



Women in Prison: Togo

Analysis from the National Preventive Mechanism

| November 2024



association pour la prévention de la torture
asociación para la prevención de la tortura
association for the prevention of torture



In partnership with

Canada

... SUBVENTIONNÉ
... PAR LA
VILLE DE GENÈVE



Togo



UNCAT Ratification	OPCAT Ratification
18 November 1987	20 July 2010
National Preventive Mechanism (NPM)	
National Human Rights Commission (CNDH)	
NPM legal framework	NPM operationalisation
<u>Organic Law no. 2021-015</u> of 3 August 2021, amending <u>Organic Law no. 2018-006</u> of 20 June 2018 on the composition, organisation and operation of the National Human Rights Commission.	Since April 2019
NPM structure	NPM composition
Sub-commission on the prevention of torture and other forms of cruel, inhuman or degrading treatment within the National Human Rights Commission.	4 people: ¹ <ul style="list-style-type: none">Members: 1 (man)Staff: 3 (2 women and 1 man)

I. Facts and Figures

Prison population	Prisons for women
Total prison population	Total number of women's prisons
4,990	13 ²
Women in prison (total)	Number of mixed establishments with separate units for women
132 (2.6%)	13

¹ Composition in 2023. NPM members were elected on the basis of the 2018 Act (3 members per sub-committee and 3 members of the Executive Board. Members called upon to perform other duties were not replaced until March 2024. The NPM was run by one member, the chairman and 3 members of the technical team).

² All prisons have a unit for women.

II. Recommendations

Access to healthcare

- + Increase the number of nurses in prisons, by systematically including a female member of the medical team to better take into account the specific needs of women prisoners.

Sanitary facilities and personal hygiene

- + Ensure that prison infirmaries are better supplied with products that meet the specific needs of women (discomfort linked to the menstrual cycle or the menopause).
- + Improve the conditions under which women are held in Togo, with an emphasis on human dignity, in particular their right to a healthy lifestyle (better quality of water and food).

II. Detention issues³

Body searches

a. Legal and regulatory framework

The current Togolese Code of Criminal Procedure and the new one currently being adopted do not define the circumstances and procedures for body searches in general terms. However, it should be noted that, in practice, the rules relating to searches of persons deprived of liberty set out in the Nelson Mandela Rules are observed.

b. The use of body searches in practice

Women detainees and those visiting relatives in prison are searched only by female staff and out of sight of male staff, although there are no indications to this effect. A booth is provided for this purpose. Alternative search methods are available and are often used in some of the country's prisons in an informal and non-harmonised manner (e.g. Atakpamé).

c. Registers

Information relating to body searches is not recorded in a specific register. Only information concerning the list of personal belongings at the start of custody, or deferral, is noted in the custody register or in the detention register, depending on the circumstances.

d. Invasive searches

Invasive body searches may be carried out in exceptional circumstances, by trained and authorised healthcare personnel if cases arise.

Solitary confinement

a. Legal and regulatory framework

Togo's criminal law does not contain any legal provisions governing solitary confinement. In practice, however, solitary confinement is subject to administrative authorisation from the competent authority.

b. The use of solitary confinement in practice

³ The data provided reflects observations made during the Togolese NPM's thematic visit to the Kpalimé civil prison on women and prisons on 8 August 2023.

Women may be placed in isolation for their own protection when they exhibit abnormal behaviour, but this is not systematic. In all cases, isolation is carried out with the consent of the women, taking into account the seriousness of the situation and depending on the availability of cells. The configuration of isolation cells is no different from that of ordinary cells. There is no record of the use of solitary confinement for women.⁴

Use of means of restraint

a. Legal and regulatory framework

There are no national regulations governing the use of means of restraint to control women in detention.

b. The situation in practice

Restraints are not used on women in civil prisons. However, in psychiatric institutions, restraints are used to control all patients who exhibit violent behaviour.

Access to mental health care

Very few persons deprived of liberty undergo an initial medical examination when they are admitted to the prison. The majority of detainees are integrated directly into the group without following any health procedure. This is due to the lack of material and human resources in prison infirmaries, which hinders prisoners' access to healthcare. Women's mental health care needs are not systematically formally assessed. However, the prison service takes the necessary steps to ensure treatment for women with mental health conditions. Serious cases are referred to psychiatric hospitals, and less serious cases are managed with the help of prison infirmaries.

Any detainee (male or female) with mental health conditions is referred to a centre for appropriate and adequate treatment. The only public psychiatric centre is based in the south of the country and can only accommodate a limited number of patients.

III. Women in special situations of vulnerability

Pregnant women and women with young children

Pregnant women and women with young children in detention are particularly at risk because there is no appropriate legal framework to protect this category of the prison population, and prisons and their facilities do not meet their specific needs.

It is important to note that the Children's Code provides for alternative measures to detention for this category of detainees, in particular article 441, which stipulates :

- + "That a sentence other than imprisonment be considered first in all cases where a decision will have to be rendered against them;
- + That it is necessary to establish and promote measures to transform imprisonment into an institution for their treatment;
- + To create special institutions to ensure their detention;
- + To prohibit a mother from being imprisoned with her child".

⁴ Observation made during the visit on 8 August 2023 to the Kpalimé civil prison, regarding the unavailability of data relating to women placed in solitary confinement.

However, these measures are rarely used in practice.

This report is part of the Global Report on Women in Prison.
Access the full report here: www.apt.ch/global-report