



**Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

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Committee against Torture

**Consideration of reports submitted by States
parties under article 19 of the Convention**

Second periodic reports of States parties due in 2008

Togo*

[14 January 2011]

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Contents

	<i>Paragraphs</i>	<i>Page</i>
Background information	1–4	3
Part one	5–21	3
A. Legal framework for the prohibition and elimination of torture.....	5–13	3
B. Status of the implementation of the Convention	14–21	4
Part two		
Legislative, judicial, administrative and other steps taken to give effect to the conclusions and recommendations of the Committee against Torture	22–176	5
Articles 1 and 4	22–28	5
Articles 2 and 11	29–44	6
Articles 2, 12 and 14	45–60	8
Article 3	61–62	10
Articles 3, 5, 6 and 7	63	10
Articles 6 and 8	64–65	10
Article 10	66–77	10
Article 11	78–108	12
Article 12	109–114	16
Article 13	115–138	16
Article 15	139	19
Article 16	140–176	19
Conclusion	177–189	23
Annex		25

Background information

1. Togo submitted its initial report under article 19 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT/C/5/Add.33) to the Committee against Torture on 10 and 11 May 2006.
2. In accordance with the recommendations made by the Committee (CAT/C/TGO/CO/1, para. 35), the Government of Togo was to have submitted its second periodic report in December 2008.
3. The difficulties entailed in gathering the necessary data were such that the Government of Togo was unable to meet that deadline, however.
4. This report has been prepared in conformity with the guidelines, concluding observations and recommendations of the Committee against Torture. The first section sets out the legal framework for the prohibition and elimination of torture. The second section focuses on the legislative, judicial, administrative and other measures that have been adopted to give effect to the conclusions and recommendations of the Committee against Torture.

Part one

A. Legal framework for the prohibition and elimination of torture

5. The information furnished in pages 9 to 13 of the initial report is still current.
6. The Togolese legal system provides guarantees concerning the prohibition and elimination of torture. Firstly, the Constitution of 14 October 1992, as amended by Act No. 2002/0029 of 31 December 2002, prohibits the practice of torture (arts. 16 and 21).
7. Secondly, article 347 of the Children's Code (Act No. 2007-017 of 6 July 2007) provides for the protection of children from torture and from inhuman or degrading treatment or punishment.
8. In addition, Togo is party to a number of international human rights instruments and has incorporated their provisions into its Constitution. Article 50 of the Constitution reads as follows: "The rights and duties enshrined in the Universal Declaration of Human Rights and in the international human rights instruments ratified by Togo shall be an integral part of this Constitution."
9. Article 140 of the Constitution states that: "duly ratified or adopted treaties and agreements take precedence, upon their publication, over other laws".
10. Some qualification is called for however, with regard to the application of articles 50 and 140.
11. While there is no exception to the primacy of conventions ratified by Togo over domestic legislation, the applicability of these provisions depends on the objective sought. Thus, provisions that deal exclusively with citizens' rights are immediately applicable and can be invoked in the nation's courts, which are obligated to enforce them, whereas those that stipulate that a given act constitutes an offence must be brought into conformity with domestic law, which must set out the applicable sanctions.
12. The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment was ratified by Togo on 18 November 1987. Togo ratified the Optional

Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on 20 July 2010.

13. The follow-up committee that was formed to oversee the implementation of the Protocol is in the process of determining what type of national preventive mechanism would be the most suitable for Togo.

B. Status of the implementation of the Convention

14. The State party works with the human rights treaty bodies, special procedures such as the Special Rapporteur on the question of torture, and specific bodies such as the Human Rights Council.

15. For example, at the invitation of the Togolese authorities, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment visited Togo from 10 to 17 April 2007.

16. The Government of Togo can provide the following information concerning the actions taken in response to the recommendations made by the Special Rapporteur (A/HRC/7/3/Add.5).

17. It has been assisted in the implementation of these recommendations by the National Human Rights Commission, the Country Office in Togo of the Office of the United Nations High Commissioner for Human Rights (OHCHR), the United Nations Regional Centre for Peace and Disarmament in Africa and various human rights associations and human rights defence leagues.

18. The Government has continued to step up its efforts throughout the country to raise awareness of human rights and to provide training in the protection of human rights and fundamental freedoms to members of security forces (officers of the gendarmerie, police officers, prefectural guards), justice officials, prefects, sub-prefects and staff of the Prison Service.

19. The Government is cognizant of the fact that the awareness-raising efforts made to date have been insufficient, given the seriousness of the problem of torture, which is one of the worst, most abhorrent types of human rights violations.

20. The ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment by Togo and the forthcoming establishment of a national preventive mechanism will enable the Government to ensure the effective implementation of the Optional Protocol and so to provide greater protection against torture and other cruel, inhuman or degrading treatment or punishment.

21. The Government hopes that the international community will work alongside it to build a structure for the protection of human rights by providing financial, technical or advisory assistance for its efforts to put the Optional Protocol into effect.

Part two

Legislative, judicial, administrative and other steps taken to give effect to the conclusions and recommendations of the Committee against Torture

Articles 1 and 4

22. In 2006, Togo set up a national commission to modernize its legislation.
23. One of this commission's tasks is to assist the Togolese Government to incorporate a definition of torture into its Criminal Code that is in line with article 1 of the Convention.
24. A draft amended Criminal Code has been prepared and was presented for preliminary validation at a workshop held by the Ministry of Justice from 26 to 29 January 2010 in Lomé. Article 176 of the draft amended version of this code reads as follows:

“For the purposes of this section,¹ the term ‘torture’ means any inhuman act or treatment, whether committed by action or omission, by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person, whether by an agent of the State or a private individual.

“The term ‘torture’ as defined herein does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.

“The expression ‘degrading treatment’ refers to any form of treatment that causes the person subjected to it to experience serious humiliation or debasement. The expression ‘cruel, inhuman or degrading treatment or punishment’ refers to other forms of ill-treatment that, together with acts of torture as defined herein, constitute offences which are prohibited throughout the country, in accordance with article 21 of the Constitution.”

25. Articles 177 ff criminalize acts of torture and other cruel, inhuman or degrading treatment and set out the corresponding penalties.
26. The draft amended Criminal Code classifies torture and ill-treatment as serious crimes which are punishable by terms of imprisonment of between 5 and 10 years. These terms of imprisonment can be doubled in the event of any of the aggravating circumstances identified in articles 178 and 179.
27. Article 178 of the draft amended Criminal Code states that: “The punishment provided for in the preceding article shall be doubled if these offences are committed:
- (1) By any individual or agent of the State, whether acting upon his or her own initiative or on the instructions of another, or by any person acting in an official capacity or at the instigation or with the consent, express or otherwise, of such a person for the purpose of:
 - (a) Obtaining information or a confession from the person subjected to such treatment or from a third party;
 - (b) Punishing the person subjected to such treatment for an act which that person or a third party has committed or is suspected to have committed;

¹ Reference is made to section 1 of chapter III, title II, which is entitled “Torture and other forms of ill-treatment”.

