



Togo: Researched and compiled by the Refugee Documentation Centre of Ireland on 14 December 2009

Information on a) Prevalence of FGM; b) First born females being subjected to FGM and c) Possibility to internally relocate to avoid FGM

Under the heading 'Children' the *US Department of State Country Report on Human Rights Practice* states:

"The law prohibits FGM; however, according to UNICEF, FGM continued to be perpetrated on approximately six percent of girls. Although no statistics were available, the government and NGOs believed the practice had decreased significantly in urban areas since the 1998 anti-FGM law was passed but continued as previously in rural areas. 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 range 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 victims generally were unaware of their rights. Traditional customs often took precedence over the legal system among certain ethnic groups. The government continued to sponsor seminars to educate and campaign against FGM. Several NGOs, with international assistance, organized educational campaigns to inform women of their rights and how to care for victims of FGM and worked to create alternative labor opportunities for former practitioners." (US Department of State (25 February 2009) *Togo: Country Report on Human rights Practices – 2008*)

Section III.C of a United Nations Human Rights Council report from 2008, 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 (06 January 2008) - *Report of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Manfred Nowak : mission to Togo*, p.16-17, para.54)

It also 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, p.25, para.97)

A report from *IRIN* states:

"For years, the Togolese government and its NGO partners have been trying to convince women who perform female genital mutilation/cutting (FGM/C) to trade in their knives for microcredit loans and agricultural equipment.

Despite a 10-year-old law in Togo that criminalises FGM/C some ethnic groups in Togo still report clandestine cuttings." (IRIN (26 December 2008) *BENIN-TOGO: Can microcredit turn FGM/C cutters to new trades?*)

Under the heading Attitude and Beliefs a response from the *Immigration and Refugee Board of Canada* notes:

"The UNICEF representative stated that although, in principle, a mother and father can prevent their minor daughter from undergoing FGM, in practice, [translation] "since the community takes precedence over the individual, it can consider these girls as 'outside the law' and want to ensure that the tradition is maintained" (UN 20 June 2006).

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). No additional information on cases related to the practice of FGM or the abduction of young girls or women could be found among the sources consulted by the Research Directorate." (Immigration and Refugee Board of Canada (20 July 2006) *Togo: Female genital mutilation (FGM); practices, beliefs and protection offered (June 2006)*)

Under the heading 'Protection offered and its effectiveness' the response states:

"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)

Paragraphs 18 and 19 of the *United Nations Committee on the Elimination of Discrimination Against Women* (CEDAW) commentary states:

"The Committee expresses concern about the absence of policies and programmes, including legislation, to address violence against women. The Committee is particularly concerned about occurrences of female genital mutilation, domestic violence, rape, including marital rape, and all forms of sexual abuse of women, and about the persistence of patriarchal attitudes that consider the physical chastisement of family members, including women, acceptable. The Committee further expresses concern about the lack of information and data in the report on the incidence and forms of violence against women.

The Committee urges the State party to accord priority attention to the adoption of comprehensive measures to address violence against women and girls in accordance with its general recommendation 19 on violence against women. The Committee calls on the State party to enact legislation on domestic violence, including marital rape, and on all forms of sexual abuse, including sexual harassment, as soon as possible. Such legislation should ensure that violence against women and girls constitutes a criminal offence, that women and girls who are victims of violence have access to immediate means of redress and protection and that perpetrators are prosecuted and punished. The Committee

recommends the implementation of training for parliamentarians, the judiciary and public officials, particularly law enforcement personnel, and for health-service providers so as to ensure that they are sensitized to all forms of violence against women and can provide adequate support to victims. It also recommends the establishment of counselling services for victims of violence and the implementation of public awareness-raising campaigns on all forms of violence against women. The Committee requests the State party to provide information in its next report on the laws and policies in place to deal with violence against women and on the impact of such measures, as well as data and trends on the prevalence of various forms of such violence.” (United Nations Committee on the Elimination of Discrimination Against Women (CEDAW) (02 February 2006) - *UN Committee on the Elimination of Discrimination against Women: Concluding Comments, Togo*, p.4, para.18 & 19)

References

Immigration and Refugee Board of Canada (20 July 2006) *Togo: Female genital mutilation (FGM); practices, beliefs and protection offered (June 2006)*
<http://www.unhcr.org/refworld/country,,IRBC,,TGO,,45f147aba,0.html>
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IRIN (26 December 2008) *BENIN-TOGO: Can microcredit turn FGM/C cutters to new trades?*
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United Nations Human Rights Council (06 January 2008) - *Report of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Manfred Nowak : mission to Togo*
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United Nations Committee on the Elimination of Discrimination Against Women (CEDAW) (02 February 2006) - *UN Committee on the Elimination of Discrimination against Women: Concluding Comments, Togo*, p.4, para.18 & 19
<http://www.unhcr.org/refworld/pdfid/441183422.pdf>
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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.

Sources Consulted:

Amnesty International
BBC Monitoring
BBC News
Committee to Protect Journalists (CPJ)
Ethnologue
Danish Immigration Services
European Country of Origin Information Network
Google
Human Rights Watch
Immigration and Refugee Board of Canada
IRIN
Lexis Nexis
Refugee Documentation Centre Query Database
Relief Web
Sudan Tribune
UNHCR
UK Home Office
US Department of State