



**Convention on the Elimination  
of All Forms of Discrimination  
against Women**

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**Committee on the Elimination of Discrimination  
against Women**  
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**List of issues and questions with regard to the consideration  
of periodic reports: Togo**

Addendum

**Replies of Togo to the list of issues to be taken up in  
connection with the consideration of its combined sixth and  
seventh periodic reports (CEDAW/C/TGO/6-7)\***

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\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

## **Replies to the concerns expressed by the Committee on the Elimination of Discrimination against Women**

### **General**

#### **Reply to paragraph 1 of the list of issues (CEDAW/C/TGO/Q/6-7)**

1. With regard to the collection and analysis of data, the following steps have been taken:
  - The national statistical system has been reorganized since 2009, with the creation of a national system for the development of statistics
  - The Statistics Act was adopted in May 2011
  - Statisticians and demographers have been trained and recruited
  - A focal point for “gender statistics” was appointed in September 2011 in the Directorate-General of Statistics and National Accounts
  - Gender focal points have been introduced in all ministries
2. The Directorate-General of Statistics and National Accounts has data disaggregated by sex in socioeconomic domains, collected from multiple indicator cluster surveys, standard questionnaires on basic well-being indicators, demographic and health surveys, and the Fourth General Population and Housing Census.
3. In addition to the Directorate-General of Statistics and National Accounts, other institutions and bodies produce disaggregated statistics. They include the statistical services of ministries (which produce health statistics yearbooks, the national agricultural census, school performance indicators from preschool to secondary level, etc.) and research centres and consultants (e.g. the Population Research Unit, CERA, Population Services International-Togo and the University of Lomé).
4. The gender focal points in the different ministries are in the process of preparing files that will include data disaggregated by sex for the various categories of personnel. The files will be updated every year and consulted by departments when organizing assignments, appointments and recruitment at all levels.
5. Counselling and advice centres for victims of gender-based violence keep files and records of cases disaggregated by sex and age group.
6. As regards the use of such data in policy and programme development, they are used in development policy to ensure a sufficiently informed and gender-sensitive approach in strategy documents, policies and programmes, such as the country’s poverty reduction strategy paper, the national policy on gender equality and equity, the strategic plan to combat AIDS and sexually transmitted infections in women, national health policy and the sectoral plan for education.

### **Constitutional, legislative and institutional framework**

#### **Reply to paragraph 2 of the list of issues**

7. As the main provisions protecting women were incorporated into domestic law with the ratification of the Convention, invoking the Convention is a secondary concern. It should perhaps be clarified that, while the Convention stipulates that particular offences should be punished, its application is limited to the principles enshrined in it, since the

severity of the penalties is undetermined. Moreover, it is to avoid this drawback that new bills have reproduced the relevant provisions and established dissuasive sanctions to discourage any reluctance to apply them. The Government also plans to step up its awareness-raising activities in order to prevent the offences from being committed in the first place.

8. The provisions of the Convention are sometimes invoked in the civil courts. It is, however, difficult to provide more detailed information as no studies have been done in this area.

**Reply to paragraph 3 (first sentence) of the list of issues**

9. Training and awareness-raising workshops have been organized on the topics of gender and women's rights; enhancing the image of women; gender-sensitive budgeting; results-based gender management; women's access to land; the participation of women in the decision-making process; female leadership and communication techniques; and gender and social dialogue. The workshops were organized for the following target groups:

- Officials from the ministry responsible for gender issues and other ministerial departments
- Members of parliament
- Gender focal points
- Journalists working for public and private media
- Paralegals, and judicial and extrajudicial personnel
- Representatives of the Government, local and administrative authorities (prefects, traditional leaders, educational advisers and religious leaders) and other key actors in local communities (landowners, grass-roots development committees, groups and associations)
- Women in the Togolese Armed Forces and security forces

10. Still on the subject of the dissemination of the Convention and the Committee's previous concluding observations, attention is drawn to the following activities:

- Awareness campaigns, educational talks and debates and radio and television broadcasts throughout the country on the different days dedicated to women (8 March, 31 July, 15 October, etc.)
- Creation of a virtual research space on "Gender and development", and a website on which all activities to protect and promote women's rights are published

11. The Convention on the Elimination of All Forms of Discrimination against Women and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa have been rewritten in easy French and then translated into Togo's four literacy languages (Kabyè, Ewé, Tem and Benn). They are available to the public and distributed to the various target groups during training and awareness-raising sessions.

12. A national forum of Togolese women meets every two years for consultations, exchanges and sharing of experiences on all questions related to the women's rights enshrined in the Convention.

**Reply to paragraph 3 (second sentence) of the list of issues**

13. In addition to the training workshops organized for judicial officials on the Convention and other legal instruments, the Judicial Training Centre, which for the moment is training judges, covered women's rights in its training programmes in 2011.

## **Access to justice**

### **Reply to paragraph 4 of the list of issues**

14. Togo intends to take account of women's access to the courts in the reform of the Criminal Code and awareness campaigns. The preliminary draft of the revised Criminal Code punishes gender-based violence and all forms of discrimination against women.

15. The Directorate for Access to Law and Justice of the Ministry of Justice has started a project on the use of volunteers to provide legal assistance to vulnerable groups, and has approached the United Nations Development Programme (UNDP) for support.

16. The objective is to enhance respect for the fundamental rights of the most vulnerable by quickly introducing a system of legal assistance and legal aid for the most disadvantaged and vulnerable groups. It will include a project to set up a pilot scheme under which legal assistance will be provided to convicted and remand prisoners, especially women and young people.

17. A study on the possible establishment of an institutionalized pilot scheme to welcome, inform and counsel defendants in the courts of first instance of Lomé and Kara is also planned. Women will benefit from this scheme and will have better access to courts and tribunals for the duration of the project (2012–2013). There will be an awareness-raising campaign to encourage women to seek legal assistance in all matters raised before the courts and tribunals.