- (c) Intimidating or pressuring the person subjected to such treatment or another person;
- (d) For any other reason of a discriminatory nature;
- (2) By the spouse or cohabiting partner of the victim;
- (3) Under the circumstances set forth in paragraph 1 of this article, in cases involving an attempt to carry out any act of torture or other form of ill-treatment or complicity or participation therein;
- (4) In a manner that results in death or is premeditated;
- (5) With the use or the threat of use of a weapon;
- (6) Against a witness, victim or plaintiff either to prevent that person from reporting an incident, lodging a complaint or bearing testimony or because that person has done so;
- (7) Against a justice official, a juror, a lawyer, a person vested with public authority or a public servant in connection with the performance of that person's duties or assignment if the person's status as such is known to the perpetrator;
- (8) Against a legitimate or natural relative in the ascending line or an adoptive father or mother;
- (9) Against a child of 15 years of age;
- (10) Against a person who is especially vulnerable by reason of his or her status, age, an illness, an infirmity, or a physical or mental disability whose presence is known to the perpetrator;
- (11) Against a child of 15 years of age by a legitimate, natural or adoptive relative in the ascending line or by any other person having authority over the child."

28. Article 179 states that: "The term of imprisonment shall also be doubled in the following cases:

- (1) When the offences covered in article 174² are accompanied by acts of sexual aggression other than rape;
- (2) When the offences covered in article 176 have resulted in mutilation, a permanent disability or the deprivation of all or part of an organ or sense;
- (3) When the offences covered in article 174 have been committed in the course of an abduction, an arrest or a detention."

Articles 2 and 11

29. The provisions of the Code of Criminal Procedure concerning the placement of persons in custody are in accordance with the relevant human rights instruments. The limitation of the length of time during which a person may be held in custody (with the possibility that it may be extended by the State prosecutor but not by investigators) acts as a safeguard against abuse. Nonetheless, these provisions should be reinforced with a view to

² Article 174 states that: "Anyone who, as a result of negligence, inattention or carelessness or as a result of a breach of safety regulations involuntarily causes a death or is voluntarily the cause thereof shall be punished with a term of imprisonment of from two (02) months to three (03) years or by a fine of from fifty thousand (50,000) to one million (1,000,000) CFA francs."

further curbing violations. The provision contained in the 1992 Constitution whereby the presence of a lawyer is required from the moment that a preliminary investigation is begun is designed to protect remand prisoners' right to integrity of the person and to put a stop to any violation of that right.

30. The 48-hour limit on the length of time that a person may be held in custody (with the possibility that it may be extended by the State prosecutor, but not at the sole discretion of investigators) constitutes a safeguard so long as the extension application procedure is followed.

31. Article 16, paragraph 3, of the 1992 Constitution, which provides that a lawyer must be present from the time that a preliminary investigation is undertaken, is designed to put a stop to any violation of a prisoner's right to protection of the integrity of the person.

32. Current practice is to admit a remand prisoner's counsel into the investigative unit 24 hours after he or she is taken into custody.

33. Some provisions of the Code of Criminal Procedure concerning police custody arrangements have been modified in a draft amended version of this code in order to bring them into line with the principles and standards set forth in the Convention. These provisions concern the invalidity of confessions obtained under torture and the nullification of the subsequent proceedings.

34. In addition, the draft amended Code of Criminal Procedure provides that the directors of detention centres will henceforth be able to refuse to receive remand prisoners who have been transferred from investigative units if they show signs of having suffered bodily harm. This provision will help to put an end to violations of the right to physical integrity.

35. The introduction of a category of judges who are responsible for the application of procedural safeguards and of the category of enforcement judges in the draft amended Code of Criminal Procedure is a way of providing supplementary safeguards against violations of the physical or mental integrity of persons who have been deprived of their liberty.

36. The establishment of a general security services inspection unit under the supervision of a senior officer of the gendarmerie and a division commander of the police force has brought about a considerable improvement in the treatment of persons held in policy custody in investigative units.

37. It should be noted that, unlike police stations, most of the gendarmerie brigades do not have barred cells. In addition, some places of detention are difficult to access; this is particularly true of the cells maintained by the National Intelligence Agency and the jails where military personnel subject to disciplinary action are held.

38. Efforts nonetheless continue to be made to ensure that the rights of persons held in police custody are fully respected. The measures being implemented include improvements in hygiene and in the ventilation of custodial facilities.

39. The existence of these measures would not, of course, preclude the criminal prosecution of any person reported to have committed the acts described above.

40. The Code of Criminal Procedure sets the time frame within which a person who has been taken into custody must be brought before a judge, as well as the time limit for pretrial detention.

41. Persons who have been taken into custody must be brought before a judge within 48 hours from the time the prosecutor or the prosecutor's deputy issues the corresponding arrest warrant (article 273 of the Code of Criminal Procedure), while pretrial detention is limited to 10 days for defendants residing in Togo who are charged with an offence for

which the applicable punishment is a term of imprisonment of 2 years or less, provided that they have never been convicted of a criminal offence (article 113, paragraph 1, of the Code of Criminal Procedure).

42. In addition, first offenders are entitled to be released when they have been in pretrial detention for a length of time equal to one half of the maximum punishment for the offence in question (art. 113, para. 2). The Code also provides that pretrial release may be ordered by the judge (art. 114) and may also be requested by the accused (art. 115).

43. While the time limit set for pretrial detention is observed, the deadline for bringing a person before a judge is not always met owing to the insufficient number of judicial officials and to the shortage of adequate facilities.³

44. The effort now being made to recruit justice officials and the construction of new courtrooms⁴ under the National Justice System Modernization Programme will, however, make it possible to work within the mandated deadlines.

Articles 2, 12 and 14

45. The inclusion of a definition of torture in the draft amended Criminal Code, its criminalization and the severity of the applicable punishments for persons convicted of committing torture or ill-treatment are legislative and judicial measures designed to discourage such acts. Under the provisions included in the draft amended Criminal Code, torture is punishable by imprisonment, which is a criminal sentence (arts. 177 ff).

46. The forthcoming establishment of a national preventive mechanism, following the ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, will bring these measures to completion.

47. Members of the police force (paramilitary corps) and of the gendarmerie (military corps) enjoy the same legal status as judicial police officials and officers.

