



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

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## Committee on the Elimination of Discrimination against Women

Fifty-third session  
1–19 October 2012

### List of issues and questions with regard to the consideration of periodic reports

#### Togo

The pre-session working group considered the combined sixth and seventh periodic report of Togo (CEDAW/C/TGO/6-7) submitted by the State party.

#### General

1. Please indicate the steps taken to establish regular collection and analysis of data disaggregated by sex pertaining to all areas of the Convention, as recommended by the Committee in its previous concluding observations (CEDAW/C/TGO/CO/5), and indicate how such data is used in policy and programme development.

#### Constitutional, legislative and institutional framework

2. Please indicate whether there is any case where provisions of the Convention have been invoked in domestic courts and, if so, provide detailed information thereon.

3. Please provide information on initiatives carried out by the State party to disseminate the Convention and the previous concluding observations of the Committee, including through translation of these documents into the main languages used in the country. Please also provide information on the steps taken to integrate the meanings and the scope of the provisions enshrined in the Convention in the training curricula of judges, prosecutors and lawyers, the police and other law enforcement officers.

#### Access to justice

4. Please indicate whether the State party is considering drawing up a policy for effective access of women to courts and tribunals, including for cases of gender-based violence and other forms of discrimination against women.

#### Discriminatory laws

5. The State party report refers to the current revision of the Penal Code and the Personal and Family Code. Please indicate whether the law reform will bring all provisions

of the domestic legislation into line with the Convention and what is the time frame for its finalization. Please indicate whether the State party envisages withdrawing discriminatory provisions on taxation and family allowances (CEDAW/C/TGO/6-7, paras. 227 and 228). Please also indicate the efforts undertaken to enhance its law reform through partnership and collaboration with religious and community leaders, lawyers, judges, unions, civil society organizations and women's non-governmental organizations.

### **Stereotypes and harmful practices**

6. Please indicate recent measures taken, including awareness-raising activities, to change social and cultural patterns and eliminate gender-based stereotypes. Please also provide updated information on the measures taken to eliminate negative practices such as "pre-marriage", forced and early marriage, widowhood practices, levirate, *sororate*, bondage, female genital mutilation, denial of inheritance rights to women and stigmatization of women believed to be witches. In this regard, please indicate the steps taken towards the adoption of the draft provisions of the revised penal code prohibiting forced marriage, levirate and female genital mutilations and indicate whether the State party intends to include in the revised penal code prohibition of early marriage, widowhood practices, bondage, denial of inheritance rights to women and violence against women believed to be witches.

### **Trafficking and exploitation of prostitution**

7. Please provide information on the number of women and girls who are victims of trafficking for purposes of sexual and economic exploitation. Please elaborate on the existing criminal legislation on exploitation of women for prostitution (CEDAW/C/TGO/6-7, para. 155) and on the implementation and impact of the 2007 national plan to combat trafficking in persons, in particular women and children (CEDAW/C/TGO/6-7, para. 260).

### **Violence against women**

8. Information before the Committee indicates that the draft revised penal code prohibits female genital mutilation, incest, paedophilia, rape and sexual harassment. Please indicate the time frame for the adoption of the amendments and provide information on the steps taken or planned to integrate domestic violence and marital rape into the draft revised penal code as separate offences and to include adequate sanctions.

9. Please provide information on the steps taken or planned to enact a comprehensive law on violence against women. Please indicate whether the State party intends to develop a comprehensive strategy to combat all forms of violence against women; encourage women to report acts of violence; ensure prosecution of perpetrators; provide victims with protection, remedies and rehabilitation; and carry out capacity-building and awareness-raising programmes for the police, lawyers, health and social workers, the judiciary and the public at large.

10. Paragraph 164 of the State party report indicates that the practice of female genital mutilation still persists in certain regions. Please provide information on the enforcement of Act No 98-106 of 1998 prohibiting female genital mutilation (CEDAW/C/TGO/6-7, para. 164) and on investigation, prosecution and conviction of perpetrators of this practice. Please also provide updated detailed information on additional efforts taken to ensure the elimination of this practice.

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

11. Please provide information on concrete measures planned to increase women's full and equal participation and representation at all levels of government, the Parliament and

the judiciary, as well as information on the draft law setting a minimum quota for women in decision-making bodies (CEDAW/C/TGO/6-7, paragraph 177). Please also provide information on measures taken to improve access of women to employment and decision-making positions in the public sector and institutions and the private sector.

### **Nationality**

12. Please provide information on the efforts planned to withdraw discriminatory provisions of the 1978 Law on Togolese Nationality related to women's right to acquire, change, retain or transmit their nationality. Please also provide information on the steps taken towards the accession to the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness.

