



JUST ATONEMENT INC.

justice
hope peace unity equal opportunity
golden age
progress sustainability democracy freedom
human rights harmony civilization

Just Atonement Inc.

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Just Atonement Inc. (JAI) is a global network of advocates who serve at the front lines in defending democracy, human rights, and a livable planet.

JAI was founded in the United States of America in 2017.

JAI invites and organizes legal professionals globally into a single order and aligns a vision of a peaceful, sustainable world, governed by the democratic rule of law; litigates in courts all over the world on cutting edge human rights cases to build peace and sustainability, and to defend democracy; and advocates for a vision of a true Golden Age for humanity: a world where countries settle their disputes peacefully, manage social and economic systems that are in harmony with the planet, and govern themselves through the principles of democracy, the rule of law, and human rights.

JAI submits this written submission with respect to the Universal Periodic Review of the Togolese Republic (hereinafter “Togo”).

Summary of Conclusions

1. Togo’s decision to hold local elections in 2019 is commendable and demonstrates that the government has committed to a representative model that empowers Togolese citizens and protects political rights granted by the International Covenant on Civil and Political Rights (ICCPR).
2. Togo should reverse and suspend laws and regulations that punish reporters and media outlets for criticizing specific politicians and the government, and instead should promote freedom of expression. Togo should allow political opponents to protest and express disagreement with the government without the threat of imprisonment or actual imprisonment.
3. The appointment of Victoire Tomegah Dogbe as the first female Prime Minister of Togo is laudable and shows a commitment to recognizing women’s equality at the highest levels of government.



4. Togo should develop and support programs aimed at providing women and girls equal access to educational and economic opportunities. Further, Togo should ensure that existing laws prohibiting gender-based violence are adequately and routinely enforced, particularly laws related to underage marriage and laws protecting political candidates from harassment.
5. Togo should ensure that women have access to healthcare and can take greater control over their reproductive decisions in order to improve maternal and infant health outcomes.
6. Climate change poses a grave threat to Togo due to increased temperatures, changes in rainfall patterns, and coastal degradation. Although Togo has contributed only minimally to the accumulation of greenhouse gases in the atmosphere, every State has an affirmative responsibility to protect the human right to life and provide adequate living conditions. Therefore, Togo must act urgently to promote sustainable and resilient development in rural and urban areas and prepare for the imminent breakdown and potential collapse of the climate system.

Political Freedom

7. In recent years Togo has made progress toward true representative government, including allowing multiple political parties, permitting largely free and fair elections, and holding local elections in 2019 for the first time in more than 30 years.¹ These efforts demonstrate that the Togolese government is working to comply with Article 21 of the Universal Declaration of Human Rights and the ICCPR, which provide for the right of every citizen to participate in the governance of his or her country.
8. In 2019, the Constitution of Togo was amended to place a two-term limit on the office of the President. This limit does not apply retroactively, and President Faure Gnassingbe was elected to a fourth term in February 2020. His opponent, Agbéyomé Kodjo, protested the legitimacy of the election and was jailed for several days. Many of Kodjo's supporters were also arrested. Imprisoning political opponents purely because of their opposition or political beliefs, without reasonable security grounds, is a violation of freedom of expression and the right to participate in governance, which are guaranteed under the Universal Declaration of Human Rights, the ICCPR, and the African Charter on Human and Peoples' Rights (ACHPR).
9. Togo has not made significant progress toward freedom of expression or freedom of the press, both of which are fundamental to the existence of democracy and are mandated by Article 19 of the Universal Declaration of Human Rights and of the ICCPR. Instead, in January 2020 the government released a Press and Communication Code that imposes large fines on journalists who write negatively about the President or other members of the Togolese government.

¹ http://state.gov/wp-content/uploads/2019/01/ICS_AF_Togo_UNCLASS_508.pdf



10. Similarly, government agencies suspended newspapers for printing articles critical of members of the government, as well as a newspaper that criticized the initial suspensions. The government also detained individual reporters and activists who spoke out against the suppression of the press and the government's treatment of Kodjo.

11. Additionally, the Togolese government shut down citizen access to the internet on polling day in February 2020. Article 9 of the ACHPR grants every individual "the right to receive information," and restricting access to the internet violates this right.

12. Finally, starting in 2020, the government severely limited citizens' rights to freedom of movement, assembly, and protest in response to the COVID-19 pandemic.