48. Apart from members of this military corps, who, as such, are vested with the authority to act as judicial police officials and to perform judicial acts, such as making arrests, questioning suspects and keeping official records on investigations, at no point in the proceedings is a member of any other army corps authorized to make an arrest, less still to question suspects.

49. Even in the military justice system, where members of the armed forces may make arrests, the functions of military police are performed by members of the gendarmerie.

50. Places of detention are under the authority of the courts, which, in order to ensure the safety of both the person taken into custody and society, at times still do decide to hold certain suspects in secure locations, given the absence of high-security facilities.

³ In Togo, there are approximately 190 justice officials for a population that was estimated at over 5,596,000 as of 2008, or, in other words, 1 judge for every 29,453 inhabitants; there is less than 1 court clerk for every judge. Togo has only two courthouses (one in Dapaong and the other in Lomé) that are up to standard.

⁴ The recruitment of new justice officials and court clerks (about 20 judges per year and nearly as many court clerks) under the National Justice System Modernization Programme will continue until the programme comes to an end in 2011 and will help to address this shortage of human resources. As part of the same programme, a courthouse, which will include an appeals court, is to be built in Kara, the courthouse in Aného is to be refurbished, and the courthouse in Atakpamé is to be refurbished and expanded.

51. Representatives of the judicial branch may at any time visit such persons and may authorize visits by their parents, friends and legal counsel while continuing to apply the restrictions required by the proceedings in question.

52. The creation of the Truth, Justice and Reconciliation Commission (CVJR) by Decree No. 2009-046/PR of 25 February 2009, the designation of persons to sit on the Commission and their assumption of their duties reflect the efforts of the Togolese Government to shed light upon the acts of political violence committed in Togo between 1958 and 2005 and to find ways of assisting the victims in accordance with the recommendation made in the global political accord signed on 20 August 2006. The Commission is actively pursuing its task and is taking depositions from persons who were involved. Unlike its predecessors, the Commission is not operating as a court and is not empowered to judge anyone or to give anyone amnesty. Such actions neither fall within its authority nor are the purpose for which it was established. Consequently, the work of the Commission does not rule out the possibility that people may be prosecuted in court, since it does not take the place of judicial proceedings undertaken to determine the criminal responsibility of individuals. In fact, the courts of Atakpamé and Amlamé have begun to examine a number of complaints lodged by the Collective of Associations against Impunity in Togo (CACIT). In addition, in order to support efforts to combat the scourge of enforced disappearance, on 9 July 2010 the Council of Ministers approved a bill that would ratify the International Convention for the Protection of All Persons from Enforced Disappearance. This bill has been submitted to the National Assembly for its consideration and adoption.

53. A number of incentives have been put in place since 2006 to encourage the peaceful return of Togolese refugees in neighbouring countries such as Benin and Ghana.

54. Thanks to two major agreements — a tripartite agreement signed on 3 April 2007 by Benin, Togo and the Office of the United Nations High Commissioner for Refugees (UNHCR) and a tripartite agreement signed on 11 April 2007 by Ghana, Togo and UNHCR — at least 10,048 people have been repatriated since 2007.

55. Various measures have been adopted in order to assist repatriated refugees and facilitate their reintegration. Under a nationwide resettlement programme which has been executed by the High Commission for Repatriates and Humanitarian Action (HCRAH), UNHCR and Caritas Togo since 2007, assistance is provided to repatriated refugees in the areas of vocational training, education, health and income-generating activities.

56. This programme helps to resettle refugees returning to Togo voluntarily. It helps to provide schooling and apprenticeships for young people and vocational training for adults as well as income-earning opportunities. It also assists families to find lodging and helps with the payment of the first month's rent.

57. In addition, repatriated refugees receive financial assistance in the form, for example, of a lump sum payment of 30,000 CFA francs per child and of 60,000 CFA francs per adult to defray set-up costs.

58. The Togolese Government also provides each repatriated refugee with a safe-conduct pass, which allows the holder to move about freely without interference and acts as a safeguard against any violation of the holder's physical integrity. This pass is recognized by the authorities, and it is their job to ensure that it is respected.

59. In addition to this pass, measures have been put in place in the prefectures and sub-prefectures to assist and protect repatriated persons during their resettlement. Welcoming committees were also set up in 2007 by the High Commission for Repatriates and Humanitarian Action with funding from UNHCR.

60. The members of these committees include a justice official, representatives of the police force and the gendarmerie and a representative of the prefecture. They have,

however, been entirely inactive since June 2009 because the institutions in charge of this programme determined that those refugees who wished to return voluntarily to Togo had already done so.

Article 3

61. Article 185, paragraph 1, of the draft amended Criminal Code states that: “No one shall be expelled, returned or extradited to a State where there are substantial grounds for believing that the person would be in danger of being subjected to torture or other forms of ill-treatment.”

62. Paragraph 3 of the same article establishes the extraterritorial jurisdiction of the Togolese courts in cases of torture. It states that: “In the event that Togo has not extradited a person suspected of having committed offences referred to in article 176 and that person is in Togolese territory, the case shall be heard by the competent authorities, who shall reach a determination on the same basis as is applicable to any ordinary offence of a serious nature in accordance with the Criminal Code.” In other words, any person who is prosecuted for acts of torture can be tried by the Togolese courts even if those acts were committed outside of Togo, provided that there is reason to believe that, if extradited to the country where the acts were committed, the person would be subjected to torture.

Articles 3, 5, 6 and 7

63. See the section on article 3.

Articles 6 and 8

64. Within the framework of the open dialogue taking place in his country, Mr. Ange-Félix Patassé has been able to return to that country.

65. Togo has not signed the Rome Statute of the International Criminal Court. It has, however, carefully examined the Committee’s expression of concern on the subject and will take the necessary steps in that regard.

Article 10

66. As part of the National Justice System Modernization Programme, members of the police force have attended a number of different training courses. These courses, which have been taught by instructors from France, have dealt with various aspects of law enforcement, including pretrial detention and interrogation techniques.

67. Similar types of training have been provided for prison staff by such organizations as Prisonniers Sans Frontière (PRSF), the Togolese branch of YMCA (Union Chrétienne des Jeunes Gens (UCJG)) and the Country Office in Togo of OHCHR. The following topics have been covered:

- Detention and human dignity (25 and 26 September 2008)
- Transmissible and infectious diseases: respect for ill inmates (1–5 December 2008)
- Capacity-building for prison staff: the rights of inmates (15–19 December 2008)
- HIV/AIDS and drug abuse prevention in a prison environment (7–17 January 2009)

68. A training programme has been offered to prison guards, prison wardens and all other staff of detention centres.

69. This project on the protection of human rights, in general, and the rights of inmates, in particular, will be executed during 2011 by the European Union as part of the National Justice System Modernization Programme.