## **Discriminatory laws**

### **Reply to paragraph 5 (first and second sentences) of the list of issues**

18. The Government's review of legislation is not intended simply to bring the laws into line with international instruments protecting women's rights. Rather, it is part of the pursuit of good governance and the effective administration of justice, which are essential for sustainable development. In other words, the Government is putting in place a mechanism to update and standardize the law.

19. The preliminary draft of the revised Criminal Code and the draft of the revised Personal and Family Code could be adopted and enacted during the second half of 2012.

### **Reply to paragraph 5 (third sentence) of the list of issues**

20. It is true that the outcome of the national consultations on the civil service recommended the establishment of fiscal mechanisms to reduce personal income tax for female civil servants. However, the Tax Code, which would incorporate this recommendation, has not yet been revised.

### **Reply to paragraph 5 (fourth sentence) of the list of issues**

21. The Government always involves all these stakeholders in the process of legal reform. At various stages of the process, it gathers their opinions on, and proposed amendments to, the legislation under review.

## **Stereotypes and harmful practices**

### **Reply to paragraph 6 (first sentence) of the list of issues**

22. Numerous measures have been taken by the Government with a view to changing the population's mindset and behaviour regarding male-female relationships.

23. In May 2010, the Ministry for the Advancement of Women was established specifically to deal with women's issues.

24. Gender focal points were introduced in all ministerial departments to take gender issues into account in their different policies.

25. In addition, the national forum of Togolese women was formally recognized and in January 2011 the Council of Ministers adopted the national policy on gender equality and equity and its related action plan.

26. The full poverty reduction strategy paper included the promotion of gender equity and equality under its third pillar, on the development of human capital.

27. Gender equity and equality have been promoted in the field of education by:

- Establishing a mechanism to ensure equal access, retention and completion at all levels of the education system.
- Acknowledging the different needs of girls and boys and of men and women in the field of education, training and literacy. Note that there are no school fees for any child in a State-run preschool or primary school.
- Promoting gender-sensitive education (reduced school fees for girls in lower and upper secondary school).

28. The promotion of gender equity and equality is also reflected in women's access to employment and decision-making posts, their equal enjoyment of human rights and the reinforcement of the institutional framework implementing the national policy on gender equality and equity.

29. With regard to awareness-raising activities, the following should be mentioned.

30. Training and awareness-raising for journalists and reporters working for State-owned or private media on improving the image of women when communicating information:

- Training for educational advisers on gender and the women's rights set out in the Convention, with a focus on the removal of sexist stereotypes from school textbooks
- Training and awareness-raising on gender and women's access to the land for prefects, traditional and religious leaders, landowners and other key players in local communities in every prefecture

### **Reply to paragraph 6 (second sentence) of the list of issues**

31. In addition to the measures mentioned above, social awareness activities are occasionally organized in partnership with civil society organizations that promote women's rights and the rights of the child, with the support of development partners and certain diplomatic missions, to combat all practices that prevent women and girls from fully enjoying their rights.

32. At the same time, units to combat such practices (run by paralegals), child protection committees and school clubs) have been set up in areas at risk to raise awareness in communities about the dangers linked to such practices.

33. The preliminary draft of the revised Criminal Code was validated in April 2012 and is in the process of being adopted.
34. The Children's Code, the draft revised Personal and Family Code and the preliminary draft of the revised Criminal Code all contain provisions to curb and eliminate these negative practices.
35. Progress has been made on early marriage. Articles 267 to 274 of the Children's Code prohibit children from marrying and their parents or guardians from promising them in marriage.
36. The draft revised Personal and Family Code states that where a married couple does not expressly choose between customary law and the code, they are automatically considered to have chosen to apply the provisions of the code. Another provision of the draft code allows men and women to freely choose their partners and states that marriage cannot be contracted without their full and free consent. They may not marry before they reach the age of 18.
37. There are currently no legal provisions concerning witchcraft, but the preliminary draft of the revised Criminal Code makes acts of witchcraft punishable by law.
38. Moreover, there are plans to compile a compendium of customary practices for a thorough study of the issue and to determine the best ways to deal with it.

## **Trafficking and exploitation of prostitution**

### **Reply to paragraph 7 of the list of issues**

39. There are no comprehensive national data on the number of women and girls who are victims of trafficking for the purposes of sexual and economic exploitation.
40. However, specific programmes have been established to prevent the phenomenon and ensure the reintegration of victims. Thus, between 2008 and 2010, 1,264 child victims were registered by the police, the ministry responsible for the protection of children, and the National Commission on the Care and Social Reintegration of Child Victims of Trafficking (503 in 2008, 404 in 2009 and 357 in 2010).
41. In 2011, 281 children (194 girls and 87 boys) were registered; 225 were intercepted before reaching their destination and 53 were repatriated from Benin, Nigeria and Gabon.
42. In 2011–2012, with the support of the International Labour Office, 1,193 children, including 586 victims, were taken care of and the income of 815 families who were vulnerable to trafficking was boosted by income-generating activities, thereby enabling them to protect their children against this phenomenon.
43. As far as combating sexual exploitation and the worst forms of child labour is concerned, between 2005 and 2009 some 4,000 child victims or potential victims of sexual exploitation were saved from prostitution, given psychological help and returned to their families.
44. As far as criminal legislation is concerned, Togo has an array of laws dealing with the exploitation of women for the purposes of prostitution. The Criminal Code punishes procuring as well as incitement of minors to immoral behaviour. Procurers include:
- Adults who traffic in and engage in the sexual exploitation of women, girls and minors
  - Persons who knowingly live with a person habitually engaging in prostitution and who are unable to show resources commensurate with their lifestyle

- Persons who make premises available to persons engaging in prostitution
- Managers or employees of hotels who habitually tolerate in their establishments the presence of persons engaging in prostitution

45. A person in any of these categories who is convicted of procuring is liable to a prison term of 1 to 5 years and a fine of 100,000 to 1,000,000 CFA francs (art. 92), besides additional penalties involving temporary deprivation of civil, civic and labour rights. When the case involves the exploitation of a minor, the sentence is 10 years' imprisonment:

- The preliminary draft of the revised Criminal Code broadens the definition of the offence and increases the punishment for soliciting for the purposes of prostitution and procuring

46. The draft also criminalizes the trafficking of persons for the purposes of exploitation. Exploitation includes the prostitution of others and other forms of sexual exploitation. The proposed penalties are 5 to 10 years' imprisonment and a fine of 5 to 10 million CFA francs.