Recommendations

13. Togo should rescind the Press and Communication Code that punishes journalists and media outlets for criticizing members of the government in order to permit true freedom of the press, as required under Article 19 of the Universal Declaration of Human Rights and the ICCPR. Government agencies should immediately reinstate any news outlets that have been suspended only for political reasons and should stop suspending outlets that publish negative articles about government officials. The detention of journalists critical of the government and of members of the opposition party for their views should likewise cease.

14. Togo should ensure citizen access to the internet, especially on election days. Further, restricting access to the internet contravenes Article 19 of the ICCPR, which states that every person has a right to freedom of expression, including the right to "seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice."

15. Although COVID-19 continues to pose a public health risk, the government of Togo should develop crowd control mechanisms and guidelines for gatherings that allow citizens to exercise their right to free assembly and to protest as required by Article 21 of the ICCPR while minimizing the risk of COVID-19 transmission.

Women's Rights

16. In Togo, women and girls face pervasive gender-based violence and discrimination, with high rates of domestic abuse, sexual harassment and violence, and underage marriage. Togo is ranked 110 out of 153 countries according to the Global Gender Gap Index of 2020.² Discrimination on the basis of sex is prohibited under Article 2 of the Universal Declaration of Human Rights, Article 26 of the ICCPR, and under the ACHPR.

17. Togo has made progress in symbolically and practically improving the treatment of Togolese women. Victoire Tomegah Dogbe was appointed Prime Minister in September 2020, becoming the first woman to hold the position in Togo. This appointment makes Togo one of

² <http://1325naps.peacewomen.org/index.php/togo/>



only 29 countries where a woman currently holds an executive office.³ However, more needs to be done. Although Togo amended an election law in 2013 to create quotas for female candidates on ballots, women hold only 17% of parliamentary positions and face gender-based violence when they run for election.^{4,5}

18. Lockdown measures put into effect to combat the COVID-19 pandemic resulted in an increase in domestic violence, as women and girls were required to spend time at home with their abusers.⁶ Traditionally, domestic violence was seen as acceptable and as a personal matter, unfit for state or judicial intervention. About a quarter of women have experienced domestic abuse.⁷

19. The child marriage rate is at almost 22%.⁸ This includes marriages that are the equivalent of domestic and sexual slavery. Permitting child marriages violates Clause 2 of Article 16 of the Universal Declaration of Human Rights, which states that marriage should only be entered into when both parties give their “free and full consent,” which is not legally possible for a child.

20. Togo has also made significant progress in reducing the rates of female genital mutilation (FGM). A 1996 study found that 12% of Togolese women had endured FGM. More recent studies show that the prevalence has declined to only 4.7%.

21. Women in Togo face economic discrimination. The poverty rate is higher in households headed by women than those headed by men. In rural areas, women are more likely to work as smallholders, farming land that they do not own, and thus are more vulnerable to changing conditions.⁹ Article 2 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), to which Togo is a ratifying party, guarantees that the rights to dignified work and fair wages protected by Article 7 cannot be subject to discrimination based on sex.

22. Finally, women in Togo experience discrimination in their access to education. Only 41% of Togolese women are literate, compared to 77% of men. This discrepancy exists in spite of Togo’s initiative to provide free primary education to all children, as required by Article 13 of the ICESCR. Promisingly, approximately 94% of children in Togo were enrolled in primary school in 2017. Roughly equal numbers of boys and girls were enrolled in most parts of the country, however, in more rural regions girls’ enrollment was as low as 83.5%.¹⁰

Recommendations

23. Togo should ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women to provide an additional mechanism through which the

³ <https://fas.org/sgp/crs/misc/R45483.pdf>

⁴ <https://www.idea.int/data-tools/data/gender-quotas/country-view/279/35>

⁵ <https://undocs.org/A/73/301>

⁶ <https://www.amnesty.org/en/countries/africa/togo/report-togo/>

⁷ <https://evaw-global-database.unwomen.org/fr/countries/africa/togo>

⁸ *Id.*

⁹ https://executiveboard.wfp.org/document_download/WFP-0000103467

¹⁰ *Id.*



women and girls of Togo will be protected.

24. Togo should invest in educational programs and curricula that focus on changing the attitudes of younger generations toward gender, marriage, and sexual health with the aim of creating equality between men and women.

25. Togo should continue to enforce the law forbidding FGM, including in rural areas, to eradicate the practice.

26. Togo should ensure that police are enforcing laws focused on combatting gender-based violence and should develop a mechanism to address violence against female political candidates, to protect women running for local and national elections and to help combat the possibility that women's campaigns are being negatively impacted by threats or violence.