70. As part of their training, judicial police officers are given courses on investigative and interrogation techniques that are in accordance with the Standard Minimum Rules for the Treatment of Prisoners.

71. Steps have been taken to build the capacity of staff in charge of protecting people's human rights and, in particular, preventing torture.

72. Various training events have thus been organized for gendarmes, police officers, prefectural guards and other law enforcement personnel.

73. These events have included the following:

- From 19 to 26 April 2007: A human-rights capacity-building seminar launched by the Ministry of Security was conducted by OHCHR in cooperation with the United Nations Regional Centre for Peace and Disarmament in Africa and the International Committee of the Red Cross (ICRC) for security forces responsible for policing elections.
- From 15 to 16 May 2008: An awareness-raising activity organized by OHCHR was held for senior and junior army officers. This workshop dealt with human rights principles, the keeping of the peace, in general, and the question of transitional justice, in particular.
- From 13 to 15 October 2008: A training workshop organized by OHCHR for members of the armed forces was held on the subject of the armed forces' role in promoting and protecting human rights and on international humanitarian law.
- From 27 to 30 October 2008: A training workshop on the keeping of the peace in a democracy was held for 30 senior officers of the armed forces in Témédja, in the Plateaux region, with technical support from OHCHR. This workshop was organized at the initiative of the United Nations Regional Centre for Peace and Disarmament in Africa.
- From 15 to 19 November 2009: A training workshop was held by the Country Office in Togo of OHCHR for staff of the Prison Service and public prosecutors assigned to the courts operating in towns where the country's main prisons are located.
- From 13 to 14 May 2009: A national workshop focusing on the conclusions of the Conakry Workshop regarding the role of security forces in maintaining public order during elections was held jointly by OHCHR and the United Nations Regional Centre for Peace and Disarmament in Africa. The workshop was designed for a range of different stakeholders, including representatives of the security forces.
- From 16 to 18 June 2009: OHCHR held a national seminar devoted to an analysis of the possibility of ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The seminar was attended by a range of different stakeholders, including representatives of the security forces.

74. Article 2 of Organization Act No. 96-12 of 11 December 1996, which was amended and supplemented by Organization Act No. 2005-005 of 9 February 2005, identifies the

mission of the National Human Rights Commission as being the promotion and protection of human rights.

75. As part of its efforts to protect human rights and, in particular, to protect people from torture and other cruel, inhuman or degrading treatment or punishment, the Commission has carried out the actions described below.

76. On 6 and 8 October 2008, the National Human Rights Commission organized technical workshops in Kara and Lomé, respectively, that provided an opportunity for an exchange of views and for the provision of training in judicial practice as it relates to articles 112 ff of the Code of Criminal Procedure, which deal with pretrial detention, and in the protection of human rights during preliminary investigations. These events provided the justice officials in attendance with an opportunity to re-examine the criteria for pretrial detention with a view to ensuring that the dignity and rights of persons deprived of their liberty are respected.

77. Various training events for law enforcement personnel have also been held by civil society organizations such as the Collective of Associations against Impunity in Togo (CACIT), Christian Action for the Abolition of Torture (ACAT) of Togo and the Togolese Human Rights League.

Article 11

78. Togo lacks sufficient material, financial and human resources to deal properly with the problem of prison overcrowding and to improve prison conditions. A major effort is, nonetheless, being made to do so, even though much remains to be done.

79. Minors have been housed separately from adults in prisons since the completion of an emergency support programme for the prison system which was carried out from 2003 to 2006. The objective of that programme was to renovate and refurbish detention centres, to expand them and to improve prison health-care facilities. Women prisoners have always been housed separately from male prisoners.

80. Even in cases where male and female inmates are in the same prison, a separate wing has always been reserved for women. Because of the lack of sufficient infrastructure, however, prisoners awaiting trial and those that are serving sentences have to share the same prison yard. Convicted prisoners are, however, held in different cells from those being held in pretrial detention.

81. In the new prison to be built in Kpalimé, women will be separated from men, adults will be separated from minors and convicted prisoners will be separated from those awaiting trial.

82. In 2007 and 2008, OHCHR and the Togolese Bar Association organized additional court hearings, held in community facilities, in order to relieve the overcrowding in Togolese prisons. The Prison Service also completed the investigation files on 121 persons being held in pretrial detention and made the necessary preparations to hold their court hearings.

83. In addition, following the visits made by the Minister of Justice to detention centres in June 2007, he issued instructions for the cases of a number of persons who had been in pretrial detention for a lengthy period of time (over three months in the case of persons being held while under investigation and more than the half of the corresponding sentence in the case of persons who had been formally charged) be heard as a matter of urgency. The Minister of Justice also issued a number of provisional release orders between 2007 and 2009.

84. Since 2006, following the formal reassembly of the Bar Association, it has arranged for attorneys for the defence to represent indigent defendants in court free of charge.

85. From 7 to 10 December 2009, a human rights campaign was carried out with the active participation of attorneys from the bar associations of Nice, Rouen, Switzerland, Luxembourg, Belgium, Cotonou and Lomé. They acted as counsel for the defence in 107 pleadings before the Court of Appeals of Lomé.

86. Despite all of these actions, however, the number of persons held in pretrial detention still exceeds the number of convicted prisoners. The effort being made to address this situation includes the construction of new infrastructure and the recruitment of more justice officials (20 additional officials are to be recruited each year in 2006–2011).

Table 1
Number of prisoners (January 2010)

Date	Prisons	Remand prisoners			Convicted prisoners			Prisoners formally charged			Minors			Total
		M	F	Total	M	F	Total	M	F	Total	Boys	Girls	Total	
04 Jan	Dapaong	84	6	90	159	0	159							249
04 Jan	Mango	39	1	40	59	0	59							99
	Kanté	12	0	12	47	1	48							60
04 Jan	Kara	87	2	89	186	1	187	29	1	30				306
04 Jan	Bassar	7	0	7	17	0	17	27	0	27				51
04 Jan	Sokodé	75	2	77	93	1	94	71	2	73				244
05 Jan	Atakpamé	67	2	69	148	2	150	55	2	57	2	0	2	278
04 Jan	Notsé	33	0	33	54	0	54	34	1	35				122
04 Jan	Tsévié	46	1	47	55	0	55	58	2	60				162
04 Jan	Lomé	514	6	520	697	43	740	533	8	541				1 801
04 Jan	Vogan	50	2	52	26	0	26	11	3	14	1	0	1	93
05 Jan	Aného	125	3	128	93	0	93	73	4	77				298
04 Jan	Minors Brigade	24	3	27										27
Total		1 163	28	1 191	1 634	48	1 682	891	21	969	3	0	3	3 790

Source: Ministry of Justice, Director of Institutional Relations, Prison and Reintegration Service.