47. Child traffickers are liable to imprisonment when they are arrested. In 2011, 31 persons found guilty of trafficking were arrested and imprisoned.

48. As part of the fight against human trafficking, particularly trafficking in women and children for the purposes of commercial sexual exploitation, awareness-raising activities were organized to warn the population about the risks and the dangers associated with it. Studies have shown the complexity of the phenomenon and for this reason work was started in 2011, with the support of the International Labour Office, on a study dealing specifically with the commercial sexual exploitation of children in Togo.

49. The information supplied above refers to the implementation of the national plan to combat human trafficking, particularly trafficking in women and children.

50. The real impact of the national plan will be measured when it is evaluated.

## **Violence against women**

### **Reply to paragraph 8 of the list of issues**

51. The preliminary draft of the revised Criminal Code provides for sexual harassment, domestic violence and rape to be classed as separate offences and proposes appropriate sanctions.

52. The preliminary draft of the revised Criminal Code was validated in April 2012 and is in the process of being adopted.

53. In addition, the Children's Code that came into force in 2007 prohibits and punishes female genital mutilation, incest, paedophilia, rape and sexual harassment.

54. As for marital rape, the draft revised Personal and Family Code specifies that sexual relations between husbands and wives are free and consensual. It also reproduces the general provisions of article 87 of the Code currently in force, which punish marital rape.

### **Reply to paragraph 9 of the list of issues**

55. Public consultations organized by the focal point for female members of parliament led to the drafting of a bill on acts of violence against girls and women. The bill is now before parliament with a view to its adoption.

56. Steps have also been taken to define such acts of violence as offences in the preliminary draft of the revised Criminal Code.

57. In 2008 the Government drew up and approved a national strategy to combat all forms of violence against women. At the time of writing, this document is being updated to reflect the recommendations made in various studies (a 2008 study on female genital mutilation, a 2010 study on gender-based violence, and a 2012 evaluation of female genital mutilation). The idea is to cover issues related to violence against girls and women in education and training programmes, to draw up and implement a national multi-sectoral action plan on prevention and to introduce a monitoring mechanism.

58. The national strategy and the various sectoral programmes cover measures to encourage women to report violence, the prosecution of perpetrators, victim protection, legal remedies and reintegration, and the introduction of capacity-building and awareness-raising programmes for the security forces, lawyers, health and social workers, judicial officials and the general public.

#### **Reply to paragraph 10 of the list of issues**

59. Studies have shown that the prevalence rate of female genital mutilation was 12 per cent in 1996, 6.9 per cent in 1998, 3.9 per cent in 2010 (according to the Fourth Multiple Indicator Cluster Survey) and approximately 2 per cent in 2012. This downward trend is due to the enforcement of a range of legal provisions that give State actors and civil society organizations a weapon with which to combat this practice.

60. As regards the prosecution and conviction of perpetrators, the 2008 study on female genital mutilation shows that cases of female genital mutilation are more prevalent among children in foreign communities living in Togo and in nomadic Peuhl families. In addition, excision has become a cross-border phenomenon, with families leaving Togo to get their daughters, and sometimes their baby daughters, excised in neighbouring countries. Thus, by the time the prosecution gets under way, the families have disappeared without leaving an address and the cases are dropped.

61. Numerous measures have been taken to eliminate female genital mutilation:

- A children's helpline that allows anonymous reporting of child abuse, including female genital mutilation, has been set up
- Interactive sessions have been organized to make the upholders of traditions and customs aware of the consequences of such practices
- National awareness campaigns have been held
- Posters have been produced and distributed
- Training has been provided for stakeholders
- Former practitioners of female genital mutilation have been retrained and funding has been provided for income-generating activities
- Security measures (involving monitoring groups, early warning groups, customs officials and local authorities) have been introduced

#### **Political participation and decision-making**

##### **Reply to paragraph 11 of the list of issues**

62. In addition to the incentives offered in 2007, which are mentioned in the State party's report, the Government has put in place a legal and institutional framework and taken the following action to resolve the problem of discrimination against women:



- In May 2010 it created a ministry specifically concerned with women and gender issues.
  - In January 2011 it adopted a national policy on gender equality and equity and its related action plan. This flagship policy aims to promote, in both the short and the long term, gender equity and equality, the empowerment of women and their effective participation in decision-making at all levels of the development process in Togo.
  - It created a caucus for the participation of women in politics at the level of the National Assembly.
  - It introduced and strengthened gender focal points in all ministerial departments.
  - In 2011 it drafted a preliminary bill on the promotion of gender equality in access to elected office, elective positions, appointments to State bodies and institutions, and the civil service (the “quota law”), which is being considered by the Council of Ministers.
  - In December 2009 it organized a national forum of Togolese women.
  - It took various steps in terms of awareness-raising and capacity-building (raising awareness in political parties about gender equality and the participation of women in decision-making, as well as providing training for potential election candidates in leadership skills and communication techniques).
63. All the above actions were carried out in partnership with civil society organizations.
64. Some progress has therefore been made:
- In 2010, for the first time, a woman represented a political party in the presidential elections
  - Togo increased its number of women in government from four in September 2008 to seven in May 2010
  - Several women occupy senior diplomatic positions: for example, the Togolese ambassadors to the African Union and the United Nations Office at Geneva are women
  - A woman is the second vice-president of the National Assembly
  - Four of the 11 members of the Truth, Justice and Reconciliation Commission appointed on 25 February 2009 are women
  - Women are being recruited into the judiciary and other legal professions
  - Two of the nine members of the Supreme Council of the Judiciary are women
  - Women are involved in the training of judges and judicial officers

## **Nationality**

### **Reply to paragraph 12 of the list of issues**

65. On the right of women to acquire, change, retain or transmit their nationality, the draft revised Personal and Family Code states that: “Divorce has no effect on the rights acquired by the man or woman concerning Togolese nationality. It does not, on its own imply the forfeit of nationality.” A foreign woman who has obtained Togolese nationality through marriage will keep it even in the case of divorce.

