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Monitoring Protests in Practice: Perspectives from Oversight Bodies

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Could you briefly present the National Human Rights Commission (CNDH), its mandate and its structure?

The [CNDH](#) of Togo is an independent national institution for the promotion and protection of human rights established in 1987. It is recognized by the Constitution as an institution of the Republic. Since 2018, the CNDH also serves as the National Preventive Mechanism (NPM) following Togo's ratification in 2010 of the Optional Protocol to the Convention against Torture (OPCAT). In this capacity, it conducts regular announced and unannounced preventive visits to places of deprivation of liberty and issues recommendations aimed at preventing torture and ill-treatment. In terms of its structure, the CNDH is composed of nine commissioners from diverse professional backgrounds and is supported by permanent technical staff responsible for implementing its mandate. The [Organic Law governing the CNDH](#) foresees two sub-commissions: the Sub-Commission for the Promotion and Protection of Human Rights and the Sub-Commission for Torture Prevention, which exclusively performs the functions of the NPM.

Who is responsible for monitoring protests within the CNDH?

The monitoring of protests stems from the CNDH's general mandate to protect human rights and prevent violations that may occur during public assemblies. This is therefore a responsibility of the Sub-Commission for the Promotion and Protection of Human Rights and not of the NPM.

Which specific aspects does the CNDH focus on during protests?

The CNDH's monitoring focuses primarily on the rights to freedom of peaceful assembly and freedom of expression, and therefore, on issues relating to the conduct of law enforcement and the use of force by security forces. In cases where protesters are arrested and detained, the CNDH also visits certain police investigation units and prisons to verify whether the fundamental rights of protesters deprived of their liberty are respected, including procedural safeguards and the material conditions of detention.

What is the CNDH's methodological approach to monitoring protests?

Prior to the protest, we collect contextual information to analyse the actors involved and identify the main risks. We also carry out a prior security assessment. Our monitoring of protests is not unannounced, so we do exchange with the relevant authorities beforehand. Internal coordination within the CNDH is an important aspect of the preparation process. We then establish multi-disciplinary teams of monitors to ensure a comprehensive analysis of our findings. To ensure consistency and uniformity in monitoring, we also strive to develop standardized data collection tools and organize briefings on methodology for the monitors. During the protest, the CNDH deploys its teams on the ground to monitor the conduct of all actors involved in the protest. In certain cases, as mentioned previously, we visit police investigation units to assess the situation of persons deprived of their liberty.

In such cases, which sub-commission conducts the visits to places of deprivation of liberty, and how is coordination with the NPM organized?

The Sub-Commission for the Promotion and Protection of Human Rights visits the police investigation units when complaints are received concerning individuals arrested during the protests. These visits concern individual cases and are not preventive in nature. This is why the NPM remains exclusively responsible for carrying out visits to places of deprivation of liberty where protesters may be detained, as part of its mandate to prevent the risks of torture and ill-treatment. Information-sharing between both sub-commissions is therefore essential: the NPM refers individual cases identified during its visits that warrant further investigation to the Sub-Commission for the Promotion and Protection of Human Rights and, conversely, this sub-commission provides the NPM with information concerning risks of torture or ill-treatment faced by persons deprived of their liberty.

What are the CNDH's main findings and recommendations resulting from the monitoring of protests?

We have observed arrests carried out in highly tense situations, difficulties in obtaining timely information on detained persons, and challenges in ensuring the consistent application of procedural safeguards. Our visits to places of deprivation of liberty following the protests have enabled us to shed light on practices of indiscriminate arrests. We have found protesters with physical injuries resulting from excessively forceful arrests. Our recommendations to the authorities have therefore focused on strengthening the training of security forces regarding the use of force and improving arrest procedures. We have also recommended strengthening mechanisms for tracking arrested persons, as difficulties persist in identifying the places where arrested persons are transferred to. We have observed some shortcomings in the respect of procedural safeguards, including delays in the information provided to detainees on their rights, inconsistent access to legal assistance, and occasional difficulties in notifying families. Strengthening respect for these fundamental safeguards is therefore a key measure to prevent torture and other forms of ill-treatment during the arrest and detention of protesters.

What have been the main risks and challenges encountered by the CNDH in carrying out this work?

The risks and challenges associated with monitoring protests are numerous. Of course, there are security risks for our teams of monitors during outbreaks of violence. Monitoring protests also presents logistical challenges which are different to those associated with monitoring places of deprivation of liberty alone, given the rapidly evolving nature of events. Our work is constrained by limited human, financial and logistical resources. More generally, restrictions in access to certain information concerning the exact locations where protesters are being held, administrative burdens, and the need to preserve institutional neutrality in the face of serious allegations constitute challenges.



What lessons has the CNDH drawn from its experience in monitoring protests?

Our experience reinforces our belief in the importance of prevention and maintaining dialogue with the authorities. We notice that monitoring has contributed to a greater consideration of human rights standards and an increased awareness of procedural safeguards. Given the CNDH's institutional structure and multiple mandates, internal coordination cannot be overlooked. Our experience in monitoring protests has also revealed the need to strengthen our technical capacities and secure additional resources for digital monitoring tools, equipment, and the creation, management and protection of databases. Although the responsibility for monitoring protests rests with the Sub-Commission for the Promotion and Protection of Human Rights, it would also be important for the NPM to receive specialized training on issues it should be paying particular attention to during protests. Finally, we recognize the importance of strengthening technical partnerships with regional and international actors to address the many challenges in this field.

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