Climate Change

27. **The breakdown and collapse of the Earth's climate system is imminent and may have already commenced.** Although Togo is one of the smallest emitters of greenhouse gases in the world, climate change will have a devastating effect on the country.¹¹ Togo is at risk for increased flooding and drought as weather systems become more unstable.¹² This change is poised to throw rural Togolese further into poverty and push more people to move to urban centers as agriculture becomes untenable. Article 6 of the ICCPR states that every person has a right to life. Unless Togo takes action to mitigate the impacts of climate change on its citizens, the fundamental right to life is at risk.

28. Countries in West Africa are warming at a rate significantly higher than the global average and temperatures are projected to rise by as much as 2.3°C by 2050.¹³ Additionally, Togo is likely to experience longer heat waves by 2050, with the duration increasing by as many as 26 days.¹⁴

29. Togo is projected to experience increased rainfall on average and in discrete weather events, leading to a greater risk of damage and loss of life due to flooding.

30. However, because Togo will also experience higher temperatures and changes to evaporation rates, the country could experience a net decrease in water availability.¹⁵ In fact, Togolese citizens are expected to experience increased water scarcity as early as 2025.

31. The poverty rate in rural parts of Togo is already extremely high, with 69% of households living in poverty in rural areas. Further, unsustainable farming practices and irregular rains contribute to food insecurity by reducing crop yields. As climate change further alters weather patterns citizens are likely to endure hunger and malnutrition.

¹¹ <https://www.ucsusa.org/resources/each-countrys-share-co2-emissions>

¹² https://executiveboard.wfp.org/document_download/WFP-0000103467

¹³ https://www.climatelinks.org/sites/default/files/asset/document/West_Africa_CRP_Final.pdf

¹⁴ *Id.*

¹⁵ *Id.*



32. About half of crops in Togo are food crops. Cultivation of these crops is largely done on a small scale by women, many of whom do not own the land they farm. These women are especially vulnerable to changing rain patterns and other consequences of climate change because they are often discriminated against in access to credit and so to fertilizers, equipment, and other technologies that can mitigate the effects of a changing climate. Further, because many Togolese women farmers do not own the land they work, they have no incentive to invest in long-term improvements because they may never see benefits from those investments.

33. Cocoa trees produce one of Togo's most valuable export crops, however, they only thrive in a limited temperature range. Increased temperatures in Togo will decrease the amount of land suitable for cocoa farming, reducing a major source of income.

34. As climate change alters farming conditions in Togo, migrant farmworkers are likely to face increased risks and job insecurity. Therefore, Togo's decision to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families in December of 2020 is a reassuring and commendable step.

35. Togo's 51 km (32 mile) coastline is also at risk for sea level rise and degradation, and in fact it is estimated that Togo lost 2% of its GDP due to coastal erosion in a single year. These changes will only increase as climate impacts worsen. Currently sea levels in Togo are expected to rise by a minimum of 18 cm, with a maximum potential increase of 43 cm.¹⁶ Not only do these changes pose a direct threat to the city of Lomé and other population centers and roads located on the coast, they also will indirectly impact shipping channels and the transport upon which Togo depends to import and export goods, including food. Further, coastal degradation can lead to salinization of the groundwater upon which coastal communities depend, rendering it unfit for human consumption.

36. Rising sea levels, warming oceans, and increased ocean acidification also negatively impact fisheries. Further, foreign companies fishing in the Gulf of Guinea reduce the availability of fish to the local population, putting even greater stress on the fragile food system.¹⁷

Recommendations

37. Togo should invest in programs to support the agricultural system, particularly women farmers. Further, Togo's development plans should focus on sustainability and resilience, including potentially through diversifying sources of revenue within the country to ensure the loss of any one industry is not catastrophic.

38. Togo should be prepared to accommodate and adapt to increased movement of people within its borders, as climate change alters the viability of farming and other ways of life.

¹⁶ https://www.climatelinks.org/sites/default/files/asset/document/West_Africa_CRP_Final.pdf

¹⁷ <https://foreignpolicy.com/2021/02/18/west-africa-sahel-climate-change-global-warming-conflict-food-agriculture-fish-livestock/>



39. Human rights law establishes a right to life under the ICCPR and to an adequate standard of living under the ICESCR. Coastal degradation is a direct threat to these rights, and Togo should take steps to reinforce infrastructure and otherwise plan to support coastal populations and others influenced by changes to the coastline and coastal aquifers.

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