improvement in the children's nutritional indexes.

459. All the surveys carried out from 1988 to date in Togo reveal that the nutritional indicators are distinctly higher than the thresholds recognized by the WHO. Examination of the anthropometric indicators showed that the nutritional state of children aged less than five

was barely improving and had only a slight upward trend. In effect if the weight indicator per age were to be taken into consideration, it could be observed that in 2006, 26% of children aged less than 3 showed underweight, with a severe form among 7% of them, as against 25% in 1998 and 18.3% in 1988. A geographical distribution of underweight in 2006 shows that:

- The prevalence rate is higher in rural areas (32% with a severe form of 9%) than in the urban areas (16% of which 3% is in severe form);
- The difference according to gender is not significant (boys 27% as against 26% among girls).

460. Thus at the nutritional level and regarding access to food, the most vulnerable populations constitute the children aged less than 5 and the women¹¹.

461. From the food security viewpoint the availability in food appears to cover the population's requirements. However, the stability, accessibility and quality of food remain problematic for a large section of the population due to poverty. Overall, the North of the country is clearly more affected than the South and the rural and periurban zones are at a greater disadvantage than the urban areas. In Togo, the problem of food in terms of quality is not widespread.

462. Food insecurity exists in terms of the lack of access to foodstuffs by the population. This is highly evident in the rural areas where, besides the inadequate diet of these poor populations there is also the influence of bad hygienic conditions which are at the root of the relatively high rates of malnutrition observed. Moreover, it is important to take into consideration the seasonal variability of food supplies, the low level and/or instability of household incomes and the pathetic valorization of the woman's contribution¹².

463. In view of this worrisome situation of the nutritional state of the country, the Government assigned itself the objectives of:

- Strengthening the effectiveness of the existing programmes and of promoting new programmes to combat nutritional deficiencies among the Mother and Child;
- Sensitizing the population in general and the vulnerable population in particular on the effects of a good diet;
- Improving the institutional nutrition and food framework¹³.

464. Moreover, the national feeding strategy of the infant and the young child, in the context of HIV, will be implemented and the development of school canteens in the Nursery and Primary schools in the vulnerable zones will be guaranteed.

465. In general, there is low productivity and agricultural income levels, degradation of natural resources, inexistence of effective technology for food processing and conservation. All these constitute aggravating factors which accelerate poverty and malnutrition.

¹¹ Source : UNDP: Monitoring the Millennium Development Goals in Togo, Second Report, Summary, December 2008

¹² Source : UNDP: Monitoring the Millennium Development Goals in Togo, Second Report, Summary, December 2008

¹³ Source: DSRP-C.

The Right to Improved Living Conditions

466. The proportion of the Togolese population living under the poverty threshold in 2006 was 61.7%. This incidence of monetary poverty displays an increase comparable to that of 1990 when it was estimated at 32.3%. The poverty exists essentially in the rural areas where the incidence is 74.3% as against 36.8% in the urban areas. Likewise, the regions most affected by monetary poverty are the Savanas, the Central, the Kara and the Maritime regions.

Table n°15: Impact of monetary poverty per residential area according to the regions (in %).

	Lomé	Maritime	Plateaux	Central	Kara	Savanas	National
Urban Area	24.5	54.3	36.5	60.2	60.9	76.8	36.6
Rural Area	-	71.1	60.2	84.0	80.0	92.4	74.3
Total	24.5	69.4	56.2	77.7	75.0	90.5	61.7

Source: Calculations carried out on the basis of the QUIBB, 2006 survey.

467. Faced with the ever increasing food insecurity, especially as a result of natural disasters, Togo embarked in February 2007 on a large scale process of consultation and participative preparation of its National Food Security Programme ((PNSA).

468. This programme seeks to guarantee food security to all the social strata of the population at the national level and with no discrimination whatever. To attain this objective, six (6) strategic axes of intervention had been focused on, namely:

- The promotion of the right to food and good governance in the area of food security;
- The improvement of productivity and the development of plant, animal and fish resource production;
- The valorization of plant, animal and fish resource production
- The sustainable management of natural resources and the environment;
- The promotion of multi-purpose water control and village hydraulics;
- The promotion of nutrition and nutritional education.