66. According to the Togolese Constitution of 14 October 1992, the child of a Togolese mother does not have to meet any particular requirements to obtain Togolese nationality (art. 32, para. 2). Children born of a Togolese mother or father are automatically granted Togolese nationality.

67. A proposal concerning accession to the 1954 Convention relating to the Status of Stateless Persons is being examined by parliament. The bill authorizing accession to the 1961 Convention on the Reduction of Statelessness is awaiting adoption by the Council of Ministers.

## **Education**

### **Reply to paragraph 13 (first and second sentences) of the list of issues**

68. A number of measures are in place to overcome the obstacles to the education of girls and young women, as described below.

### **Shortage and mediocrity of educational facilities (source: Sectoral Plan for Education 2010–2012)**

- Construction of an average of 996 classrooms per year from 2010 to 2020 at the preschool and primary level, 515 at the lower secondary level, and 100 at the upper secondary level. In 2010, 120 classrooms were built at the preschool and primary level, 28 at the lower secondary level and 18 at the upper secondary level. In 2011, the figures were 42, 44 and 30 respectively.
- Improvements to the school environment (water points, separate latrines for boys and girls, sports facilities, etc.).
- Introduction of a school zoning map to better plan the building of new schools closer to pupils.
- State takeover of schools set up as a result of local initiatives.

### **Shortage of qualified professionals**

- Standardization of basic training for preschool and primary schoolteachers.
- Provision of in-service training for teachers.
- Establishment of five new teacher training colleges to bring the number of preschool and primary schoolteachers trained every year to 1,800, with the support of the French Development Agency and the Global Partnership for Education.
- Resumption of basic training for secondary schoolteachers at the teacher training college in Atakpamé.
- Refresher courses for 11,000 teachers in 2010–2011, with the support of the French Development Agency.
- Retraining of 4,994 voluntary teachers in 2011–2012, with the support of the United Nations Children’s Fund (UNICEF).
- Resumption of basic training for managerial staff (inspectors, educational advisers and teacher trainers). The following graduated from the course in 2007–2009:
  - 70 secondary school inspectors
  - 30 preschool and primary school inspectors (including seven for faith schools)

- 62 educational advisers
- 34 teacher trainers

### Sexual harassment and rape in schools

- Combating violence in schools, especially that involving girls, through the adoption in 2007 of the Children's Code, which requires children to be protected from physical, sexual and mental violence, including sexual harassment and rape, in schools and institutions
- Combating early and unwanted pregnancies in school, within the framework of educational projects on population and development and reproductive health, with the support of the United Nations Population Fund (UNFPA)
- Preventing the spread of STIs and HIV/AIDS in school, through the systematic teaching of the methods of prevention, a peer-to-peer approach (creation of anti-AIDS groups) and support for children affected
- Submission of the preliminary bill on the revised Criminal Code, which makes sexual harassment an offence

### Budget increase

69. The implementation of the Sectoral Policy Declaration on Education involved drawing up the Sectoral Plan for Education 2010–2020 and a medium-term expenditure framework for 2010–2012. The Government is committed to increasing the share of the national budget spent on education from 23.5 per cent in 2007 to 26 per cent in 2020, on the basis of an annual GDP growth rate of 4.6 per cent. Some 24 per cent of the State's total domestic budget was allocated to education in 2010, and 21 per cent in 2011.

70. Moreover, in 2010 Togo entered into a partnership with its technical and financial partners to raise more resources and increase the education budget.

### Increasing the number of girls at all levels of education and measures taken to combat the high dropout rate due to pregnancy and early and forced marriages

- Fees for State-run preschools and primary schools were abolished in 2008.
- Interministerial Order No. 123/MENR/MTP of 11 August 1998 instituted a policy of positive discrimination in favour of girls in the payment of school fees: they pay approximately 70 per cent of the amount paid by boys (see table below).

Table

#### School fees (in CFA francs) by cycle and education district in State-run schools

<i>Education district</i>	<i>Lower secondary cycle</i>		<i>Upper secondary cycle</i>	
	<i>Boys</i>	<i>Girls</i>	<i>Boys</i>	<i>Girls</i>
Lomé-Golfe	4 000	3 000	8 000	5 500
Maritime	3 600	2 800	7 000	4 500
Plateaux	3 600	2 800	7 000	4 500
Centrale	3 600	2 500	6 000	4 000
Kara	3 600	2 500	6 000	4 000
Savanes	3 000	2 000	5 000	3 500

- “Camps of excellence” have been run since 2009–2010 for the highest-scoring girls in the national exams for the Certificat d’Etudes du Premier Degré (first certificate), the Brevet d’Etudes du Premier Cycle (certificate of secondary education) and the first and second levels of the baccalaureate (BAC 1 and BAC 2), with State funding and financial assistance from Cheick Modibo Diarra’s Pathfinder Foundation.
- Scholarships have been awarded to the three highest-scoring girls in science subjects at the BAC 2 level since 2000, with the support of Cheick Modibo Diarra’s Pathfinder Foundation.
- Primary school management committees have been set up to reinvigorate the partnership between the teaching staff and the school community. Pupil representatives sit on these committees, where they are able to express the concerns of their fellow pupils and to denounce practices that infringe upon their rights.
- The “Learning without Fear” approach has been promoted in preschools and primary schools.
- Teachers have received training in how to eliminate discrimination against girls in school.
- The capacity of community bodies (parent organizations, village development committees, etc.) to run schools and monitor girls’ education has been reinforced.
- A campaign to change behaviour, aimed at communities, parent associations and other community-level groups, was organized.
- Efforts have been made to rally support for girls’ education from imams and Koranic teachers, traditional and customary chiefs and opinion leaders.
- Care for young children with a view to liberating girls of school age and mothers.
- Efforts to combat violence in school, especially towards girls.
- Clubs have been established for girls and for mothers to promote role models.
- Clubs of excellence have been established and scholarships awarded to the most promising girls, in partnership with the Peace Corps.
- School cafeterias have been introduced to support enrolment and attendance as well as to enhance academic achievement.
- Efforts have been made to combat early and unwanted pregnancies in the school environment, within the framework of the programmes on population development education and reproductive health, with the support of UNFPA.