87. With respect to the question of setting up and promoting an effective mechanism for dealing with complaints of acts of sexual violence, it should be noted that articles 2 and 3 of the Code of Criminal Procedure recognize the right of all persons to have recourse to the authorities to seek redress for any harm caused to them by another.

88. This may be done by reporting an offence directly to the Public Prosecution Service or to an officer or agent of the judicial police, or by bringing a suit for criminal indemnification proceedings before an investigating judge. In order to facilitate this process, the Code does not introduce any requirement regarding the form to be taken by such reports, which may be made either orally or in writing. This procedure is also available to women victims of crimes of sexual violence.

89. The Directorate for Gender Affairs and Women's Rights provides counselling, guidance, support and advice to victims of violence. NGOs working to protect and promote women's rights, such as the Groupe de Réflexion Femme Démocratie et Développement

(Women, Democracy and Development Study and Action Group) (GF2D) and Women in Law and Development in Africa (WILDAF) have counselling centres in all the main towns of the region and are supported in their work by the Ministry for Social Action. The draft amended Criminal Code prepared as part of the National Justice System Modernization Programme provides for the punishment of acts of violence against women in the following terms:

- Under article 197 of the draft amended law, violence against women is defined as any act of violence directed against someone of the female sex that causes or is likely to cause her physical, sexual, psychological or economic harm or suffering, including the threat to commit such an act, coercion or arbitrary deprivation, whether occurring in public or in private life and whether occurring during peacetime, a situation of conflict, or war
- The punishment for such acts ranges from 1 to 5 years of imprisonment
- Under article 199, the rape of any person who is particularly vulnerable shall be punishable by 20 years of imprisonment
- Passage of the amended Criminal Code will make it possible to effectively combat violence against women
- Awareness-raising sessions have been organized by prisoners' rights associations to help protect prisoners from acts of violence and to help victims of such violations to lodge complaints

90. Women prisoners who have been victims of sexual violence can report the offence to the Director of the Prison Service or can write to the judge who is in charge of their case or to the Public Prosecution Service. When a complaint is received, an investigation is undertaken to determine whether there is sufficient evidence to prosecute the alleged perpetrator of acts of sexual violence. If so, the person is brought in for questioning and taken before the corresponding court.

91. In order to encourage female prisoners to lodge complaints when they have been victims of violations, a handbook on the rights of prisoners has been prepared, with funding from the United States Embassy in Togo, by the Senior Deputy Public Prosecutor of the appeals court of Lomé. This handbook has been available to persons being held in the country's detention centres since November 2006.

92. In October 2009 the Togolese branch of YMCA (Union Chrétienne des Jeunes Gens (UCJG)) set up a legal office at the Lomé civilian prison that receives prisoners' complaints and refers them to the proper authorities for action. To date, the only complaints that have been referred to the Prison Service have had to do with pending cases. Thus, while there are rumours about sexual violence being committed in places of detention, no actual complaint has been received so far.

93. Nor has any NGO passed a complaint concerning sexual violence on to the Prison Service.

94. Awareness-raising sessions have nonetheless been held by a number of different prisoners' rights organizations. These sessions have dealt, in particular, with prisoners' right to lodge a complaint about any act committed by a prison official or fellow prisoner that causes them bodily or psychological harm.

95. Ensuring that women prisoners are guarded by female prison warders only is still an area in which further work remains to be done.

96. However, this situation may be resolved by the prison guard recruitment drive to be launched on 15 June 2010. Nearly one sixth⁵ of the 500 guards to be recruited will be women. The corresponding staff regulations and training budget are already in place.
97. A commission composed of officials from the Ministry of Justice, the Ministry of the Civil Service and the Ministry of Higher Education is developing the necessary theoretical training modules. The hands-on training sessions will be conducted by military personnel.
98. Any NGO which wants to send staff to visit detention centres may do so, as may any other association upon request, provided that it is a legally constituted organization.
99. Even before receiving approval from the Chancellery, any legally constituted association or organization can obtain permission to operate for a period of from six months to one year in length.
100. No organization or association can claim to have been denied access to the country's detention centres. Over 30 associations and organizations visit detention centres every day of the week.
101. The Government's current policy on prison administration and the reintegration of persons following their release is set out in a white paper which was validated at a workshop held from 13 to 15 October 2010 in Lomé. All parties wishing to contribute to this policy development effort were welcomed.
102. In addition to NGOs and other associations, the National Human Rights Commission makes periodic visits, including unannounced visits, to detention centres. Following these visits, it draws up a report containing recommendations for the justice officials who administer these detention centres and for political decision makers. The International Committee of the Red Cross (ICRC) is also active in this respect, although it does not maintain a national surveillance system as such.
103. The forthcoming national preventive mechanism will play an effective role in both surveillance and prevention efforts. It will be able not only to make recommendations, but also to ensure that they are acted upon in a way that will bring about the desired results. The staff of this mechanism will include at least one forensic doctor.
104. On 20 July 2010, Togo deposited its instrument of ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
105. On 20 and 21 July 2010, a joint seminar entitled "Which mechanism for preventing torture is right for Togo?" was held by OHCHR and the Geneva-based Association for the Prevention of Torture (APT).
106. At the seminar, a series of recommendations concerning the establishment of a national mechanism for the prevention of torture in Togo were developed.
107. A follow-up committee is now working to carry forward an inclusive process for the establishment of this mechanism.
108. The introduction of this mechanism will provide an effective means of preventing torture in places of detention.

⁵ Ninety-six (96) of the country's 3,788 prisoners are women.

Article 12

109. The information provided in the preceding report remains valid.

110. By incorporating the offence of torture into the draft amended version of the Criminal Code, the State is sending a strong signal of its condemnation of such practices.

111. An office has been created within the Ministry of Justice to publicize the nation's laws and to make the Togolese population aware of the full array of legal instruments at the country's command.

112. The efforts of civil society are accorded a high priority by that office. In order to support the State's determination to prohibit torture, the draft amended Code of Criminal Procedure reverses the burden of proof in cases in which torture is alleged.

113. Thus, if agents are charged with torture, the burden will be upon them to prove that torture did not take place or that they were not the perpetrators of the acts in question (article 21-8 of the draft amended Code of Criminal Procedure).