469. The institutional framework put in place to monitor the implementation of the PNSA comprises several levels: reference organ, decision making body, the coordination and consultation organs and finally the management and monitoring-evaluation institution of the said Programme. The global cost of the PNSA was estimated at 100 billion francs CFA, by the year 2015, with 85% of the funding to be provided from external resources.

470. Furthermore, in view of the troubling food situation in the country, the Government, through the Complete Poverty Alleviation Strategy Document (DSRP-C), assigned itself the following objectives:

- To strengthen the effectiveness of the existing programmes and to promote new programmes to combat nutritional deficiencies. This would mean the implementation

- of the Accelerated Strategy for the Survival and Development of Children, the promotion of a diet that is rich in micro-nutrients, the enrichment and fortification of food. Moreover, the national strategy for the feeding of the infant and young child will be implemented and the development of school canteens in the Nursery and Primary schools in the vulnerable zones will be guaranteed. The Government will also guarantee the setting up of a nutritional programme for adolescents, pregnant women and breastfeeding women on the one hand and the setting up of a zoo-sanitary, phytosanitary, food and nutritional monitoring mechanism on the other. Finally, specific programmes for the provision of food for vulnerable persons (senior citizens, persons living with HIV/AIDS, mothers and children suffering from severe nutritional deficiencies) will be initiated and implemented by the Government.
- The sensitization of the vulnerable population on the impact of a good diet. This will consist in carrying out information, sensitization and education campaigns for all the public sector and civil society players on the importance of a proper diet in health protection;
 - The improvement of the institutional framework will mean the implementation of measures for the strengthening of institutional capacities and of the legal framework for the promotion of food and nutrition, for the improvement of the information system and of the mechanisms for the collection of data in the food and nutrition sector.

Article 24: The Right to a Healthy Environment

The Institutions working in the area of environmental protection

471. This concerns the Ministry of the Environment and Forestry Production created by Decree n° 87-24/PR of 12 March 1987 and currently called Ministry of the Environment and Forestry Resources, responsible for the drafting and implementation of Government policy in environmental issues, as well as the management and protection of the environment with the participation of the different populations. This Ministerial Department comprises the following Departments:

- The Directorate General of the Environment also responsible for ensuring the application of the Government's environmental policy;
- The Directorate General of Forestry Resources is in charge, among other responsibilities, of coordinating the activities relating to forests, fauna and the wetlands, of submitting national policy projects pertaining to forestry resources and the wetlands, to the development of national parks and fauna reserves, of creating protected areas for the preservation of territorial biodiversity;
- The Forestry Development Office (ODEF) responsible for the management of the nation's forests.

472. The other Institutions are set out by the Laws n° 2008-005 of 30 May 2008 instituting the Parent Act on the Environment and n° 2008-009 of 19 June 2008 establishing the Forestry Code respectively. These are:

- The National Commission for Sustainable Development (CNDD): a consultative organ responsible for monitoring the integration of the environment dimension in the development policies and strategies;
- The National Environment Management Agency (ANGE): public support institution for the implementation of the national environment policy as defined by the Government in the context of the National Environmental Action Plan (PNAE);
- The National Environment Fund (FNE): public institution administered by a management Committee comprising representatives from Government, NGOs and local Authorities, the resources of which are destined to finance the national environment policy;
- A special Treasury Fund known as the National Forestry Development Fund (FNDF) the revenue from which is exclusively allocated to the financing of the forest resources development activities;
- The Consultative Commissions of forestry resources established all over the national territory whose mission is to assist in making decisions in relation to the management of forestry resources.

Article 25: The African Charter and its implementation

473. Togo, having ratified the African Charter on Human and Peoples' Rights in 1982, has, like all the other member States, the obligation of taking measures to guarantee its effective implementation. For this reason, the Ministry of Human Rights and the Consolidation of Democracy and Civic Education, established for the purpose of applying the State's human rights policy, endeavours, within the framework of its efforts to sensitize and educate the populations, to disseminate the provisions of the Charter.

