

Submission by the United Nations High Commissioner for Refugees

For the Office of the High Commissioner for Human Rights' Compilation Report

Universal Periodic Review: 3rd Cycle, 40th Session

TOGO

I. BACKGROUND INFORMATION

As general background information, we would like to note that Togo acceded to the *1951 Convention relating to the Status of Refugees* and its *1967 Protocol* (hereinafter jointly referred to as the “*1951 Convention*”) in 1962 and 1969. However, Togo has not yet acceded to the *1954 Convention relating to the Status of Stateless Persons* (the “*1954 Convention*”) nor to the *1961 Convention on the Reduction of Statelessness* (the “*1961 Convention*”). Togo is a State party to the *1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa* (the “*OAU Convention*”). Togo has also ratified the *2009 African Union Convention for the protection and Assistance of Internally Displaced Persons in Africa* (the “*Kampala Convention*”).

Togo is party to the Abidjan Declaration, adopted on 19 May 2015 in Accra (Ghana) during the 47th Summit of ECOWAS Heads of State and Government, which integrates the international mechanism and invites ECOWAS member States to adhere to and respect international conventions adopted to prevent and reduce statelessness and also to revise their relevant normative framework. Moreover, the Conclusions and Recommendations of the Abidjan Declaration and the ECOWAS Plan of Action on Eradication of Statelessness 2017-2024 invite member States to develop and implement national actions plans to end statelessness in accordance with UNHCR's global campaign to end statelessness

The Togolese authorities collaborate with UNHCR in the management of refugees and asylum-seekers in Togo, through the National Coordination of Assistance to Refugees (CNAR), the National Commission for Refugees (CNR) and Board of Appeal (Commission de Recours). No cases of refoulement have been recorded to date. Refugees are generally accorded the same treatment as nationals.

Since August 2016, the status and treatment of refugees in Togo is governed under a new law (Loi 2016-021 du 24 août 2016 portant statut de réfugié au Togo) and implemented by CNAR. This law is in line with international standards for refugee protection and takes into account the need for an independent Board of Appeal for asylum applications rejected at the first instance. The Board of Appeal began to work in 2021. We wish, however, to note the need to continue efforts to promote a favorable national protection environment.

In June 2012, the Government of Togo completed the domestic procedure for its accession to the *1954 Convention*. Also, in November 2020 the National Assembly has authorized the Government to ratify the *1961 Convention*.

As of 1 January 2021, Togo hosted 10,802 refugees and 672 asylum-seekers. This caseload includes 8,513 refugees from Ghana; around 6,000 of whom are protracted refugees who fled Ghana following the 1994 ethnic conflict. Recent ethnic conflicts and land disputes have led to the arrival of more Ghanaian refugees in 2010, 2012 and again 2014.

In 2011, in the context of the post-electoral crisis in Cote d' Ivoire, more than 5,000 Ivorian refugees arrived in Togo. At present, UNHCR is providing protection for 707 Ivorian refugees settled in urban areas (accommodated by Togolese families in Lomé or in self-rented houses) and for 882 others Ivorian refugees mostly with specific needs who are settled in Avepozo refugee Camp in Lomé, the Togolese capital city.

Togo hosts 2,289 urban refugees and asylum-seekers that live in Lomé. Most of these urban refugees have been in the country for more than 15 years and were recognized as refugees on the basis of the merits of their asylum claims. Persons under UNHCR's mandate do not generally face restrictions on freedom of movement within Togo. Detention is not used for migration-related offences. Refugees have the right to work in Togo, however, despite the existence of liberal legislation regarding access to employment, the lack of economic opportunities and the high rate of unemployment in Togo remain major obstacles to employment for people under UNHCR's mandate. This situation also affects activities undertaken to enhance livelihoods.

II. ACHIEVEMENTS AND POSITIVE DEVELOPMENTS

We wish to welcome the positive efforts taken by the Government of Togo to adopt a new Law on Refugees Status. The new law was adopted on August 24, 2016. It improves the legal framework for refugees especially since it includes provisions on the prima facie recognition, the creation of the Board of Appeal for rejected asylum applications in the first instance, which has been operational since 2021, and for family unity.

