

**Togo: Civil Society Report**  
**by National Alliance of Consumers and the Environment (ANCE)**  
**An input to the UNCAC Implementation Review Mechanism:**  
**Third year of review of UNCAC Chapters II and V**

*-Executive Summary-*

This is the executive summary of a civil society shadow report from March 2022 that reviews Togo's implementation and enforcement of selected articles of UN Convention against Corruption (UNCAC) Chapters II (Preventive Measures) and V (Asset Recovery). The report was supported by the UNCAC Coalition and is intended as a contribution to the UNCAC peer review process of Togo covering those two chapters. The full report is available on the UNCAC Coalition's website.<sup>1</sup>

Togo has made strides in working to implement and apply articles under Chapter II (Preventive measures) and Chapter V (Asset Recovery) of the United Nations Convention against Corruption (UNCAC) by adopting new legislation and transposing anti-corruption provisions into its Criminal Code. However, Togo continues to suffer from poor performance of public services, weak access to information, low levels of citizen participation, and an incomplete legal framework.

**Assessment of the review process**

Has the government disclosed information about the country focal point?	Yes	
Was the review schedule published somewhere/publicly known?	Yes	Yes, known schedule.
Was civil society consulted in the preparation of the self-assessment checklist?	Yes	Some civil society organizations, including ANCE, were heavily involved in the preparation of the self-assessment.
Was the self-assessment checklist published online or made available to civil society?	No	The self-assessment was neither published nor provided to civil society.
Did the government agree to a country visit?	Yes	The expert evaluators are expected to visit the country.
Was a country visit undertaken?	Not yet	

<sup>1</sup> <https://uncaccoalition.org/new-civil-society-report-on-togo-legislative-advances-are-promising-for-anti-corruption-efforts-but-are-not-matched-by-adequate-enforcement/>

Was civil society invited to provide input to the official reviewers?	Yes	The government will of course invite some representatives of civil society organizations to present their contributions to the official reviewers.
Was the private sector invited to provide input to official examiners?	Yes	The government intends to invite some private sector representatives to present their contributions to the official reviewers.
Has the government committed to publishing the full country report?	No	The government does not intend to release the full report.

## Main findings and Recommendations (R)

### Preventive anti-corruption policies and practices

Togo has applied sanctions against perpetrators of corruption, prosecuting corrupt magistrates, sentencing officials from the Togolese Revenue Office for tax fraud, and punishing over 200 members of law enforcement and security agencies. Nevertheless, Togo does not yet have a specific law on the prevention of corruption, a whistleblower protection law or a law on the transparency of lobbying activities for political purposes.

*R: Identify and revise legal and regulatory texts on the fight against corruption; promote and communicate an integrated legal framework and streamline judicial procedures for dealing with proven cases of corruption and related offenses.*

### Preventive anti-corruption bodies

The main anti-corruption bodies in Togo include the High Authority for the Prevention and Fight against Corruption and Related Offenses (HAPLUCIA), the National Financial Information Processing Unit (CENTIF), the Superior Council of the Judiciary (CSM) and the Court of Auditors. Deficiencies have become apparent in the recruitment of HAPLUCIA's staff through presidential decree, limited financial resources and conflicts of competence between its own work and that of other monitoring bodies.

*R: Increase communication between actors in the fight against corruption; join international initiatives (Open Government Partnership, CoST, GIFT); create and operationalize a supreme administrative monitoring authority, a state judicial agency, and a national financial prosecutor's office.*

### Public sector

Embarking on e-government projects has allowed for a high-speed internet connection throughout administrative buildings, the streamlining of information flows through the government messaging system, and collaborative work tools. In September 2021, the government adopted a decree on the creation of the Togo Digital Agency, dedicated to the coordination and implementation of digital projects.

*R: Enhance governance of the public service by digitizing procedures and work tools, improving the safety, security and transparency of digital traffic control operations.*

### Political financing

Political parties are required to keep accounts on financial activities and to file a financial report with the Court of Auditors within three months of the publication of the final election results. In 2013, the Togolese Court of Auditors found that some political parties only provided summaries of information on campaign accounts and did not include supporting documents concerning the allocation of resources.