### **Education**

13. Please provide information on the measures taken to overcome the obstacles for the education of girls and young women, such as the poor educational infrastructure, the insufficient number of schools and qualified teachers, and the prevalence of sexual harassment (see CRC/C/TGO/CO/3-4) and rape in school. Please also provide information on the measures taken or planned to increase the budget allocated to education, the number of female students at all levels of education, in particular in rural areas, and to address the high dropout rate of girls owing to pregnancy and early and forced marriage. In this regard, please indicate whether the State party intends abrogating Circular 8478/MEN-RS that prohibits access to school facilities by pregnant pupils. Please also indicate the time frame for the finalization of the national literacy policy and indicate the impact of the Sectoral Policy, the Declaration on Education (DPSE 2009) and the Sectoral Plan for Education (PSE 2010) on girls' education.

### **Employment**

14. Paragraph 97 of the State party report indicates that the new Labour Code includes a definition of discrimination in the workplace and provides for equality in recruitment and protection against sexual harassment. Please provide information on the enforcement of these provisions and on additional measures taken to ensure substantive equality for women in employment and to eliminate occupational segregation and wage gaps. Please indicate whether the Labour Code provides for maternity leave and whether measures have been taken to protect maternity. Provide information on the protection and the types of legal, social or other services available to or envisaged for women in the informal sector and on the actions taken or envisaged to protect young girls domestic workers who work very long hours, have no rest days, receive no or very little remuneration and are regularly subjected to verbal, physical and sexual violence (see CRC/C/TGO/CO/3-4).

### **Health**

15. The report indicates in paragraph 270 that women make insufficient use of health-care services owing to cultural, social and economic factors such as poverty, illiteracy and lack of information and decision-making power on their health-care situation. Please indicate the measures envisaged to: (a) eliminate these obstacles; (b) improve women's access to adequate health-care services, including prenatal and post-natal care; (c) enhance the budget allocated to health; (d) increase the number of trained health-care personnel (see CEDAW/C/TGO/6-7, paragraph 277); (e) raise women and girls' awareness of sexual and reproductive health and rights issues; and (f) enhance the use and availability of contraceptives (see *ibid.*, para. 281) and family planning information, particularly in rural areas. Please also indicate the measures taken to address the alarming rate of teenage pregnancy, the high number of deaths resulting from induced abortions and the lack of

obstetric services. Please indicate the number of abortions performed per year in rural and urban areas and provide information on the implementation of Law No. 2007-005 of 2007. Please indicate the period within which women are allowed to undergo abortion and whether the obligation to perform abortions in hospitals prevents women who fulfil the other criteria for abortion to practice a therapeutic abortion. Please also provide information on the initiatives undertaken to raise awareness of and prevent HIV/AIDS infection among teenage girls.

#### **Rural women**

16. Paragraph 345 of the State party report refers to the lack of access of rural women to drinking water, health, education and employment opportunities. Please provide information on specific efforts aimed at improving the situation of rural women in this regard. Please also indicate the time frame for the adoption of the amendment to article 391 of the Personal and Family Code, which enables women to inherit land on the basis of equality with men (CEDAW/C/TGO/6-7, paragraph 351). Please also give details on the content of the draft land policy with regard to women's access to land.

#### **Women in detention**

17. Please provide information on the situation of women in detention and indicate whether female detainees are held separately from men detainees, whether their gender-specific medical needs are met, and whether female guards are in charge of their supervision.

#### **Marriage and family life**

18. Please indicate the time frame for the adoption of the revised personal and family code and whether the reform is bringing all the provisions of the Personal and Family Code into line with the Convention. Please indicate the actions taken or planned to withdraw the following discriminatory provisions from the Personal and Family Code: the husband head of the family (art. 101), the choice of the residence of the family by the husband in absence of mutual agreement (art. 104), obstacles faced by widows to administrate children's property (art. 242) and the lack of automatic implementation of the inheritance legislation (art. 391). Please indicate the efforts undertaken to adopt the draft amendment to the Personal and Family Code according to which only monogamous marriage is recognized by the law (CEDAW/C/TGO/6-7, para. 132). Please also indicate whether the revised penal code will prohibit polygamy, early marriage, bonding, levirate and repudiation and what sanctions will be included therein. Please also indicate the measures planned to make all marriages subject to the Family Code.

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

19. Please provide information on progress made with respect to ratification of or accession to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, and on progress made towards acceptance of the amendment to article 20, paragraph 1, of the Convention.

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