III. KEY PROTECTION ISSUES, CHALLENGES AND RECOMMENDATIONS

Issue 1: Accession to the 1954 Convention and 1961 Convention

Togo has almost finalized its process of acceding to the *1954* and *1961 Conventions*. On 29 May 2012 and 04 November 2020, the Parliament authorized accession to the two Conventions.

The *1961 Convention* establishes a range of safeguards to prevent statelessness at birth and later in life, in particular that States shall grant their nationality to children born on the territory if they would otherwise be stateless. The *1954 Convention* is an important instrument to ensure enjoyment of human rights by stateless persons. The Convention establishes an internationally recognized status for stateless persons. It also recognizes a number of key rights such as freedom of religion; freedom of association; access to courts; freedom of movement; identity documentation and; internationally recognized travel documents.

Recommendation:

UNHCR recommends that the Government of Togo:

- a) Advance the process of accession and deposit instruments of accession for the *1954 Convention* and the *1961 Convention* as soon as possible and bring the nationality law and procedures in line with the Conventions.

Issue 2: Revision of Togolese nationality legislation and gender discrimination in nationality laws

Despite significant reforms to end legal discrimination against women, Togo's nationality laws (in particular Ordonnance n°78-34 du 7 septembre portant code de la nationalité togolaise) denies women the right to confer nationality to their children on an equal basis

with men. Citizenship laws form the foundation of an individual's relationship with the State and determine access to a range of fundamental human rights. At their core, nationality laws that discriminate on the basis of gender contradict the principle of the equality of all citizens and reflect a position that the rights and responsibilities of citizenship are based not on one's status as a citizen, but according to one's gender. Gender discrimination in nationality laws has far-reaching consequences on all aspects of family life, and is a leading cause of statelessness

Recommendation:

UNHCR recommends that the Government of Togo:

- a) Seek the involvement and contribution of civil society, UN Agencies and other stakeholders in the planned revision of the Law on Togolese Nationality;
- b) Amend Togo's nationality laws to ensure women can confer nationality to their children on an equal basis with men.

Issue 3: Access to Togolese nationality for refugees

UNHCR welcome the fact that the Government of Togo is generously hosting 10,865 refugees of 19 different nationalities. Among them, Ghanaians refugees have been registered by UNHCR as *prima facie* refugees with the Government's consent (in accordance with Article 1.2 of the *OAU Convention*). Despite this, they are not officially recognized as "refugees" under any formal legislation. Most of the Ghanaians hosted by Togo, as well as Rwandan refugees and others, are protracted refugees. Whereas the Law on Togolese Nationality (Code la nationalité togolaise, 1978) allows for naturalization as an option to acquire Togolese nationality, naturalization remains a very infrequent practice. Togo nationality law does not allow dual nationality. Therefore, any refugee who wishes to acquire Togolese citizenship must renounce his/her original nationality.

Recommendation:

UNHCR recommends that the Government of Togo:

- a) Facilitate access to Togolese nationality for refugees in a protracted situation who meet the requirements of the Togolese nationality law.

Issue 4: Adoption of a National Action Plan against Statelessness

In line with the Conclusions and Recommendations of the Abidjan Declaration and the ECOWAS Plan of Action on Eradication of Statelessness, Togo drafted a National Action Plan on the eradication of statelessness. The official adoption of that Plan will:

1. improve coordination among the executive and legislative powers in Togo towards the same goal with a clear definition of resources needed;
2. show concrete steps for the different administrations, with clear demarcation of responsibilities to reach a goal within a specific period of time; and
3. improve the capacity of the international community to support the State's efforts by showing concrete actions and activities, which will in turn facilitate the mobilization of resources from the international community, academia and private sector, among others.

Recommendation:

UNHCR recommends that the Government of Togo:

- a) Officially adopt its National Action Plan to eradicate statelessness and ensure its full implementation.