
**Committee on the Elimination of
Discrimination against Women
Thirty-fourth session**

16 January – 3 February 2006

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**Concluding comments of the Committee on the Elimination of
Discrimination against Women: Togo**

Combined initial, second, third, fourth and fifth periodic report

140. The Committee considered Togo's combined initial, second, third, fourth and fifth periodic report (CEDAW/C/TGO/1-5) at its 703rd and 704th meetings, on 18 January 2006 (see CEDAW/C/SR.703 and 704). The Committee's list of issues and questions is contained in CEDAW/C/TGO/Q/1-5, and Togo's responses are contained in CEDAW/C/TGO/Q/1-5/Add.1.

Introduction

141. The Committee commends the State party for ratifying the Convention on the Elimination of All Forms of Discrimination against Women without reservations and expresses its appreciation to the State party for its combined initial, second, third, fourth and fifth periodic report, which followed the Committee's guidelines, while regretting that it was long overdue. The Committee notes the quality of the report, which gives a clear overview of the situation of women and the obstacles towards equality between men and women. The Committee expresses its appreciation to the State party for the written replies to the list of issues and questions raised by its pre-session working group and for the introductory statement and further clarifications provided in response to the questions posed orally by the Committee.

142. The Committee commends the State party for its high-level delegation headed by the Minister for Population, Social Affairs and the Promotion of Women. It expresses its appreciation for the frank and constructive dialogue that took place between the members of the Committee and the delegation, which updated developments in the State party since the submission of its report in 2004, and which further clarified the present status of implementation of the Convention.

Positive aspects

143. The Committee commends the Government for its expressed commitment and political will to eliminate discrimination against women and to adopt measures to ensure the implementation of the Convention. The Committee welcomes the Government's efforts to review its legislation, amend it and draft new legislation to comply with its obligations under the Convention.

144. The Committee notes with appreciation the adoption, in the fields of education and employment, of some temporary special measures in accordance with article 4, paragraph 1, of the Convention and with its general recommendation 25 on temporary special measures, such as the lowering of school fees for girls and the establishment of entry quotas for women in sectors traditionally reserved for men, such as the police, the water and forestry service, and the army.

145. The Committee notes with satisfaction the Government's intention to reform the justice system so as to provide victims of discrimination with more effective redress.

146. The Committee welcomes the State party's stated intention to ratify, as soon as possible, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

Principal areas of concern and recommendations

147. While noting that, following ratification, international treaties prevail over national laws, the Committee is concerned that the Convention is not self-executing and that it has not yet been incorporated as part of the law of Togo. The Committee notes that the status of the Convention is not the same as that of other human rights treaties, such as the Convention on the Rights of the Child.

148. The Committee recommends that the State party take immediate measures to ensure that the Convention becomes fully applicable in the domestic legal system through its full incorporation into the national legal system.

149. The Committee notes with concern that, though translated into two national languages, the provisions and the obligations of the Convention have not yet been widely disseminated nor are they widely known by judges, lawyers and prosecutors. The Committee is further concerned about the lack of proper understanding of and respect for women's human rights. It is concerned that women themselves are not aware of their rights and thus lack the capacity to claim them.

150. The Committee calls on the State party to ensure that the meaning of equality and non-discrimination under the Convention and related domestic legislation be made an integral part of legal education along with the training of judicial officers, including judges, lawyers and prosecutors, so as to establish firmly in the country a legal culture supportive of women's equality and non-discrimination. It also calls on the State party to disseminate the Convention widely to the general public so as to create awareness of women's human rights. It invites the State party to take measures to enhance women's awareness of their rights through legal literacy so that they can claim all their rights.

151. While welcoming the current process to review and amend the Personal and Family Code as well as the Penal Code, the Committee is concerned that some of the proposed amendments are discriminatory, such as the legality of polygamy in the Personal and Family Code. The Committee is also concerned that legislative gaps remain in certain areas, such as violence against women.

152. The Committee urges the State party to accelerate and expand its law review process and to complete a comprehensive law reform that eliminates all discriminatory legislation and closes legislative gaps in the area of equality between women and men. It urges the State party to set up a clear time frame for completion of such a law reform process. The Committee encourages the State party to develop and implement comprehensive educational measures and awareness-raising campaigns on the revised Personal and Family Code and on other laws designed to eliminate discrimination against women so as to achieve full compliance with their provisions.

153. The Committee is concerned about the persistence of entrenched adverse cultural norms, customs and traditions, including forced and early marriage, the practice of female genital mutilation, ritual bondage, levirate and repudiation, as well as the prevalence of stereotypes concerning women's tasks and roles that discriminate against women and constitute serious obstacles to women's enjoyment of their human rights. The Committee is concerned about the State party's limited efforts to directly address such discriminatory cultural practices and stereotypes and its position that women themselves are primarily responsible for changing their position of disadvantage.