474. Seminars organized towards this end have already made it possible for the Ministry to underscore the rights and freedoms contained in the Charter, and on the promotion and protection mandate assigned to the African Commission on Human and Peoples' Rights.

475. Furthermore, each year the Ministry celebrates the African Day of Human and Peoples' Rights. On this occasion messages on the contents of the Charter are broadcast for the benefit of the Government Authorities and the population. Radio television broadcasts and conference debates are also sometimes organized.

476. Similar efforts are made by the CNDH, the NGOs and Associations working in the field of Human Rights. Undoubtedly, the sensitization activities undertaken remain insufficient due to lack of financial and logistical resources. However, the Government intends to pursue the effort it has begun in terms of sensitization and dissemination of the Charter.

Article 26: The independence of the Tribunals

477. The independence of the Judiciary is guaranteed by Article 113 of the Togolese Constitution. The Togoles Government recognizes that the independence of the Judiciary is one of the absolutely indispensable requirements for the safeguard of Human Rights and Democracy.

478. By the same token efforts have been deployed in the past years to increase the number of judges whose training is guaranteed by the Lomé National School of Administration. This Government project is still ongoing.

479. Within the framework of the National Justice System Modernization Programme the creation of a Training Centre of Judicial Professions and the recruitment up to 2010 of twenty Judges per year instead of fifteen is set out in order to guarantee an effective initial and continuous training.

480. At the moment the Togolese justice system has a total staff component of 175 Judges. Already the plans for the construction of the future Centre have been validated and a Steering Committee for the preparatory works on the Centre has been set up. The establishment of this Committee had been preceded by a mission of the National School of the Judiciary to France comprising a group of Judges, members of the said Committee.

481. Aware that good training on its own is not enough to guarantee their independence, the Government has currently ordered the review of the special status of Judges in order to safeguard them from financial and material need. At the same time, a programme to strengthen the functioning of the Supreme Council of the Judiciary has been set up for the promotion and disciplining of Judges.

482. The process of establishing the independence of the Tribunals is reinforced by the validation and adoption in the very near future in Cabinet of the special status of Registrars and Secretaries of the Prosecutor's Office.

483. The rehabilitation or the construction of Courts as well as the provision of equipment and operational budgets for them will contribute to strengthening the independence of the Tribunals. The computerized management of the Files of Judges will also contribute to the independence of the Judges and, by extension that of the Tribunals by making possible promotions and postings based on competence and experience while respecting hierarchy and not on the basis of extra-profesisonal considerations.

The Organization and functioning of the Judicial Institutions in Togo

Organization and functioning of the Courts and Tribunals

484. Togo's judicial organization is governed by the Decree n° 78-35 of 7 September 1978. Nonetheless, the Constitution of the IVth Republic made in depth amendments to it.

485. Justice is delivered by the ordinary Common Law Courts and the ordinary specialized Courts. The special Courts had been removed by the Constitution of 14 October 1992 in its Article 119, paragraph 3.

486. The ordinary Common Law Courts comprise the Supreme Court, the Appeal Courts and the Courts of First Instance. The ordinary specialized Courts comprise the Labour Tribunals and the Children's Tribunals.

The Supreme Court

487. The Supreme Court, under its current setup (Organic Law N° 97-05 on the organization and functioning of the Supreme Court) comprises two Chambers: the Judicial Chamber and the Administrative Chamber. Each of these two Chambers comprises a Chairman and at least four (4) Counsels.

488. The Judicial Chamber hears and determines: appeals against rulings made in the last instance in civil, commercial and criminal matters; civil actions against the Appeal Court Judges; criminal proceedings against Judges and other public officers; applications for a sitting and settlement of conflicts of jurisdictions.

489. The Administrative Chamber hears and determines appeals made against rulings delivered regarding administrative disputes, appeals against abuse of power, appeals against the decisions of the Bodies which rule on disciplinary matters and finally, procedure on contentious electoral matters.

The Appeals Court

490. The Court of Appeal constitutes the second degree of jurisdiction. There are two Courts of Appeal in Togo: that of Lomé and that of Kara. The Court sits on proceedings in the civil, commercial and social Divisions, in the Criminal Division, in the Indictment Division, in the Administrative Division and in the Assize Court.