**Reply to paragraph 13 (third sentence) of the list of issues**

71. Circular 8478/MEN-RS, which forbids pregnant pupils from using school facilities, has fallen into disuse and is no longer applied. In the legal system as it stands, it is not necessary to take any steps to repeal it.

**Reply to paragraph 13 (fourth sentence) of the list of issues**

72. The national literacy policy will be finalized towards the end of 2012.

*Impact of the Sectoral Policy Declaration on Education and the Sectoral Plan for Education on the education of girls*

73. The Sectoral Policy Declaration on Education was adopted in 2009 and the plan derived from it was adopted in 2010. It is too early to measure their impact on the education

of girls. Nevertheless, the plan does set out measures and strategies for girls' education. The measures include:

- Raising awareness among parents and communities of the need to educate their children, especially their girls
- Organizing primary education into sub-levels to reduce the number of pupils repeating a year
- Taking specific measures to improve girls' education, e.g. through social mobilization
- Appointing, in areas that are hostile to girls' education, female teachers who come from these areas
- Allocating 50 per cent of the posts in the national teaching training colleges to female candidates

## **Employment**

### **Reply to paragraph 14 of the list of issues**

74. Domestic legislation contains no discriminatory provisions of any kind in respect of employment or occupation.

75. Discrimination is being tackled in several ways, for example by labour inspectorates, which aim to:

- Monitor the effective implementation of legislation within businesses
- Give advice to workers and employers

76. To this end, the powers of labour inspectorates were reinforced with the training of 60 new inspectors, including 15 women, between 2008 and 2011. Refresher courses are organized periodically to keep inspectors' skills up to date. Furthermore, the Labour Administration, with the support of the International Labour Organization (ILO), regularly organizes training and information workshops on specific themes such as non-discrimination and gender equality.

77. Additionally, Togo has ratified the core ILO conventions, including the ILO Equal Remuneration Convention, 1951 (No. 100), and the ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111).

78. The principles of the Labour Code are therefore based on these conventions.

79. Affirmative action policies are applied in some recruitment situations to narrow the gap between men and women.

80. Certain favourable provisions are generally applied to women during recruitment, through either quotas or affirmative action. For instance, in the case of jobs involving height restrictions, applications are accepted from women who do not meet the height requirement (e.g. the police, the forestry service, the army and other paramilitary forces).

81. Togo has schools and vocational training institutes which are exclusively for girls (National School of Midwifery, trade schools run by religious organizations, etc.), whereas there are no boys-only schools.

82. As for occupational segregation, it should be noted that, today, women hold positions which were previously held exclusively by men. The presence of women in the security forces is one illustration of this.

83. In Togo, employee salaries are fixed irrespective of sex. The various components of remuneration are established in exactly the same manner for both men and women.

84. With regard to sexual harassment, cases are generally reported during workplace inspections, but are often settled amicably. Women and girls prefer discretion in such situations. The law on this subject is not well-known and, moreover, sociological and cultural constraints persist that can be damaging to the image of women, who are too easily taken for loose women. This is one of the reasons for this year's launch of a strategy against discrimination in respect of employment and occupation.

85. Article 148 of the Labour Code contains provisions for maternity leave.

86. The provisions of this article are as follows:

- Any pregnant woman whose condition is confirmed by a doctor may quit her job without prior notice and without having to pay an indemnity for breach of contract.
- Every woman who gives birth has the right to stop working for 14 consecutive weeks, including 6 weeks after childbirth. This break may not be seen as a breach of contract.
- This leave may be extended by three weeks in the case of proven illness that results from pregnancy or childbirth or for reasons concerning the child's health.
- While on maternity leave, every woman has the right to an allowance from the National Social Security Fund equal to half the salary she earned prior to going on leave, the other half being paid by the employer.

87. Article 49 of the Labour Code states that during the 15 months following childbirth, every mother has the right to take feeding breaks. These breaks must not exceed a total of one hour per working day.

88. During this period, a woman may quit her job without notice and without having to pay an indemnity for breach of contract as a result.

89. A national policy concerning the organization of the informal sector is currently being considered for adoption. The laws on social security and mutual health insurance schemes are being publicized.

90. Concerning the protection of girls working as domestic workers, civil society organizations recruit, train and find positions for these girls, and monitor them at work. The girls who go through these channels are better respected and do not suffer as much abuse at the hands of their employers as those who do not.

91. With a view to regulating this sector and putting an end to abuses, a programme is currently being studied by the national employment agency (the State placement programme) that would put in place a structured legal framework for domestic work, respecting the fundamental workers' rights as set out in the Decent Work Country Programme signed by the Government and the International Labour Office in December 2010.