154. The Committee urges the introduction without delay of measures to modify or eliminate customs and cultural and traditional practices that discriminate against women so as to promote women's full enjoyment of their human rights, in conformity with articles 2 (f), 5 (a), and articles 11, 12 and 16 of the Convention. In particular, the Committee urges the State party to address practices such as forced and early marriages, discriminatory widowhood practices, levirate, bondage and female genital mutilation, which constitute violations of the Convention. It invites the State party to increase its efforts to design and implement comprehensive education and awareness-raising programmes targeting women and men at all levels of society, including tribal chiefs, with a view to changing discriminatory social and cultural patterns of conduct and to creating an enabling and supportive environment for women to exercise their human rights. The Committee encourages the State party to implement the necessary efforts in collaboration with civil society organizations, women's non-governmental organizations and community leaders. It further calls upon the State party to review periodically the measures taken to assess the impact of those efforts and take appropriate remedial measures, and to report thereon to the Committee in its next report.

155. The Committee regrets that the report did not provide sufficient and recent statistical data and information on the situation of women in all areas covered by the Convention. The Committee is also concerned about the lack of information on the impact of measures taken and results achieved in various areas of the Convention.

156. The Committee calls upon the State party to put in place a comprehensive system of data collection and assessment of trends on the situation of women. It encourages the State party to monitor, through measurable indicators, the impact of measures taken and progress achieved towards realization of women's de facto equality. It invites the State party to seek international assistance, if necessary, for the development of such data collection and analysis efforts, including access to innovative concepts with respect to the data relevant for women's lives. The Committee also requests the State party to include in its next report statistical data and analysis on the situation of women, disaggregated by sex and by rural and urban areas, indicating the impact of measures and the results achieved in the practical realization of the principle of equality of women and men.

157. 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.

158. 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.

159. While welcoming some recent progress, the Committee expresses concern that the number of women in decision-making positions in political and public life remains low, including in the Parliament, the civil service and the judiciary. It is also concerned at the low representation of women in decision-making positions in the Foreign Service.

160. The Committee encourages the State party to implement measures to increase the number of women in decision-making positions, in particular at the local level, in Parliament, in political parties, the judiciary and the civil service, including the Foreign Service. It recommends that the State party establish concrete goals and timetables to accelerate women's equal participation in public and political life at all levels. The State party should introduce temporary special measures, in accordance with article 4, paragraph 1, of the Convention and with the Committee's general recommendation 25 on temporary special measures, and take into account the Committee's general recommendation 23 on women in political and public life. The Committee urges the State party to implement awareness-raising programmes, including with traditional chiefs, to encourage women to participate in public life. It calls on the State party to highlight the importance to society as a whole of women's full and equal participation in leadership positions at all levels of decision-making for the development of the country.

161. While regretting that the Nationality Code of 1978 has not been brought into line with article 32 of the Constitution of the Fourth Republic granting citizenship of Togo to any child born of a Togolese father or mother, the Committee takes note that this discrimination has been remedied through the draft children's code. The Committee remains concerned that the law relating to nationality precludes a foreign woman spouse from retaining Togolese nationality upon divorce.

162. The Committee urges the State party to remove all discriminatory laws relating to nationality, in accordance with article 9 of the Convention, and to enact the draft children's code.

163. The Committee is concerned at the poor educational infrastructure and the insufficient number of schools and qualified teachers, which constitute particular obstacles for the education of girls and young women. The Committee is especially concerned about the extremely high rate of illiteracy among women, which in 1998 stood at 60.5 per cent in rural areas and 27.6 per cent in urban areas. It is very concerned at the high dropout rate of girls owing to pregnancy and early and forced marriage and their low enrolment rates in higher education.

164. The Committee urges the State party to enhance its compliance with article 10 of the Convention and raise awareness of the importance of education as a human right and basis for the empowerment of women. It encourages the State party to take steps to overcome traditional attitudes that constitute obstacles to girls' and women's education. It recommends that the State party implement measures to ensure equal access of girls and women to all levels of education, retain girls in school and strengthen the implementation of re-entry policies so that girls return to school after pregnancy. It also recommends that the State party design and implement literacy programmes for women in rural areas. In that regard, the Committee urges the State party to abolish circular No. 8478/MEN-RS which prohibits pregnant schoolgirls or students from attending school. The Committee calls on the State party to make every effort to improve the literacy level of girls and women through the adoption of comprehensive programmes, in collaboration with civil society and the support of international organizations, at the formal and non-formal levels and through adult education and training.

