



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

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Excellency,

I have been following the third cycle of the Universal Periodic Review (UPR) of the Togolese Republic and welcome the constructive engagement of the Government of Togo during the 40th session of the UPR Working Group in January/February 2022.

As the final outcome report on the review of Togo was recently adopted by the Human Rights Council at its 50th session, I would like to take this opportunity to follow up on a number of areas raised in the two reports that my Office had prepared for the review of Togo – the Compilation of United Nations information and the Summary of Stakeholders' submissions – which I consider in need of particular attention over the next four and a half years, until the next cycle of the UPR. In identifying those areas, I have considered the statements and recommendations made by 89 delegations and the presentation made and responses provided by the delegation of Togo. I have also considered the actions taken by the Government of Togo to implement the 167 recommendations supported during the second cycle of the UPR. The aforementioned areas cover a range of issues, which appear in the annex to this letter.

I welcome the submission of periodic reports to treaty bodies, as well as the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, in 2020, and the accession to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness, in 2021. I note with appreciation that the constitutional amendments adopted on 15 May 2019 have enshrined the abolition of the death penalty and have established a limit on the number of terms that the President could serve, as well as have strengthened the National Human Rights Commission.

I am concerned that stereotypes and beliefs continue to lead to discriminatory behaviour and the commission of crimes against persons with albinism and that, despite significant reforms to end legal discrimination against women, the nationality laws of Togo continue to deny women the right to confer nationality to their children on an equal basis with men. I am also concerned that there is no clear definition or criminal classification of direct or indirect discrimination covering all the grounds listed in the International Covenant on Civil and Political Rights, including with regard to sexual orientation and gender identity.

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H.E. Mr. Robert DUSSEY
Minister for Foreign Affairs, Regional integration and Togolese Abroad
Togolese Republic



I encourage Togo to develop a comprehensive national human rights action plan in order to achieve concrete results in the areas highlighted in the annex to this letter and to facilitate preparations for the fourth cycle of the UPR. My advice to all Member States is to develop and implement national action plans in close consultation and cooperation with all stakeholders, in particular the national human rights institution and all civil society organizations and, where necessary, with the support of international organizations, including my Office and other United Nations entities, under the leadership of the United Nations Resident Coordinator.

I also encourage Togo to make further efforts to strengthen the Inter-ministerial Committee for Reporting and Follow-up on Human Rights recommendations received from all international and regional human rights mechanisms and to treaty obligations, linking them to the Sustainable Development Goals. To this end, I strongly recommend the use of the OHCHR practical guide on this topic, which is available at:

http://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf

Please note that I am sharing my advice with all Member States as they go through the third cycle of the UPR with a view to assisting States with the implementation of the recommendations, following the review. One important measure that can positively contribute to follow-up action is voluntary mid-term reporting. Therefore, I strongly encourage all Member States to submit a voluntary mid-term report two years after the adoption of the UPR outcome report. In this regard, I welcome the practice of Togo of submitting mid-term reports in the previous cycles and encourage the Government of Togo to continue with this practice and to submit a mid-term report on follow-up to the third cycle of the review by 2024.

As stated by the Secretary-General in his 2017 report on the work of the Organization (A/72/1, paragraph 98): *"The Human Rights Council's universal periodic review process is now entering a new cycle, with every Member State scheduled for a third round of scrutiny. We will work to strengthen the relevance, precision and impact of the Council's recommendations, including by providing better support to Member States in implementation, stronger collaboration with United Nations country teams and the establishment of national mechanisms for human rights reporting and follow-up to link the universal periodic review to the implementation of the Sustainable Development Goals."*

My Office looks forward to discussing with you ways in which it may assist Togo in relation to the areas identified in this letter and its annex.

Please accept, Excellency, the assurances of my highest consideration.

Michelle Bachelet
High Commissioner for Human Rights

cc.: His Excellency
Mr. Christian Eninam TRIMUA
Minister of Human Rights, Civic Education and Relations with the State Institutions
Togolese Republic

Mr. Aliou MAMADOU DIA
United Nations Resident Coordinator a.i
Togolese Republic

Mr. Benjamin HOUNTON
OIC, Regional Office of the United Nations High Commissioner for human rights for
West Africa, Republic of Senegal

Annex

Scope of international obligations and cooperation with international human rights mechanisms and bodies

- Ratifying the Rome Statute of the International Criminal Court; the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women; the International Labour Organization Domestic Workers Convention, 2011 (No. 189); the International Labour Organization Indigenous and Tribal Peoples Convention, 1989 (No. 169); the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights; the 1954 Convention relating to the Status of Stateless Persons; and the 1961 Convention on the Reduction of Statelessness.
- Issuing a standing invitation to the special procedures mandate holders.

National human rights framework

- Amending legislation that violates the right to freedom of peaceful assembly, such as Law No. 2019-010 of 12 August 2019, establishing the conditions for the exercise of freedom of peaceful public assembly and protest, in order to bring it into compliance with international human rights standards.
- Involving relevant civil society actors in the elaboration of legislation on human rights defenders and establishing their legal recognition.
- Adopting a comprehensive law to prevent, combat and punish all forms of violence against women and girls, including domestic violence in the public and private domains.
- Providing the National Human Rights Commission with adequate and predictable financial, human and material resources to enable it to fully perform its duties as the national institution and as the national preventive mechanism in an independent, impartial and effective manner.

Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

Equality and non-discrimination

- Revising national legislation to include a definition of direct and indirect discrimination, including in the private sphere, that covers all the grounds mentioned in the International Covenant on Civil and Political Rights and that encompasses sexual orientation and gender identity.
- Reviewing the current legislation on nationality to eliminate discriminatory provisions based on gender, guaranteeing that women have the right to transmit their nationality to their children and their spouse on an equal basis with men.
- Amending the Criminal Code to decriminalize sex between consenting adults of the same sex.
- Taking all measures necessary to guarantee protection to persons targeted on account of their sexual orientation or gender identity and to organizations set up to defend such persons against all forms of targeted harassment, discrimination and violence.

- Taking measures to improve the rights of persons with albinism.

Development, the environment, and business and human rights

- Adopting and implementing measures to adequately protect the population against the risks of natural disasters, which are inevitable, due to climate change.
- Engaging with private and State-owned companies to ensure that they take effective measures to prevent, respond to and remedy child labour and other human rights abuses in their businesses, as stipulated in the Guiding Principles on Business and Human Rights.

B. Civil and political rights

Right to life, liberty and security of person

- Giving clear instructions to the heads of the security forces on the absolute prohibition of torture and its criminalization, and instructing the public prosecutor's office to investigate any allegation of torture and to prosecute the perpetrators of such acts.
- Implementing the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) to improve conditions of detention.
- Taking measures to ensure that prisoners' constitutional rights are respected and allowing humanitarian and human rights organizations access to these prisoners to monitor their welfare.

Administration of justice, including impunity, and the rule of law

- Continuing efforts to combat impunity and to provide redress for victims of acts of torture and ill-treatment.
- Establishing effective mechanisms to prevent and investigate human rights violations committed by security forces, to identify those responsible and to bring them to justice, in particular by amending Decree No. 2013-013 governing the use of force.
- Ensuring that all allegations of arbitrary arrest, detention and torture are promptly, impartially and thoroughly investigated and perpetrators brought to justice.

Fundamental freedoms

- Amending laws that restrict the rights to freedom of expression, peaceful assembly and association in order to bring them into line with international human rights standards and to allow individuals to safely protest, without fear of intimidation or excessive use of force.
- Redoubling efforts to foster a safe and enabling environment for civil society activities, free from acts of intimidation and reprisals, including by removing measures that unjustifiably restrict the legal registration of non-governmental organizations and the exercise of the rights to freedom of association and expression.

Prohibition of all forms of slavery

- Allocating the necessary human, technical and financial resources to effectively implement its policies and procedures to combat trafficking in persons, with a focus on trafficking in women and children.

- Stepping up the establishment of the National Commission to Combat Trafficking in Persons, putting in place mechanisms to identify victims of trafficking and applying laws to punish the perpetrators.
- Redoubling its efforts on awareness-raising campaigns and capacity-building for duty bearers to combat child trafficking and child labour, especially the worst forms of child labour.

C. Economic, social and cultural rights

Right to work and to just and favourable conditions of work

- Continuing to strengthen policies and programmes that promote productive employment and decent work.
- Extending the scope of labour inspections to private households in order to increase the number of inspections that employers who exploit child labour are subjected to, particularly in the field of domestic labour.

Right to social security

- Incorporating a human rights-based approach in the development of a national social protection policy for the period 2020–2029 aimed at universal social protection, while ensuring adequate resources to implement this policy.
- Continuing to advance the economic empowerment of vulnerable groups through national programmes for social protection and financial inclusion.
- Continuing to take steps aimed at promoting social inclusion and social safety, especially for the most marginalized segments of society.

Right to an adequate standard of living

- Continuing to promote sustainable economic and social development so as to improve people's living standards.
- Continuing its efforts to implement projects and programmes aimed at combating poverty and to develop a plan to combat the COVID-19 pandemic.

Right to health

- Continuing to strengthen its health-care system, ensuring that it is adequately resourced, and taking additional measures to strengthen infrastructure and resources for maternal health, including by training midwives and focusing on health care for mothers and babies during pregnancy and childbirth.
- Implementing an effective plan to reduce maternal and infant mortality rates.
- Adapting regulations to ensure access to sexual and reproductive health services and comprehensive sexuality education for men, women, girls and boys across the country.

Right to education

- Continuing to increase access to education, to improve the quality of teaching and training and to enhance the performance of the education system.

- Improving equality and inclusion of persons with albinism in the education system.
- Stepping up its efforts to strengthen the right to quality education for all, by implementing measures to promote increased access for girls to school in secondary and higher education.
- Repealing circular 8478/MEN-RS, which prohibits pregnant students from going to school.

D. Rights of specific persons or groups

Women

- Continuing to promote gender equality and stepping up policies aimed at reducing disparities between men and women.
- Taking further steps to combat sexual and gender-based violence, and to address domestic violence and other forms of violence against women and girls.
- Developing new intervention strategies to eradicate female genital mutilation, including during the COVID-19 pandemic.
- Continuing efforts to empower women in political leadership, both in the public and private sectors.

Children

- Further intensifying efforts to eradicate child labour, including in the domestic work sector.
- Ensuring that all children are duly registered at birth and have equal access to education, health care and other social services, including those who are unregistered or lack birth certificates.
- Working towards the abolition of all forms of early and forced marriage, in particular by raising the minimum age of marriage to 18 years.

Persons with disabilities

- Considering the adoption of legislation to prevent discrimination in employment against persons with disabilities.

Stateless persons

- Continuing the progress made in the eradication of statelessness in accordance with the national plan that has been drawn up for this purpose.