114. This determination on the part of the Government of Togo is demonstrated by its ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Article 13

1. Measures adopted to guarantee the independence and impartiality of the National Human Rights Commission

115. In order to reinforce the effectiveness, independence and impartiality of the National Human Rights Commission pursuant to the Paris Principles, which relate to the composition and operations of national human rights institutions, Organization Act No. 96-12 of 11 December 1996, which governs the composition, organization and operations of the Commission, was amended and supplemented by Organization Act No. 2005-004 of 9 February 2005.

116. Article 1 of this law stipulates that the Commission is an independent institution, in accordance with article 152 of the Constitution. It is subject only to the Constitution and the other laws in force.

117. No member of Government or Parliament or any other person may interfere with the Commission's performance of its duties. Moreover, all other State bodies stand ready to give it any assistance that it may need in safeguarding its independence, standing and effectiveness.

118. In order to strengthen the independence and impartiality already guaranteed under article 1 of Act No. 96-12,⁶ article 4 of Act No. 2005-004 stipulates that the mandate of Commission members cannot be revoked unless they fail to meet their legal obligations. In that event, the offending member can be dismissed only by a two-thirds majority vote by the members of the Commission.

⁶ In accordance with article 152 of the Constitution, the National Human Rights Commission is an independent institution that "is subject only to the Constitution and the law". It has legal personality and "no member of Government or Parliament or any other person shall interfere with the performance of its duties [...]" (art. 153).

119. Furthermore, prior to assuming office, members take an oath before the Bureau of the National Assembly to perform their duties in an impartial and independent manner.

120. The Commission is free to determine what activities it will undertake with a view to the promotion and protection of human rights and how it will conduct them. Its relationship with State bodies is based on cooperation and partnership.

121. Following this legislative reform, at the twentieth session of the International Coordinating Committee of National Human Rights Institutions, held in Geneva on 14–18 April 2008, the Coordinating Committee decided to assign A status to the Commission, thereby demonstrating that it meets the requirements of independence, effectiveness and credibility set out in the Paris Principles.

2. Enhancing the financial and human resources of the National Human Rights Commission

122. Under article 25 of Act No. 2005-004, the State is obligated to include an allocation in the annual general budget in order to provide the funds needed to run the Commission. Consequently, the Commission is mainly funded through State subsidies. Unfortunately, the level of State funding for the Commission has fallen by 20 per cent since 2008. An effort must be made to ensure that the Commission is able to effectively fulfil its mission.

123. The Commission cannot directly recruit additional agents to supplement its staff, but measures have been taken to at least partially respond to its requests in this respect. As part of the civil service competitive recruitment campaign, the Commission was allotted six (07) agents in 2009, of whom four (05) were in the A2 staff category and two were administrative employees.

Table 2

Permanent staff of the National Human Rights Commission Secretariat, 2007–2008

<i>Professional category</i>	<i>Gender</i>		<i>Total</i>
	<i>Women</i>	<i>Men</i>	
Management	03	14	17
Enforcement officers	08	06	14
Junior staff	01	15	16
Total	12	35	47

Source: National Human Rights Commission (NHRC).

Table 3

Permanent staff of the National Human Rights Commission Secretariat, 2008–2009

<i>Professional category</i>	<i>Gender</i>		<i>Total</i>
	<i>Women</i>	<i>Men</i>	
Management	04	18	22
Enforcement officers	09	07	16
Junior staff	01	15	16
Total	14	40	54

Source: National Human Rights Commission (NHRC).

124. The Commission also conducts regular and often unannounced visits to prisons and other places of detention.

125. In 2007, the Commission carried out inspections at 22 prisons and other places of detention (including 6 prisons, 5 police stations and 9 gendarmerie stations). The Commission's reports on these visits indicate that few cases of torture or ill-treatment were detected, although they do state that certain practices warrant attention.

126. For example, at the civilian prison in Kanté, prisoners who demand their rights are allegedly subject to ill-treatment, including corporal punishment by prison officers.

127. At the civilian prison in Mango, long-serving inmates systematically subject new prisoners to physical violence before they are assigned to a cell.

128. At the civilian prison in Kara, any inmate who breaks internal regulations is subject to corporal punishment by prison staff.

129. Based on these findings, the Commission has presented recommendations to the authorities for improving detention conditions and protecting inmates against physical harm.

130. In June 2008, as part of its programme of activities, the Commission conducted visits to civilian prisons in Lomé, Aného, Kara and Sokodé to investigate reports of several cases of irregular or arbitrary pretrial detention and to take remedial action.

131. During those visits, the Commission found that persons were being detained irregularly or arbitrarily in the civilian prisons of Kara and Sokodé and requested their release. The number of persons released from each prison can be found in the table below.

Table 4

List of persons subject to arbitrary detention who were released in 2008

<i>Jurisdictions</i>	<i>Number of persons released</i>
Civilian prison of Kara	29
Pagouda	07
Bafilo	03
Niamtougou	08
Kara	11
Civilian prison of Sokodé	35
Tchamba	08
Sotouboua	20
Sokodé	07

Source: National Human Rights Commission (NHRC).

132. The Commission was apprised of the following cases of torture and of the punishments handed down to the perpetrators.

Case No. 1

133. In a petition dated 26 September 2008, S.L. filed a complaint before the National Human Rights Commission against the local gendarmerie brigade of Kélégougan concerning acts of torture allegedly suffered by his mother-in-law, H.D., a widow of approximately 70 years of age.

134. The complainant states that his mother-in-law was arrested on 24 September 2008 and taken to the Kélégougan gendarmerie station in connection with a dispute concerning a civil debt between his wife, who was away from home at the time, and a moneylender known as J. She was held and tortured before being released on the third day. Following her release, she was immediately admitted to the Nado hospital.

135. The Commission then appointed a special rapporteur to lead an investigation, in accordance with the legislation governing its work and organizational arrangements.

136. The investigation found that the victim had been tortured and, following mediation, she was awarded 170,000 CFA francs to cover medical expenses. In compliance with the Commission's recommendations, disciplinary action was taken against the perpetrator by that agent's superiors.

Case No. 2

137. In a petition dated 13 October 2008, B.K. brought a complaint before the Commission, alleging that he had suffered assault and battery at the hands of Captain A. of the Togolese Armed Forces.

138. In response, the Commission undertook mediation, as provided for in the legislation governing its work and organizational arrangements. However, the complainant informed the Commission that he had filed a complaint with the State prosecutor against Captain A. Since legal proceedings had been instituted, the Commission withdrew from the case, as stipulated in the Code of Criminal Procedure.

Article 15

139. Under the draft amended Code of Criminal Procedure, any statement obtained under torture and any subsequent legal action would be null and void.

Article 16

1. Trafficking in girls and women

140. Many of the female victims of traffickers are young girls. Act No. 2005-009 of 3 August 2005 was adopted to repress child trafficking in Togo. The passage of this law, which defines and criminalizes child trafficking, constitutes progress in combating this practice.

