



## **Togo - Researched and compiled by the Refugee Documentation Centre of Ireland on 25 October 2012**

### **Information on FGM in Togo. Information on whether protection is available for someone fearing FGM? Information on whether FGM is legal in Togo?**

A report by the *United States Department of State* under the heading “Children” states:

“Harmful Traditional Practices: The law prohibits FGM, which was perpetrated on approximately 1 percent of girls, according to UNICEF. It was believed the practice had decreased significantly in urban areas since the 1998 anti-FGM law was passed. The most common form of FGM was excision, which was usually performed on girls a few months after birth. Most of the larger ethnic groups did not practice FGM. Penalties for practitioners of FGM ranged from two months to five years in prison as well as substantial fines. However, the law rarely was applied because most FGM cases occurred in rural areas where awareness of rights was limited. Traditional customs often took precedence over the legal system among certain ethnic groups. The government continued to sponsor educational seminars against FGM. Several NGOs, with international assistance, organized campaigns to educate women of their rights and on how to care for victims of FGM. NGOs also worked to create alternative labor opportunities for former practitioners.” (United States Department of State (24 May 2012) *Country Reports on Human Rights Practices for 2011 Togo*)

A report by the *UN Committee on the Elimination of Discrimination Against Women (CEDAW)* under the heading “Female genital mutilation” states:

“Despite the adoption of Law No. 98-016 of 17 November 1998 prohibiting female sexual mutilation in Togo, the practice persists in places owing to social and cultural attitudes. It is generally more confined to the northern regions, which have the highest rates: Centrale – 55 per cent; Savanes – 32.4 per cent; and Kara – 25.8 per cent.

Through its technical services (in the Ministry for Social Action, Advancement of Women and Protection of Children and the Elderly) the Government conducts unremitting information and awareness campaigns aimed at practitioners of mutilation and at the population at large concerning the damage caused by the practice and the penalties which violators risk (extension work and dissemination of the Law).” (UN Committee on the Elimination of Discrimination Against Women (CEDAW) (14 April 2011) *Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women Combined sixth and seventh periodic reports of States parties Togo* - pg. 30)

This report also notes:

“Togo has accordingly witnessed at the national level a decline in female sexual mutilation from a rate of 12 per cent in 1998 to about 6 per cent in 2007.” (ibid)

A report by the *United Nations Human Rights Council* under the heading "Right to life, liberty and security of the person" states:

"HR Committee and CAT noted with regret that female genital mutilation (FGM) continued to be widely practised.

[...]

CRC recommended that Togo work with traditional and religious leaders to ensure that harmful traditional practices are effectively banned; and raise awareness of the harmful impact of FGM and other harmful traditional practices on the girl child." (United Nations Human Rights Council (25 July 2011) *Compilation prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1 Togo - par. 36*)

Another report by the *United Nations Human Rights Council* under the heading "Women and minors" states:

"Concerning violence against women resulting from entrenched adverse cultural norms, the Special Rapporteur shares the concern of the Committee on the Elimination of Discrimination against Women (CEDAW), in particular when it comes to female genital mutilation (FGM). He was informed about only one sentence, in 1998, under the 1998 Act No. 98-106, in which a woman who had performed FGM and the father of the victim were sentenced to 12 months' imprisonment and a fine. He has also received reports that no data on the scale of the practice have been collected since a 1998 study, which found that in some parts of the country up to 33 per cent of the women might have undergone female genital mutilation." (United Nations Human Rights Council (6 January 2008) *Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak; Addendum; Mission to Togo (10-17 April 2007) -par.54*)

In a section titled "Recommendations" it states:

"The Government should establish effective mechanisms to enforce the prohibition of violence against women, including traditional practices such as female genital mutilation, continue to organize awareness-raising campaigns and conduct a study to assess the prevalence of female genital mutilation in Togo." (ibid) (par. 97)

A response by the *Immigration and Refugee Board of Canada* under the heading "Practices" states:

"According to the World Organization Against Torture (Organisation mondiale contre la torture, OMCT), FGM is especially practised in rural areas where [translation] "the activity is a source of income for practitioners" (18 Apr. 2006, 37). Correspondence from a representative of ALAFIA, a non-governmental organization (NGO) working to protect the health of Togolese women, noted that FGM is common in [translation] "the central and savanna regions, where more than 80 percent of the population is Muslim" (19 June 2006). Freedom House reports that FGM is practised mainly in northern Togo, despite the fact that it is prohibited by law (2005) (see the section "Protection offered and its effectiveness" below). However, correspondence from a representative of the United Nations Children's Fund (UNICEF) stated that [translation] "the Central Region ... accounts for the highest percentage of excised women (33.4 percent), followed by the Savanna Region (23.1 percent), the Kara

Region (14.1 percent), the Plateau Region (10.6 percent) and the Maritime Region (1.4 percent)" (UN 20 June 2006).