*R: Include supporting documents concerning resources relating to membership fees, income from activities, donations and inheritances; adopt an accounting standard for campaign expenses.*

### **Codes of conduct, conflicts of interest & asset declarations**

The conditions for asset declarations by public officials are enshrined in the 1992 Constitution and have been supplemented by laws. Sanctions for non-compliance consist of hefty fines. However, asset declarations are not made by most government officials. In 2019, a decree on the code of ethics and conduct of public procurement was adopted. Its widespread application was stalled due to the lack of a digitized database on criminal statistics to assess the enforcement of sanctions.

*R: Create a digitalized database on criminal statistics; adopt decrees on the organization of declaration of assets and property.*

### **Public finances**

Progress has been made in the area of public finance through the transposition of West African Economic and Monetary Union (WAEMU) directives relating to the code of transparency in public finance management. There have also been efforts to digitize public financial management through the implementation of guidelines from the Central Bank of West African States (BCEAO).

*R: Strengthen public financial management systems by enhancing the digitization of public revenues and subsidies, and public expenditure management.*

### **Access to information**

The March 2016 law on freedom of access to information and public documentation has framed the right of access to information in Togo. Under this law, government agencies make their activity reports public and publish laws, decrees, orders and other administrative documents on state webpages. Furthermore, in April 2021, the competences of the Ombudsman were legally determined, allowing for the possibility to carry out informational inquiries or investigations.

*R: Create and operationalize an authority for access to public information and documentation, or strengthen mechanisms within the Ombudsman's office.*

### **Civil society participation**

Mechanisms for broad public consultation to gather citizens' opinions on major issues or during the adoption of certain legal texts are still weak. There is little citizen participation in the fight against corruption in Togo, due to a lack of civic education and laws protecting whistleblowers. Some media outlets are subject to the ordinary law on slanderous denunciation, and are required to face penal sanctions and/or fines for a lack of evidence.

*R: Adopt and implement a whistleblower protection law; expand the legal framework governing civil society organizations; enact a formal law that defines the conditions of CSO participation, and strengthen mechanisms for broad public consultation.*

### **Measures relating to the judiciary**

Over 2000 judicial professionals have been trained at the Training Center for the Professions of Justice. Nevertheless, the judiciary is plagued by a lack of knowledge on proper judicial procedures, insufficient staff in certain jurisdictions and inefficiency and corruption within judicial ranks. Moreover, the High Court of Justice of the State is not yet operational.

*R: Accelerate the operationalization of the High Court of Justice.*

### **Private sector transparency**

Reforms in the field of business law have led to the improvement of corporate governance with the creation of the Center for Business Formalities. Nevertheless, no company in the country has adhered to ISO37001 (2016) on anti-bribery management systems, and almost no private companies have adopted a code of conduct that complies with international standards. The inexistence of whistleblower systems to report corruption within companies exacerbates the situation.

*R: Adopt, disseminate and apply codes of conduct, integrity pacts or Transparency International's Business Principles for Countering Bribery within private companies.*

### **Anti-money laundering**

Togo has aligned itself with international measures to combat money laundering such as the Palermo Convention and FATF Recommendations. The country has incorporated a variety of provisions into its legal corpus, including the repression of offenses linked to checks, bank cards and electronic payment processes. However, according to the Fourth Follow-up Report on the Mutual Evaluation of the AML/CFT System, the country is rated non-compliant for 15 and partially compliant for 20 recommendations on money laundering.

*R: Strengthen the implementation of existing AML/CFT measures by focusing on the settlement of cash transactions, and enforcing stronger monitoring of cross-border movements of cash and bearer-negotiable instruments.*

### **Asset recovery**

The Togolese legal framework provides for the confiscation and freezing of assets laundered or constituting the proceeds of money laundering and terrorist financing. When there is a suspicion of ill-gotten gains, property is to be seized but not confiscated. However, there is no specialized state institution for recovering ill-gotten gains, coupled with weak information-sharing among actors on the challenges of transnational corruption. Scarce technical and human resources for efforts on asset recovery are illustrated by a lack of statistics on asset recovery.

*R: Establish a specialized state institution for asset recovery; create a database with statistics on asset recovery and employ UNCAC provisions to recover assets abroad.*