141. Article 2 of the Act defines child trafficking as "the process by which a child is recruited or abducted, transported, sheltered or taken in, whether inside or outside the national territory, by one or more persons for purposes of exploitation".

142. This law also provides that perpetrators and accomplices, including parents or guardians, who knowingly facilitate child trafficking are liable to prison and/or a fine (arts. 10 to 14). A foreign national found guilty of child trafficking is, in addition, prohibited from entering Togo for a period of at least five years (art. 14).

143. In addition, this law authorizes the Council of Ministers to establish a national commission for combating trafficking in children, including girls, by decree.

144. The Directorate-General for Child Protection, the National Commission for the Care and Social Reintegration of Child Victims of Trafficking, and associations and NGOs working in the area of women's and children's rights (WAO Afrique, Forum of Organizations for the Defence of Children's Rights in Togo, Plan-Togo, etc.) work to raise

awareness and to assist child victims who have been trafficked to countries such as Benin, Côte d'Ivoire, Nigeria and Gabon.

145. In March 2006, as part of the action being taken to combat child trafficking, the Lomé court tried and sentenced a female trafficker to a 12-month suspended prison sentence for trafficking five girls aged from 12 to 21.

146. In February 2007, Y.P. was tried for trafficking four children under the age of 15 (three girls and one boy) and was sentenced to 2 months' imprisonment and was ordered to cover the legal costs.

147. The court of first instance of Sokodé tried I.O.Z. for child trafficking and, in its Judgement No. 023/2007 of 13 June 2007, sentenced him to 24 months' imprisonment.

148. The court of first instance of Niamtougou, in its Judgement No. 027/2007 of 13 June 2007, gave B.K.P. a 12-month suspended sentence for child exploitation.

149. The court of first instance of Niamtougou, in its Judgement No. 025/2007, found K.A. guilty of attempted child trafficking and sentenced him to 12 months in prison, of which 7 were suspended, and to a fine of 1 million CFA francs.

150. Lastly, the court of first instance of Niamtougou, tried L.K.S. for attempted recruitment or kidnapping of a child for purposes of exploitation and, in its Judgement No. 026/2007, sentenced him to 18 months' imprisonment.

151. Data on child trafficking in 2008 can be found in the following tables.

Table 5
Data on child trafficking in Togo in 2008, by gender⁷

<i>Period</i>	<i>Total number of child victims</i>	<i>Boys</i>	<i>Girls</i>
January-March	178	89	89
April-June	283	174	109
October-December	48	37	11
Total	509	300	209

152. Out of 509 recorded child victims of trafficking, 300 were boys and 209 were girls, or 58.93 per cent against 41.07 per cent.

Table 6
Data on child trafficking, 2004–2008⁸

<i>Year</i>	<i>2002</i>	<i>2003</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>
Number of cases	1 348	1 636	1 165	2 304	2 537	3 365	509

Source: National Commission for the Care and Social Reintegration of Child Victims of Trafficking.

153. Even though the data are incomplete, the figures appear to point to a marked decrease in child trafficking in 2008 over 2007, which saw the highest rate.

⁷ This dataset does not include information for the months of July through September. The data for October through December cover only the Central, Plateaux and Kara regions.

⁸ The data concern child victims who have been intercepted or repatriated, sheltered and reintegrated into society.

154. This drop is attributable not only to awareness-raising efforts but also to effective law enforcement, as is demonstrated by the following data on the number of traffickers arrested and prosecuted in 2008:

- Six traffickers were tried and sentenced to 1 year of imprisonment, including an 8-month suspended sentence
- One trafficker was tried and sentenced to 6 months' imprisonment and a fine of 300,000 CFA francs
- One trafficker was tried and sentenced to 6 months' imprisonment
- Three traffickers were tried and sentenced to 2 years' imprisonment
- One Beninese trafficker was tried and sentenced to 2 years' imprisonment; an order prohibiting him from residing in Togo for five years, to become effective once his sentence was served, was also issued

155. A total of 12 traffickers were tried and convicted, including 1 Beninese national.

2. Female genital mutilation

156. Despite Act No. 98-016 of 17 November 1998, which prohibits female genital mutilation in Togo, the practice continues in certain areas due to prevailing sociocultural attitudes. The highest recorded rates are found in the southern regions: Centrale (55 per cent), Savanes (32.4 per cent) and Kara (25.8 per cent).⁹

157. The Ministry for Social Action and National Solidarity of Togo is running a large-scale information campaign to familiarize people with the law and to raise awareness among women who perform excisions and the general population of the negative effects of this practice and the penalties for it that are provided for by law.

158. Women who perform excisions are provided with targeted training and loans in order to encourage them to switch to other income-generating activities, and systematic care for victims is provided by medical and social services.

159. In addition to Government programmes, NGOs and associations are working with local bodies to raise people's awareness and familiarize them with the law. The law has also been translated into the various languages in which literacy training is provided; posters have been prepared to publicize it as well.

160. As part of its efforts to combat female genital mutilation, the NGO Odjoubo organized a seminar-workshop in Atakpamé on 21–23 January 2010 for women who perform excisions in Amou prefecture.

161. Following the seminar, 25 women gave up their trade by publicly laying down their tools. To offset the loss of their livelihoods, Odjoubo, with the financial and technical assistance of BMZ, a German NGO, has pledged to arrange for microloans for these women to help them set up income-generating activities. Furthermore, the women committed to working with Odjoubo towards total eradication of female genital mutilation in Amou prefecture.

162. The objective is to encourage the communities in question to abandon certain sociocultural traditions and sexual stereotypes.

163. The Ministry for Social Action and National Solidarity carried out a study on female genital mutilation in July 2008.

⁹ Department for the Advancement of Women, 2008.

164. It found that the prevalence of this practice had dropped in Togo from 12 per cent in 1996 to 6.9 per cent in 2008.

3. Technical cooperation assistance from the United Nations High Commissioner for Human Rights

165. The OHCHR Country Office in Togo was established in 2006, and the country has taken full advantage of the advice and analyses that it provides. Togo welcomes the assistance provided by the Office for the implementation of training initiatives and is proud of the spirit of cooperation that exists between the two parties. On 7–11 July 2008, OHCHR provided training to members of the inter-ministerial commission that has been set up to prepare initial and periodic reports. The training course covered report drafting techniques and the requirements of the various treaty bodies. OHCHR also assists the inter-ministerial commission with the preparation and drafting of reports.