## **Health**

### **Reply to paragraph 15 of the list of issues**

92. Togo has taken or planned a number of measures to improve women's access to health services:

(a) Measures to eliminate the obstacles linked to women's insufficient use of health-care services:

- Setting up mutual health insurance schemes
  - Training community health workers to increase women's awareness of warning signs during pregnancy, childbirth and after childbirth
  - Setting up mothers' groups which raise women's awareness of all health problems
  - Broadcasting of messages on reproductive health (family planning, prenatal and postnatal consultations, HIV/AIDS, etc.) in local languages on local radio stations
  - Organization of radio and television broadcasts
- (b) Measures to improve women's access to adequate health-care services, including prenatal and postnatal care:
- Strengthening the capacities of service providers (comprehensive prenatal care, family planning, urgent obstetric and neonatal care, repairing obstetric fistulas)
  - Organization of advanced mobile strategies (family planning, prenatal care, postnatal consultation, and vaccination)
  - Renovation of outlying care units
  - Subsidies for caesarean sections
  - Campaigns to repair obstetric fistulas
  - Supplying health-care facilities with medical equipment
  - Supplying health-care facilities with reproductive health products and consumables
- (c) Measures to enhance the budget allocated to health:
- Within the framework of the implementation of the national health policy, a national health development plan has been developed (PNDS 2012–2015) as well as a medium-term spending plan (CDMT 2012–2014).
  - The Government of Togo and its technical and financial partners signed a “national compact” in May 2012. The compact aims to promote and increase resources in the health sector and to improve the reliability of these resources.
- (d) Measures to increase the number of trained medical staff:
- Reopening and establishment of schools for health professionals
  - Ongoing recruitment of health professionals (1,127, including 169 administrative staff, in 2008; and 867, including 311 administrative staff, in 2009)
  - Making supplementary health professionals available under Togo's national volunteer programme
- (e) Measures to raise women's and girls' awareness of sexual and reproductive health and legal issues:
- Dissemination of the law on reproductive health at the national, regional and district levels, by means of radio and television broadcasts, talks and discussions.
  - Dissemination of policies, legislation and protocols on reproductive health, family planning and STIs.
  - Production of brochures in local languages and in simple French for newly literate women, girls and adolescents on family planning, HIV, female genital mutilation, low-risk pregnancies and women's rights. These brochures are available from literacy centres and village libraries.

- Implementation of the education, population and development programme on reproductive health by the Ministry of Education.

(f) Measures to increase the availability and use of contraceptives and information on family planning, particularly in rural areas:

- Preparation of a plan to overhaul the family planning system in Togo
- Training health-care providers in clinical family planning
- Monitoring/supervision of trained health-care providers
- Providing family planning materials
- Supplying contraceptive products to health-care facilities
- Organizing radio and television programmes on the advantages of family planning
- Publicizing the law on reproductive health, which authorizes the provision of family planning services in Togo

93. In rural areas, the following initiatives have been taken:

- Community health workers have been trained to promote family planning (provision of injectable contraceptives administered by community health workers).
- Certain contraceptives are distributed at the community level (male and female condoms, the contraceptive pill for women). A pilot programme offers injectable contraceptives administered by community health workers in the Haho health district.
- Removable (implant and intrauterine device) and advanced (injectable or oral) contraceptives are provided in remote areas.

94. Thanks to all these measures, Togo's modern contraceptive prevalence rate has risen from 11.1 per cent (Third Multiple Indicator Cluster Survey, 2006)<sup>1</sup> to 13.1 per cent (Fourth Multiple Indicator Cluster Survey, 2010).

95. The following measures are in place to deal with teenage pregnancies and abortions:

- Health-care facilities that deal mainly with girls and teenagers (under the school health programme)
- A programme aimed at preventing underage and unwanted pregnancies among schoolgirls, within the framework of population, development and reproductive health education projects, supported by UNFPA
- Prevention of STIs/HIV/AIDS among schoolchildren through systematic teaching of preventive methods, peer education methods (establishment of anti-AIDS clubs), and support for children who are affected by these issues

96. In Togo, abortion is only permitted in cases of incest or rape and on strict medical grounds in the case of certain illnesses.

97. More emphasis is placed on the prevention of unwanted pregnancies by raising awareness and promoting the use of contraceptive methods.

98. However, the following measures have been taken to deal with abortions referred to a health-care facility:

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<sup>1</sup> As opposed to the 16.8 per cent mentioned in the combined sixth and seventh periodic reports (para. 281), which concerned all contraceptive methods.



- A total of 96 service providers received training in abortion follow-up care from 2008 to 2010
- The law on reproductive health, which sets out what to do in cases of abortion, was disseminated

99. In 2009 and 2010, there were, respectively, 6,736 and 6,524 cases of abortion in Togo's public health facilities, of which 1,732 and 1,661 were induced. In 2009, 3,619 of the 6,736 cases recorded were in rural areas; in 2010, 3,031 of the 6,524 cases recorded were in rural areas. According to the most recent census (in 2010), 62.3 per cent of the population lives in rural areas and 37.7 per cent in urban areas.

100. The main effect of Act No. 2007-005 of 10 January 2007 on reproductive health has been the prosecution of the perpetrators of, and accomplices and accessories to, the termination or attempted termination of pregnancy, as well as prosecutions for other violations of the Act.

101. In 2010 and 2011, for example, the Lomé prosecution authorities recorded, respectively, three and four reports of terminations of pregnancies, for which the perpetrators are being brought before the courts.

102. There is no legally defined period within which women are allowed to undergo abortions. The law only permits abortions in the exceptional circumstances set out above. The question of the appropriate period of time is entrusted to the judgement of health professionals.

103. The need to conduct abortions in a hospital may prevent certain women who meet the legal criteria from seeking therapeutic abortions for economic and logistical reasons.

104. However, with the implementation of the National Health-Care Development Plan, measures are being taken (expansion of the ambulance fleet, equipment and infrastructure) to progressively improve technical facilities and staff expertise.

105. HIV awareness and prevention for adolescents is dealt with under the HIV prevention programmes for children in school and in non-formal education:

- Separate education programmes on the prevention of HIV, AIDS, and STIs have been introduced in primary and secondary schools by Order No. 107/MEPSA/CAB/SG of 13 August 2009 and in technical colleges by Order No. 2010/METFP/CAB/SG of 10 May 2010

106. The topics of AIDS, sexuality and reproductive health are incorporated in the secondary school curriculum. Technical training programmes take a participatory approach and schools are supplied with information, education and communication (IEC) kits on STIs and HIV/AIDS.