491. Comprising a President, a Vice-President and Counsellors, it sits in ordinary session in collegiality with three Judges and in ordinary sitting, and in solemn sitting in collegiality with five Judges. It sits in particular to hear and determine all the rulings delivered by the Courts of First Instance and those which have been subjected to appeal.

492. Furthermore, it has competence to receive the oaths of Judges and legal auxiliaries. The Prosecutor's Office is represented in the Court of Appeal by a Public Prosecutor and Substitute Prosecutors.

The First Instance Tribunals

493. They are divided into categories: first, second and third category on the basis of their importance. They deliver common law rulings in criminal, civil, commercial and social matters.

494. The jurisdiction of each Tribunal extends to one or several Prefectures. Each Court sits in the county town of the judicial constituency.

495. In all matters, the rulings are delivered by a single Judge. However in matters of traditional law, the Tribunals' rulings are delivered by a single Judge but an assessor of the custom applicable to the case with consultative capacity is attached to him.

496. The Prosecutor's Office is represented in the Court of First Instance by a Public

Prosecutor and Substitutes. However, to date there are several Courts of First Instance with limited staff, that is they have only one Judge with broad competences or two Judges in minimum instead of three. There are thirty (30) such Tribunals in Togo.

The Ordinary Specialized Courts

497. On the basis of the Decree n° 78-35 of 7 September 1978, on the organization of the Judiciary in Togo, the ordinary specialized Courts are the Labour Tribunal and the Children's Court (Article 1 of the Decree). However, the organization and the functioning of these two Courts are regulated by the Labour Code in respect of the Labour Tribunals and the Criminal Procedure Code and the Children's Code in respect of the Children's Tribunal.

The Children's Tribunals

Administration of Justice for Minors

498. At the institutional level and pursuant to the Decree 78-35 of 7 September 1978 establishing the organization of the Judiciary in Togo, a Children's Tribunal which is a specialized Tribunal is created within each Tribunal of First Instance.

499. At the legislative level, the Children's Code, in its Articles 275 to 352 sets out the rules and procedures applicable to children who have broken the law while maintaining respect for their dignity, their personal values and their best interests.

500. Togo, on the basis of the provisions of Articles 300 to 346 of the Children's Code, has taken legislative and institutional measures to guarantee special protection for the child who has broken the law. The Children's Courts cannot pronounce protection, monitoring, assistance and education measures. Measures alternative to imprisonment also figure in this Code, in particular criminal mediation which constitutes a mechanism that protects the offending child from facing the full force of the judicial system.

501. Criminal sanctions in this area should be exceptional. The capital punishment and life sentence cannot be delivered against a child no matter what his age, his personality and the type of offence he may have committed. The capital punishment in respect of a child aged more than 16 cannot surpass a total of 10 years of imprisonment (Article 336). Likewise a child aged less than 16 cannot normally be given a prison sentence. Since the enactment of the Children's Code the age of criminal irresponsibility in Togo has been raised to 14 years pursuant to Article 302 of the said Code.

502. The justice reform process for Minors is underway since the implementation of the National Justice System Modernization Programme.

503. In matters of the administration of justice for Minors, the international instruments ratified by Togo provide integral legal protection and guarantee all human rights for the Child:

- The Convention on the Rights of the Child;

- The Riyad Rules on the prevention of Juvenile Delinquency;
- The Beijing Standard Minimum Rules on the Administration of Juvenile Justice;
- The Rules of protection for detained Children;
- The Vienna Resolution on the Administration of Juvenile Justice;
- The African Charter on the Rights and Welfare of the Child.

504. Only a few professionals know the Beijing Rules and the United Nations Guiding Rules on the protection of detained Minors.

505. The vulnerable nature of children requires that the Judges who work in the children's justice network receive specialized training. In the Togolese judicial practice this specialization is absent. Article 303 of the Children's Code stipulates that any child suspected of having broken the criminal law should be immediately informed of the charges against him. He has the right to obtain the assistance of a Counsel at the preliminary inquiry stage and to express his opinions through the Counsel throughout the proceedings. The Children's Code grants the Child that is shrewd the right to freely express his opinions on all the issues or judicial or administrative proceedings affecting him.