The ALAFIA representative indicated that the Togolese ethnic groups most affected by this practice are the Tem, the Cotocoli, the Bassar, the Bem, the Tchamba and the Moba (19 June 2006); however, the UNICEF representative, citing a study on the prevalence and socio-economic factors of excision in Togo published in the magazine *Études togolaises de population* (No.18), noted that FGM is customary among the Cotocoli, the Tchamba, the Fulani, the Mossi and the Yanga, but that it is practised [translation] "to a much lesser extent" by the Moba, the Gourma, the Anafé and the Kabaye (UN 20 June 2006)." (Immigration and Refugee Board of Canada (20 July 2006) *Togo: Female genital mutilation (FGM); practices, beliefs and protection offered* (June 2006)

In a section titled "Attitudes and beliefs" it states:

"The UNICEF representative also stated that, in theory, a couple's will must be respected when both partners agree that the woman does not have to undergo FGM, but again, [translation] "if the community's influence weighs more heavily when making the decision and the married couple does not report the matter to the authorities, the majority will impose its point of view" (ibid.).

Parents who live in urban areas can protect their daughters from excision, but those girls run a high risk of being forced to undergo FGM while visiting relatives in the countryside (IAC 19 June 2006). According to the IAC representative, in certain communities, aunts or grandmothers often send young girls to FGM practitioners or they abduct them and take them to the practitioners without informing the parents (19 June 2006). The UNICEF representative stated that [translation] "in the past, young girls whose parents opposed FGM could be abducted"; however, he added that, according to information from his organization, [translation] "those types of cases no longer exist" (UN 20 June 2006)." (ibid)

It also states under the heading "Protection offered and its effectiveness"

"On 17 November 1998, Togo passed Law No. 98-016, which prohibits all forms of FGM (Togo 17 Nov. 1998). Articles 4, 5 and 6 of the law address the applicable punishments:

[translation]

Article 4: Every person found guilty of intentional violence as defined in Article 3 shall be liable to a term of imprisonment of not less than two months and not more than five years, a fine of not less than 100,000 francs and not more than 1,000,000 francs, or both.

Every person convicted of a second offence shall be liable to twice the term of imprisonment and/or fine that he or she received for the first offence.

Article 5: If a genital mutilation results in the death of a woman, those found guilty shall be liable to a term of imprisonment of not less than five years and not more than ten years.

Article 6: If a person has knowledge of a planned, attempted or completed excision for which it is reasonable to believe that one or more of those guilty, if not exposed,

will continue to practise female genital mutilation, and that person fails to report the case of genital mutilation, he or she shall be liable to a term of imprisonment of not less than one month and not more than one year, or a fine of not less than 20,000 francs and not more than 500,000 francs.

The provisions above shall not apply to the parents, relatives or previous four generations of family members of the perpetrators or accomplices of such incriminating acts. (ibid.)

According to Country Reports 2005, Law No. 98-016 "was rarely applied because most FGM cases occurred in rural areas where neither the victims nor the police understood the law" (8 Mar. 2006, Sec. 5; see also Freedom House 2005). Moreover, the victims are often related to the perpetrators they must denounce; therefore, very few cases are brought before the courts (IAC 19 June 2006; see also OMCT 18 Apr. 2006, 37). The UNICEF representative stated that

[translation]

people are not accustomed to filing complaints, and deep-rooted tradition makes it difficult for victims to report members of their family and community to the authorities. Article 6, paragraph 2 of Law No. 98-016 against FGM in Togo provides impunity for the previous four generations of family members. (United Nations 20 June 2006)" (ibid)

## References:

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This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

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UN Committee on the Elimination of Racial Discrimination (CERD)  
United Nations Human Rights Council  
UNHCR Refworld  
United States Department of State