107. The "100% Young" project, which has been under way since 2009, aims to increase young school-goers' awareness through media campaigns, peer education, clubs for girls and educational activities specially developed for this target group:

- In the area of non-formal education, awareness-raising measures are directed at the most vulnerable, such as girl porters, female apprentices and sex workers.
- Elsewhere, youth-friendly health centres in urban areas offer young people and adolescents, girls and boys alike, counselling sessions on AIDS, sexuality and reproductive health.
- In rural and outlying areas, occupational induction centres and rural centres for socio-educational activities have been set up for young people and adolescents.

These centres also offer information and awareness-raising activities concerning STIs, HIV, AIDS, sexuality and reproductive health.

108. The above-mentioned orders instituting HIV education in educational institutions, the improvement of teachers' and young peoples' knowledge and skills, peer education, public awareness campaigns, games, songs and sketches provide a solid foundation for increasing awareness among young girls and adolescents.

## **Rural women**

### **Reply to paragraph 16 of the list of issues**

109. The following steps have been taken to improve rural women's access to drinking water:

- Establishment in 2010 of the Ministry of Water, Sanitation and Village Water Supplies, which is responsible for managing the provision of drinking water and water treatment issues. On behalf of the Government, the ministry has begun to reform the sector by drafting and adopting a national water policy, along with a water code to implement this policy, and national action plans for water management and sanitation.
- Construction of clean water facilities with the aim of bringing water distribution points as close as possible to users. From 2007 to April 2012, 2,504 such facilities were built around the country, raising national coverage from 30 to 47.33 per cent.

110. Work on village water supplies intensified in 2010 and 2011. In 2010, 770 hand-operated pumps were installed, rising to 815 in 2011, as compared to 212 in 2008 and 650 in 2009.

111. In order to reduce the effort expended by women when pumping water, the Ministry of Water encourages the installation of hand-operated pumps in place of foot-operated pumps.

112. Apart from drinking water, every water distributor is equipped with a trough for livestock and a sinkhole to provide water for construction and small-scale market gardening.

113. These provisions reduce the amount of water-carrying women do, giving them time to engage in other socioeconomic activities.

114. Additionally, the committees responsible for the management and maintenance of water distribution points must observe a minimum female membership quota of 50 per cent (national policy for the provision of clean drinking water in rural and semi-urban areas in Togo). The position of treasurer is usually held by a woman due to the diligence women bring to management.

115. The organization of the use and maintenance of water distribution points not only facilitates women's involvement in water distribution management, notably in the areas of payment methods and financial management, but also ensures a drinking water supply that is adapted to the needs of different types of users, primarily women.

116. With regard to rural women's access to health care, see the replies to paragraph 15.

117. Initiatives in the field of rural women's education include:

- Literacy courses for women's groups engaged in agricultural, pastoral and crafts activities.

- The “One literate woman, three educated girls” strategy, which is part of the “Women’s literacy and improved education for girls” project. The strategy is based on the fact that women who are better educated are more likely to send their children to school, and to ensure they stay and succeed in school.
- The production of training manuals for supervisors and literacy teachers on integrating gender into literacy programmes.
- The training of around 150 supervisors and literacy teachers on integrating gender into literacy programmes.
- The production of reading matter for newly literate girls and women.
- Training courses on simplified accounting and the management of income-generating activities for newly literate women who are members of women’s cooperatives.

118. The efforts made by the Government, with the technical and financial support of national, bilateral and multilateral partners, have facilitated the implementation of large-scale projects (up to May 2012), with the result that:

- Over 17,000 centres have been opened
- 35,000 literacy volunteers have been trained
- Some 100 agents have been trained in literacy and post-literacy methods and techniques
- 250 village libraries have been opened, and offer books in the literacy languages and reading clubs

119. It should be noted that there is still much work to be done.

120. There are also, therefore, plans to offer training for trainers in gender and literacy issues, as well as to establish a national forum on literacy and non-formal education. The aim of the forum is to encourage discussion on diversifying educational opportunities for women and girls who are uneducated or excluded from the formal education system.

121. The adoption and implementation of the national literacy policy will help increase the rate of literacy among women and consequently their ability to participate in development.

122. With regard to job opportunities, we would cite:

- The “Girls in Agriculture” tomato processing project in the Savanes region, a work placement project for girls who have dropped out of school, which is supported by the Italian foundation “Fondazione Milano per Expo 2015”. A total of 39 girls from the rural community are taking part in this project. The project contributes financially to a women’s centre for training and innovation in the city of Dapaong and to seven processing units in rural areas.
- The project to support the economic activities of cooperatives, which was implemented in December 2008 with a particular emphasis on low-cost loans to finance women’s income-generating activities.

123. In 2011, this project raised 3,684,184,021 CFA francs and, as at 31 December 2011, had granted loans to 2,562 cooperatives comprising 26,477 individuals, of whom 72 per cent were women in rural areas. The loans were made in partnership with the Federation of Savings and Loan Cooperatives, Women and Associations for Gain both Economic and Social (WAGES), the Banque Populaire pour l’Epargne et le Crédit and the Banque Régionale de Solidarité.

124. With regard to the training component of this project, 490 members of cooperatives, the majority of them rural women, received training in the workings of cooperatives, income-generating activities, participation and leadership, credit management, mobilizing savings, networking among organizations, marketing and drawing up business plans:

- The programme to develop multifunctional platforms, which is carried out by women's groups and which is an improved version of the project to support the economic activities of cooperatives. The programme got under way in April 2009 with the support of UNDP. A study identified 25 villages situated in 12 prefectures for the pilot phase.
- The support programme for community microprojects, which in 2011 saw the completion of 17 infrastructure microprojects, including 6 contracts at the prefectural level and 3 at the cantonal level, as well as 2 warehouses, mostly for the benefit of rural women in areas where multifunctional platforms have been set up.
- The "Root Tuber" project, which was started up in 2009 for women's manioc cooperatives in four pilot prefectures (Zio, Haho, Blitta and Assoli).
- An experimental savings and loans bank for almost 26,000 women is operating in the Kozah prefecture, with the federation of the union of women's groups.
- Publication and dissemination of the job opportunities map for girls and women in the prefectures and sub-prefectures. This is a decision-making tool that promotes self-employment among girls and women in these areas.
- The Joint Millennium Commune Programme, a comprehensive programme to fight poverty and meet the Millennium Development Goals. The programme started in 2008 with a pilot phase covering the communes of Kountoiré and Naki-Est in the Savanes region (considered to be the most disadvantaged communes in Togo). The aim of the programme is to contribute to the fight against poverty and to meet the country's Millennium Development Goal of increasing the income of 25 per cent of poor people by 2012, while taking into account the gender dimension.