506. One of the major achievements realized is the conduct of a study on the state of justice for Minors in the Togolese justice system so as to better take into account the protection of the Child by means of an institutionally well organized justice system for minors. Four strategic axes are advocated:

- Support for the implementation of Tribunals for Children to ensure the effective functioning of the Children's Tribunals across the entire national territory;
- Support for the Investigation Units in Juvenile Justice allowing the availability across the entire territory of Investigation Units specialized in investigation techniques of cases affecting or involving children;
- Support for the operations of the public reception centres, Beijing Rule: Foyer Kamina and the Caccaveli Observation and Re-integration Centre. It also concerns the creation of specialized reception centres for children in danger, children who have broken the law, girls-offenders and girls in danger;
- Establishment of a coherent operational legal system between the defenders of Minors in the justice system, a legal framework of relations between the various actors, Children's Tribunal, Brigade for Minors, Child Protection Department, and the public or private reception centres.

507. These basic instruments are completed by the Law 2007-017 of 6 July 2007 establishing the Children's Code. The real issue remains the sensitization of the population on the knowledge and use of these instruments.

508. Youth and childhood are taken into account in two specialized Courts:

- The Minors' Judge whose appointment is set out by Article 458 of the Criminal Procedure Code is lacking in almost all the Tribunals in the country;

- The Children's Tribunal, comprising the Minors' Judge, a President and two Accessors exists only in Lomé. In the absence of an Assize Court for Minors, it is the Children's Tribunal which rules on the crimes committed by children.

509. Within the framework of the Togolese Government-UNICEF cooperation programme, the capacity building of all the key players was carried out: Judges, Registrars, Police Officers, Prison Staff were trained in the techniques of taking care of children who break the law or are in moral danger and social staff on how to take care of detainees.

510. The application of the recommendations of the study on Justice for Minors is necessary, likewise the training of all the actors in juvenile justice.

511. The Children's Judge has competence to deal with cases of children offenders and of children in moral danger. The Children's Code makes it possible to take several measures alternative to imprisonment against the child offender:

- Return to trustworthy parents;
- Placement in an educational, professional or health Institution;
- Criminal mediation or a non-professional mediator is appointed for the amicable settlement of the case.

The Labour Tribunals

512. In principle, a Labour Tribunal is required to exist within each Tribunal of First Instance, but currently there is only one Labour Tribunal in Togo. This has its headquarters in Lomé and its territorial jurisdiction extends over the entire national territory.

513. The Labour Tribunal is a social Court. It has competence to hear and determine individual disputes which may arise during the execution of a Contract between Workers and their Employers.

514. It also has competence to rule on all the individual disputes that relate to collective agreements or to Orders in lieu thereof. The Tribunal's competence also covers the disputes that arise between workers in their work, in litigations relative to apprenticeship Contracts and disputes arising from the application of legislation in matters of social security. This refers, in this case, to accidents at work, professional illnesses, family allowances and boarding houses.

515. The Labour Tribunal comprises four Divisions:

- The Commercial Division;
- The Industrial Division;
- The Transport Division;
- The Division of « domestic servants ».

516. When he is seized with a complaint, the Labour Judge should first attempt to obtain reconciliation or amicable settlement of the issue. This procedure is compulsory and the

Judge is obliged to respect it.

517. The Labour Tribunal comprises a Judge President, a worker's Assessor and an employer's Assessor appointed by Order of the Minister of Labour. The President of the Labour Tribunal is appointed by Decree on the proposal of the Supreme Council of the Judiciary. For each case, the President of the Tribunal appoints the employer's Assessor and the worker's Assessor belonging to the relevant category. The Assessors have the right to participate in the discussions and to vote. The Labour Tribunal also has a Secretary Registrar appointed by the Order of the Attorney General and Minister of Justice.

The Supreme Council of the Judiciary

518. The Supreme Council of the Judiciary is the disciplinary Body for the Judges. It gives its opinion in matters of recruitment, of postings or of the appointment of Judges and in matters of requests for pardon and in projects of amnesty. It can be consulted on all issues relating to the independence of the judiciary.