165. The Committee expresses concern at the discrimination faced by women in the field of work, as reflected in hiring processes, salary inequality and occupational segregation. The Committee is concerned that insufficient information was provided about women's de facto situation in the formal and informal labour markets. In particular, the Committee lacks a clear picture with regard to women's participation in the labour force in urban and rural areas, their unemployment rates, vertical and horizontal labour force segregation and their ability to benefit from new economic opportunities. In addition, it is not clear whether existing labour legislation is effectively applied in the private sector.

166. The Committee urges the State party to ensure equal opportunities for, and equal treatment of, women and men in the labour market in accordance with article 11 of the Convention, and the full implementation of the Labour Code of 8 May 1974 by the public and private sectors, including with regard to maternity protection as provided in article 4, paragraph 2 of the Convention. The Committee urges the State party to intensify its efforts to ensure that all employment-generation programmes are gender sensitive and that women can fully benefit from these programmes. It calls on the State party to provide in its next report detailed information about the situation of women in the fields of employment and work, in both the formal and informal sectors, about measures taken and their impact on realizing equal opportunities for women.

167. The Committee expresses concern about the lack of access by women and girls to adequate health-care services, including prenatal and post-natal care and family planning information, particularly in rural areas. The Committee is also concerned about the alarming rate of teenage pregnancy and multiple pregnancies, which presents a significant obstacle to girls' educational opportunities and economic empowerment. The Committee is especially concerned at the high maternal mortality rates, particularly the number of deaths resulting from induced

abortions, early pregnancies, high fertility rates and inadequate family planning services, the low rates of contraceptive use and the lack of sex education, especially in rural areas. The immediate causes of maternal death — haemorrhaging, eclampsia and septicaemia — indicate a lack of access to obstetric services. The Committee is also concerned about trends in HIV/AIDS infection rates of women.

168. The Committee urges the State party to continue its efforts to improve the country's health infrastructure. It calls on the State party to integrate a gender perspective in all health sector reforms, while also ensuring that women's sexual and reproductive health needs are adequately addressed. In particular, the Committee recommends that the State party undertake appropriate measures to improve women's access to health care and health-related services and information, including access for women who live in rural areas. It calls on the State party to improve the availability of sexual and reproductive health services, including family planning information, to reduce maternal mortality. It also recommends that programmes and policies be adopted to increase knowledge of and access to affordable contraceptive methods, so that women and men can make informed choices about the number and spacing of children. The Committee also recommends the implementation of a comprehensive time-bound maternal and infant mortality reduction programme which would also include measures to increase access to obstetric services. It further recommends that sex education be widely promoted and targeted at girls and boys, with special attention to the prevention of early pregnancies and the control of sexually transmitted diseases and HIV/AIDS. It also calls on the State party to ensure the effective implementation of its HIV/AIDS law and policies.

169. The Committee is concerned that widespread poverty among women and poor socio-economic conditions are among the causes of the violation of women's human rights and discrimination against women. The Committee is especially concerned about the situation of rural women, particularly in view of their precarious living conditions and lack of access to justice, health care, education, credit facilities and community services.

170. The Committee urges the State party to make the promotion of gender equality an explicit component of its national development plans and policies, and in particular those aimed at poverty alleviation and sustainable development. It urges the State party to pay special attention to the needs of rural women, ensuring that they participate in decision-making processes and have full access to justice, education, health services and credit facilities. The Committee also urges the State party to take appropriate measures to eliminate all forms of discrimination against women with respect to the ownership and inheritance of land. The Committee invites the State party to place emphasis on women's human rights in all development cooperation programmes with international organizations and bilateral donors so as to address the socio-economic causes of discrimination against women, including those impacting women in rural areas, through all available sources of support.

171. The Committee encourages the State party to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention, concerning the meeting of the Committee.

172. The Committee urges the State party to utilize fully, in its implementation of its obligations under the Convention, the Beijing Declaration and Platform

for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.

173. The Committee also emphasizes that a full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals and requests the State party to include information thereon in its next periodic report.

174. The Committee notes that States' adherence to the seven major international human rights instruments¹ enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the Government of Togo to consider ratifying the treaty to which it is not yet a party, that is, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

175. The Committee requests the wide dissemination in Togo of the present concluding comments in order to make the people, including government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women, as well as the further steps that are required in that regard. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".

176. The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next report under article 18 of the Convention. The Committee invites the State party to submit its sixth period report, which was due in October 2004, and its seventh period report, which is due in October 2008, in a combined report in 2008.