125. The draft revised Personal and Family Code, which would amend article 391, is currently being considered by the National Assembly and may be adopted before the end of 2012.

126. Togo does not yet have a national land policy. However, the following measures and initiatives have been taken to improve women's access to land:

- An interministerial committee was set up in September 2010 to work on the revision and updating of various laws that deal with land issues.
- A study on the development of a land code is in the process of being validated.
- Planned agricultural development zones have been set up since 2011 to help producers get started, with priority being given to women (to whom 60 per cent of the zones have been allocated). Between the beginning of 2011 and May 2012, 10 sites were developed.
- Within the framework of the implementation of the national agricultural investment and food security programme, the project for agricultural support in Togo provides equal and fair access for women and men to the means of production.
- Prefects, traditional leaders, religious leaders, landowners and other key players from local communities receive training on gender issues and women's access to land. The aim of the training, which was started in 2011, is to improve the understanding and application of modern legislation designed to benefit communities and, especially, women. This will help to remove sociocultural barriers

by contributing effectively to the elimination of all forms of discrimination against women, notably in their access to land. In 2011, 175 local leaders (35 prefects and 140 traditional leaders) were trained at regional level. It is expected that, in 2012, 1,400 local actors (prefects, traditional leaders, religious leaders, landowners, leaders of grass-roots development committees, groups and associations) in all the country's prefectures will be trained. Between April and May 2012, a total of 480 local actors were trained.

## **Women in detention**

### **Reply to paragraph 17 of the list of issues**

127. As at 30 April 2012, 102 women were detained in the country's prisons; 57 were remand prisoners, 28 had been charged and 17 convicted.

128. They are held in separate wings from men, where there is no overcrowding.

129. Togo does not have special women's prisons. They use the same health service as male prisoners and do not receive gender-specific medical care. However, pregnant detainees may attend prenatal consultations if they are accompanied by guards. It is forbidden for women to give birth in prison. As soon as a female detainee goes into labour, she is immediately taken to a health centre for the delivery.

130. Female detainees are not currently supervised by female guards. However, 476 prison guards, of whom 105 (22.6 per cent) are women, have been recruited and are in training. These women will be posted as guards to female detainees.

## **Marriage and family life**

### **Reply to paragraph 18 of the list of issues**

131. The Government has already adopted the draft revised Personal and Family Code, which is now being considered by the National Assembly and may be adopted before the end of 2012.

132. Harmonization with the Convention on the Elimination of All Forms of Discrimination against Women is not the sole aim of the Government's review of the Personal and Family Code; it is also a question of good governance and the effective administration of justice, which are essential to sustainable development. In fact the Government is putting in place a mechanism to update and standardize domestic legislation.

133. A number of measures have been, or are expected to be, taken to remove certain discriminatory provisions from the Personal and Family Code.

134. The draft revised Personal and Family Code upholds the husband's position as head of the family. However, the wife assumes joint moral and material responsibility for the family together with the husband.

135. Article 104, regarding the choice of residence of the family by the husband in the absence of mutual agreement, has been amended. In the case of disagreement between the spouses, one or the other may take the case before a judge, who will take a decision that is in the best interests of the family.

136. The obstacles faced by widows in administering their children's property remain. Under the preliminary draft of the revised Criminal Code, the penalty for any person found guilty of discrimination against women as defined by the Convention is a prison sentence of 1 to 3 years and a fine of between 500,000 and 5,000,000 CFA francs.

137. While it is true that inheritance legislation is not automatically applied, the draft revised Personal and Family Code amends article 391 and states that where a married couple does not expressly choose between customary law and the code, they are automatically considered to have chosen to apply the provisions of the code.

138. The draft revised Personal and Family Code still recognizes polygamy and monogamy. However, monogamy is the form of marriage under ordinary law.

139. The draft of the revised Criminal Code does not prohibit polygamy but does criminalize bigamy.

140. Early marriage is not an offence under the draft of the revised Criminal Code, but article 273 of the Children's Code punishes parents, legal guardians or the authorities responsible for accepting their consent and registering such marriages with 1 to 3 years' imprisonment and a fine of between 100,000 and 1,000,000 CFA francs.

141. Article 264a of the same code prohibits all forms of slavery or similar practices such as debt bondage, serfdom and forced labour. Under article 414, the penalty imposed on persons found guilty of these practices is 5 to 10 years' imprisonment and a fine of between 5,000,000 and 10,000,000 CFA francs.

142. In addition, the draft of the revised Criminal Code punishes sexual slavery and enslavement as crimes against humanity, with a penalty of 30 years' to life imprisonment depending on the seriousness of the crime and the personal situation of the perpetrator.

143. Levirate and repudiation will not be prohibited by the new Criminal Code. However, the code will punish violence linked to any form of forced marriage.

144. Awareness-raising, information and training initiatives are being carried out to draw attention to the advantages of being married by a civil registrar. Thus, all marriages will progressively be governed by the provisions of the Personal and Family Code.

## **Ratification of the Optional Protocol to the Convention**

### **Reply to paragraph 19 of the list of issues**

145. The procedure for ratifying the Optional Protocol to the Convention has begun. The bill authorizing its ratification was sent to the General Secretariat of the Government on 16 April 2012 for consideration and adoption by the Council of Ministers.

146. Discussions are in progress regarding acceptance of the amendment to article 20, paragraph 1, of the Convention.

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