519. The Supreme Council of the Judiciary has 4 members:

- A personality appointed by the President of the Republic on the basis of his competence;
- A personality chosen by the National Assembly;
- Two Judges from the Court of Appeal;

The Bar

520. The exercise of the profession of lawyer is governed in Togo by Decree n° 80/11 of 9 January 1980 which specifies in the general provisions that the profession of lawyer is liberal and independent.

521. At the organizational and administrative levels it is Article 11 of the aforementioned Instrument which establishes the Lawyers' Bar.

522. To date there is only one Bar in Togo, the one in the Lomé Court of Appeal. The Bar is headed by a Bar Council elected for a three-year term by secret ballot by the lawyers themselves. Its responsibilities are very diverse. It is at once an Organ of administration, of discipline, and of defence of the rights of the lawyers on the basis of the civil personality with which it is endowed. It is chaired by a President of the Bar elected for a two-year term. Currently the Bar comprises 128 registered lawyers of whom 16 are women.

Conclusion

523. Togo remains convinced that its socio-economic development must be routed through respect for Human Rights. Undoubtedly, the current development of the country shows an improvement in the Human Rights situation. Nonetheless, the effective enjoyment of socio-economic rights still remains low due to the repercussions of the international financial crisis on the already precarious purchasing power of the populations.

524. The Government has innumerable challenges to address and can only succeed thanks to the combined effects/efforts of bilateral and multilateral cooperation.

525. Evidently the integral establishment of democracy and the Rule of Law is a long term undertaking but for the Togolese Government, it is more than a duty to create an enabling environment for the effective respect of the Human Rights guaranteed by the national and international legal Instruments.

ANNEX

List of the Members of the Inter-Ministerial Commission who participated in the preparation of the Report

- 1) Mrs. POLO Nakpa, Director General of Human Rights, Ministry of Human Rights, of Consolidation of Democracy and Civic Education;
- 2) Mr. MINEKPOR Kokou, Ag. Director of Legislation and Human Rights Protection, Ministry of Human Rights, of Consolidation of Democracy and Civic Education;
- 3) Mr. AHA Matozuwé, Head of Research, Ministry of Human Rights, of Consolidation of Democracy and Civic Education;
- 4) Mr. KOINZI Awoki, Ministry of Foreign Affairs and Regional Integration;
- 5) Mrs. GBODUI Sueto Bernice, Administration Assistant, Ministry of Youth, Sports and Recreation Activities;
- 6) Mrs. GOEH AKUE A. Maggy, Director of the National Museum of Togo, Ministry of Arts and Culture;
- 7) Mr. N'DAAM, Ministry of Communication;
- 8) Mr. TETOU Torou, Legal Officer, CNDH;
- 9) Mr. KODJO Garba Gnambi, Director of Prisons Administration, Ministry of Justice responsible for Relations with the Institutions of the Republic;
- 10) Mr. LOGOSSOU Koffi, Head of Legal Research, Ministry of the Economy and Finances;
- 11) Mrs. YAKPO Ama Essenam, Legal Officer, Ministry of the Environment and Forestry Resources;
- 12) Mr. ALOU Bayaboko, Legal Counsel, Ministry of Cooperation, Development and Land Use Management;
- 13) Mr. LAÏSON Déo Amah, Head of Legislation Division, Ministry of Labour and Social Security;
- 14) Mrs. TAMAKLOE Massa, Head of Research and Acts Conception Division, Ministry of Women's Affairs;
- 15) Mr. DANYO Koami Hagbalé, Head of Trusteeship Division of the Prefectures and the Regions, Ministry for Local Government, Decentralization and Local Authorities.

NGO Representatives that participated in the drafting of the Report

- 1) AVEGNON Koffi, International Catholic Child Bureau (BICE);
- 2) AGUEMON A. Colette, Women's, Democracy and Development Reflection Group (GF2D);
- 3) SOGBADJI Hoélété Yao, Togolese Human Rights League (LTDH);
- 4) ADODODJI K. Théodore, Amnesty International (AI-TOGO).

Resource Person

Mrs. Caroline OUAFFO WAFANG, Human Rights Associate Expert in the Office of the High Commissioner for Human Rights.