4. The Committee's request for information on questions raised during the dialogue with the State party that the delegation was unable to answer, including information on the current situation of the woman who has allegedly been detained pending trial since 1998 but who, according to the delegation, has been released

166. Please refer to the information given under articles 6 and 8 on Togo's position regarding the decision of the authorities of the Central African Republic to bring action before the International Criminal Court against the former president of the Central African Republic, Mr. Ange-Félix Patassé, who has currently taken refuge in Togo.

Information on female justice officials, court officers and law enforcement officials

167. The Government's particular focus on employing women in the judicial branch is attested to by the number of women justice officials (18 out of 175), notaries public (34 out of 70), lawyers (16 out of 128), bailiffs (12 out of 124) and law enforcement officials (153 in the gendarmerie,¹⁰ 239 in the police force,¹¹ and 66 in the military).

The current situation of the woman who has allegedly been detained pending trial since 1998 and who, according to the delegation, has been released

168. The Government has sought to determine the situation of the woman in question but has had difficulty in identifying her because her contact information is not listed in paragraph 4.1.4.1. of the fact-finding mission report of 29 August 2005. The report says that she has been intimidated and pressured by leaders of the Rassemblement du Peuple Togolais (RPT) party since 1998 but does not state that she has been in detention since then.

169. The delegation's statement concerning her release was therefore mistaken. Additional details on the identity of the woman would enable the Government to provide exact information on her current situation.

5. The system of military justice

170. The country's military courts are governed by Act No. 81-5 of 30 March 1981. Article 1, paragraph 1, of that law states that they are: "competent to try offences committed by members of the Togolese Armed Forces in military camps and bases, on

¹⁰ Human resources department of the gendarmerie.

¹¹ Human resources department of the police.

board military ships and aircraft, or elsewhere in the course of military operations or manoeuvres”.

171. Article 1, paragraph 2, states that ordinary offences committed by civilians in military camps and bases or by off-duty military personnel and offences committed while using a civilian vehicle fall outside the jurisdiction of the military courts.

172. The military justice system applies to civilians only when they are employed in military establishments, as they are then treated as military personnel (art. 5, para. 2). The military courts are competent to try civilian co-perpetrators of military offences committed by military personnel or civilian accomplices in the commission of such offences (art. 2).

173. Military courts are to be composed of one appeals court attorney appointed by the Minister of Justice, a presiding judge and two other military judges (in cases involving offences punishable by up to 5 years' imprisonment) and two additional military judges (in those involving offences punishable by terms of imprisonment exceeding 5 years). These courts have never actually been in operation, however.

6. Statistical data on complaints of acts of torture and ill-treatment

174. To date, no data are available on complaints of acts of torture and ill-treatment.

175. Since torture and acts of violence are two different things, information on complaints concerning wilful violence cannot be used as a basis for compiling statistics on acts of torture or ill-treatment. Such data will become available with the entry into force of the new Criminal Code, which, in articles 176 to 189, categorizes specific acts as torture or ill-treatment, criminalizes them and establishes the appropriate penalties. The draft Criminal Code was presented for preliminary validation during a workshop organized by the Ministry of Justice on 26–29 January 2010 in Lomé.

7. Ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

176. Please refer to the information given under article 12.

Conclusion

177. Respect for human dignity and the prohibition of any type of treatment which negates that dignity are an integral part of Togolese law.

178. As part of the implementation of the 22 commitments which the Government of Togo made in Brussels on 14 April 2004 at the opening of consultations under article 96 of the Cotonou Agreement, the Government initiated a national dialogue, facilitated by the President of Burkina Faso, Mr. Blaise Compaoré, which led to the signing of a global political accord on 20 August 2006. These commitments are oriented towards, inter alia, bolstering efforts to protect human rights and combat impunity (Commitment No. 1.2).

179. One of the commitments is to ensure that at no time are any extrajudicial executions, torture or other inhuman or degrading acts committed in Togolese territory. One of the means to be used to achieve this is through appropriate training for senior personnel of law enforcement agencies and the judicial system.

180. Another commitment is to make certain that, by the end of the consultations, lawyers and members of humanitarian and human rights NGOs, accompanied by a doctor of their choice, will have unfettered access to prisoners at all places of detention (prisons, gendarmerie and police stations, etc.) so that they can make sure that no act of torture or other inhuman forms of treatment are taking place.

181. A third commitment is to re-examine the mandate and status of the National Human Rights Commission with a view to ensuring its effective independence from the administrative authorities.

182. Yet another is to take legal or disciplinary measures to ensure that the known perpetrators of extrajudicial executions, acts of torture and degrading and inhuman treatment are prosecuted. This commitment also entails amending the relevant laws and regulations, where necessary.

183. The Togolese authorities are aware that ensuring respect for human rights necessarily involves the provision of information and education, and they therefore have undertaken a wide-ranging campaign for the promotion of human rights, with a particular focus on combating impunity.

184. The combined effect of all these measures and planned initiatives will be to considerably strengthen Togolese institutions and the country's capacity to ensure that human rights and civil liberties are fully respected and to strive to eliminate impunity.

185. The United Nations High Commissioner for Human Rights opened an office in Togo following the signature of a protocol of agreement on 10 July 2006, which was renewed on 31 July 2008.

186. The Country Office in Togo provided support for the Government during the national consultations in which political actors and the general population expressed their common determination to set up an anti-impunity mechanism under the terms of the global political accord of August 2006. The outcome was the establishment, through Decree No. 2009-047/PR of 25 February 2009, of the Truth, Justice and Reconciliation Commission, which was officially inaugurated on 29 May 2009.

187. Substantive efforts have been made by the authorities and civil society to raise awareness among the population of the prohibition on torture and all other forms of violence. However, the Government is well aware that much remains to be done.

188. Despite the persistence of certain social customs, the shortage of financial resources and the inadequate training of justice officials, judicial police officers and health-care workers, the Government continues to work to effectively implement international human rights instruments.

189. The Government of Togo would like to present its apologies to the Committee for the significant delay in the presentation of its report. It wishes to reiterate its belief in the ideal of human rights and requests the support of all development partners for its efforts to reinforce its institutional capacity (through training, retraining, legislative reform, etc.) with a view to consolidating the rule of law and fostering a culture of human rights in Togo.

Annex

List of the members of the inter-ministerial commission who took part in drafting the report

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7. Cpt. Aklesso Bignandi, Gendarmerie Officer, Ministry of Defence and Former Combatants
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12. Ms. Caroline Ouaffo Wafang, Associate Human Rights Expert, Office of the United Nations High Commissioner for Human Rights

NGO representative who took part in the preparation of the report

13. Mr. Pierre Claver Dekpo, Representative of the Togolese branch of Action by Christians for the Abolition of Torture (ACAT-Togo)
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