TABLE OF CONTENTS

	Pages
Reminder	2
Introduction	3-6
II – THE NATIONAL MEASURES FOR THE APPLICATION OF THE CHARTER	7
Article 3: Equality before the Law	
Article 4: Protection of the Right to Life	7-8
The Death Penalty	8-9
Prohibition of physical or moral Torture and inhuman, cruel and degrading punishment or treatment	8-9
Article 5: Prohibition of Slave Trading	9-12
Article 6: The Right to the Freedom and Security of One’s Person	12-13
Prohibition of Arbitrary Arrests	13-14
Treatment of Detainees	14-15
Prohibition of physical or moral Torture and inhuman, cruel and degrading punishment or treatment	15-16
Article 7: The Right to institute Proceedings	16-17
Presumption of Innocence	17
The Right to Defence	17-18
The Right of every Individual to be tried within a reasonable time frame	18-19
The Principle of the legality of crimes and penalties	19-20
The Procedure applicable to Minors	20
Article 8: Freedom of Conscience, the free profession and practice of religion	21
Article 9: Freedom of Expression and of the Media	21-22
Articles 10 and 11: Freedom of Association, of Assembly and of Demonstration	23-25
Article 12: Freedom of Movement	25
Status of the Foreigner desiring to reside in Togo	25-26
Article 13: The Right to participate in the management of Public Affairs	26-27
1. The Right to Vote	27
2. The Right to Vote	27-28
3. The Right of Eligibility	28
4. The Presidential Elections	28
4.1. The conduct of the Presidential Elections	28
4.1.1. The 2003 Presidential Elections	28-29
4.1.2. The 2005 Presidential Elections	29-30
4.1.3. The Presidential Elections of 4 March 2010	30-31
The Electoral Campaign	32-33
5. The Legislative Elections	33
5.1. The conduct of the early Legislative Elections of 14 October 2007	33-34
6. The Right of every individual to accede to public office	35
Article 14: The Right to own Property	36

Article 15: The Right to decent Employment	36
1. The measures adopted in the area of employment	36
1.1. At the legal and institutional levels	36-38
1.2. At the professional training level	38-39
2. The Results	39-40
Article 16: The Right to Good Health	40
1. The Sanitary Situation	40-45
The National Health Policy	45-48
Funding of the Health Sector	48-49
4. Benefits and use of Services	49
4.1. The Organization	49
The provision of Services	49
The Public Health Care Sector	49-50
4.1.2. The Private Health Care Sector	50-51
4.2. The Health Cover	51-52
Human Resources	52
5. The National Pharmaceutical Policy	53
Article 17: The Right to Education	53-54
1. The Statistics of Literacy Education	55
2. The measures to encourage Literacy Education	55
3. The sources of funding for the Education Sector	56
4. THE DIFFICULTIES AND FAILURES	56
The construction of new Schools	57
The proximity of the Schools	57
Preparation for the Teaching Profession and the Teacher Training Programme	57-58
4.1. The Specialization of Teachers	58
4.2. Employment and Career	58
The conditions of Social Security	58
4.3. Salaries	59
Comparison of Teachers' Salaries to those of other Public Servants	59
Measures taken or envisaged to improve the living conditions of teaching staff	59
5. Boy-Girl ratio in the Education Programmes	59-60
Article 18: Protection of the Family, the Elimination of Discrimination against Women and Protection of Elderly Persons and of the Disabled.	60
The Principle of the Elimination of Discrimination Against Women	60-62
Persistence of certain discriminatory provisions regarding Women: Institution of the Husband Head of the Family	62-67
Child Protection	67
Protection of the Child labourer	67-68
Protection of the Child in difficult situations or in danger	68-69
Protection against abuse	69
Protection against acts of violence	70
Protection of the Child Offender	70-71
The Right of the Child to be registered at birth and to have a Name	71-72

The Right of the Child to have a nationality	73
Protection of Disabled Persons and of the Elderly	73
Article 21: The Right to the free disposal of Resources	73
Article 22: The Right to Economic and Cultural Development	74-75
The Right to sufficient Food	75-76
The Right to the improvement of living conditions	76-77
Article 24: The Right to a Healthy Environment	78
The Institutions working in the area of Environmental Protection	78
Article 25: The African Charter and its Implementation	78-79
Article 26: The Independence of the Tribunals	79-80
The Organization and functioning of the Judicial Institutions in Togo	80
2. Organization and functioning of the Courts and Tribunals	80
The Supreme Court	80
The Appeals Court	80-81
The Tribunals of First Instance	81
Specifying the number of Tribunals in Togo	81
The Ordinary Specialized Courts	81
The Children's Tribunals	81-82
The Labour Tribunals	82-83
The Supreme Council of the Judiciary	83
The Bar	83
Conclusion	84
ANNEX	85
List of the Members of the Inter-Ministerial Commission who participated in the preparation of the Report	85
NGO Representatives that participated in the drafting of the Report	85
Resource Person	85

Abbreviations and Acronyms

ANGE: National Environment Management Agency

ANPE: National Employment Agency

APG: Global Policy Agreement

APT: Association for the Prevention of Torture

BICE: International Catholic Child Bureau (ICCB)

BIT: International Labour Office (ILO)

BTS: Higher Technician's Diploma

CACIT: Group of Associations against Impunity in Togo

CARMA: Campaign for the Acceleration of the Reduction of Maternal Neo-natal and Infant Mortality

CEDEAO: Economic Community of West African States (ECOWAS)

CENI: National Independent Electoral Commission (NIEC)

CICR: International Committee of the Red Cross (ICRC)

CNARSET: National Commission for the Reception and Social Re-integration of Children Victims of Trafficking

CNAO: National Orthotic Device Centre

CNCPA: National Elderly Persons Consultative Council

CNDD: National Commission for Sustainable Development

CNDH: National Human Rights Commission (NHRC/NHRI)

CNE: National Child Rights Committee

CNPS: National Relief Planning Committee

CNTS: National Blood Transfusion Centre

CVJR: Truth, Justice and Reconciliation Commission

DAPR: Prison Administration and Re-integration Department

DGPE: Child Protection Head Office

DOST: District Observing Treatment Short Course

DPNE: National Employment Policy Department

DSRP-C: Complete Poverty Alleviation Strategy Document

EDIL: Local Initiative Schools (Local Initiative Schools)

ENI: Teacher Training College

ENS: Higher Teacher Training College
ENI-JE: National Nursery Teachers Training College
FAIEGJ: Youth Economic Initiatives Support Fund
FNAFPP: National Apprenticeship, Training and Professional Specialization Fund
FNE: National Environment Fund
FNDF: National Forests Development Fund
FNUAP: United Nations Population Fund (UNFPA)
GAVI: Global Alliance for Vaccines and Immunization
GF2D: Women's Reflection and Democracy and Development Action Group
HAAC: High Audiovisual and Communication Authority
HCDH: Office of the High Commissioner for Human Rights (OHCHR)
IEC: Information, Education and Communication
MICS3: Multiple Indicators Cluster Survey (Enquête par Grappes à Indicateurs Multiples)
MII: Insecticide Dipped Bednets
ODEF: Office for Forests Development and Use
OMD: Millennium Development Goals (MDGs)
OMS: World Health Organization (WHO)
ORSEC: Disaster Relief Organization
PAUSEP: Prison Sector Emergency Support Programme
PCIMNE: Assumption of Costs for illnesses of the Newly-born and of the Child
PFA: Acute Flank Paralysis
PIAP: Interim Priority Action Programme
PIB: Gross Domestic Product (GDP)
PNAE: National Environmental Action Plan
PNDS: National Health Development Plan
PNMJ: National Justice System Modernization Plan
PNUD: United Nations Development Programme
QUIBB: Unified Welfare Base Indicators Questionnaire
RELUTET: National Network against the Sale of Children in Togo.
RESAEV: Network of Reception and Social Re-integration Centres for Children victims of child trafficking
THIMO: High Labour Intensive Works

UCAO: Catholic University of West Africa (West Africa Catholic University)

UE: European Union (EU)

UNFPA: United Nations Population Fund (UNFPA)

UNICEF: United Nations Children's Fund