



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

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## Committee on the Elimination of Discrimination against Women

### Concluding observations on the sixth and seventh periodic reports of Togo, adopted by the Committee at its fifty-third session (1–19 October 2012)

1. The Committee considered the combined sixth and seventh periodic report of Togo (CEDAW/C/TGO/6-7) at its 1075th and 1076th meetings on 4 October 2012 (CEDAW/C/SR.1075 and 1076). The Committee's lists of issues and questions are contained in CEDAW/C/TGO/Q/6-7, and the responses of the Government of Togo are contained in CEDAW/C/TGO/Q/6-7/Add.1.

#### A. Introduction

2. The Committee appreciates that the State party submitted its combined sixth and seventh periodic reports, which were well structured and, in general, followed the Committee's guidelines for the preparation of reports, although they lacked references to the Committee's general recommendations and to some specific data disaggregated by sex. The Committee expresses its appreciation to the State party for its oral presentation, the written replies to the list of issues and questions raised by the pre-session working group, and the further clarifications to the questions posed orally by the Committee.

3. The Committee commends the State party for its high-level delegation, which was headed by Ayawavi Djigbodi Dagban Zonvide, Minister for the Promotion of Women, and included the Minister of Work, Employment and Social Security, as well as representatives from the Ministry for the Promotion of Women, the Ministry of Social Action and National Solidarity, the Ministry of Health, the Ministry of Agriculture, Cattle-breeding and Fishing, the Ministry of Communication, the training centre for professionals of the judiciary, the General Secretariat of the Government and the Permanent Mission to the United Nations in Geneva. The Committee appreciates the constructive dialogue that took place between the delegation and the members of the Committee.

#### B. Positive aspects

4. The Committee appreciates the efforts made by the State party for the empowerment of women and the fight against sex-based discrimination.

5. The Committee welcomes the adoption of:

- (a) Law No. 2007-017 of 6 July 2007 constituting the Children's Code;

- (b) Law No. 2006-010 of 13 December 2006 constituting the Labour Code; and
  - (c) Law No. 2007-005 of 10 January 2007 on reproductive health.
6. The Committee notes with appreciation the establishment of the Ministry for the Promotion of Women in May 2010 and the adoption of the National Policy on Gender Equality and Equity in January 2011.
7. The Committee also notes with satisfaction that the State party ratified:
- (a) The Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in 2010;
  - (b) The Convention on the Rights of Persons with Disabilities and its Optional Protocol, in 2011;
  - (c) The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol), in 2009; and
  - (d) The Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, in 2010.

### **C. Principal areas of concern and recommendations**

8. **The Committee recalls the obligation of the State party to systematically and continuously implement, without delay, all the provisions of the Convention and views the concerns and recommendations identified in the present concluding observations as requiring the priority attention of the State party. Consequently, the Committee urges the State party to focus on those areas in its implementation activities and to report on actions taken and results achieved in its next periodic report. The Committee calls on the State party to submit the present concluding observations to all relevant ministries, the Parliament and the judiciary, so as to ensure their full implementation, and recommends that the State party disseminate the Convention, in particular among civil society.**

#### **Parliament**

9. **While reaffirming that the Government has the primary responsibility and is particularly accountable for the full implementation of the obligations of the State party under the Convention, the Committee stresses that the Convention is binding on all branches of the State apparatus and invites the State party to encourage the Parliament, in line with its procedures and where appropriate, to take the necessary steps with regard to the implementation of the present concluding observations between now and the State party's next reporting process under the Convention.**

#### **Visibility of the Convention**

10. While recalling that the Convention forms an integral part of the domestic law of the State party and is at the same level as other international conventions, the Committee is concerned that, in legal practice, the application of the Convention has been limited and the Convention has not been given sufficient visibility as the legal basis for measures, including legislation and policy measures, for the elimination of all forms of discrimination against women and the promotion of gender equality in the State party.

11. **The Committee recommends that the State party take all appropriate measures to ensure that the Convention and the Committee's general recommendations are considered an integral part of domestic law and are sufficiently known and applied by**

**all branches of Government, the Parliament and the judiciary as a framework for all laws, court decisions and policies on gender equality and the advancement of women.**

#### **Access to justice**

12. The Committee is concerned about the lack of effective access to justice for women and about the multiple factors that prevent them from effectively accessing justice, such as poverty, the lack of legal literacy, the insufficient number of courts and tribunals, the limited training of judges, lawyers and prosecutors on discrimination against women, and the stigmatization of women who bring their cases to courts.

13. **The Committee recommends that the State party:**

(a) **Enhance women's awareness of their rights and the means to enforce them, ensure that information on the Convention is provided to all women and men and strengthen cooperation with civil society in this regard;**

(b) **Strengthen the judicial system to ensure that women have effective access to justice and facilitate their access to justice by, for example, providing free legal aid to women without sufficient means and raising awareness of women and men in order to eliminate the stigmatization faced by women who claim their rights; and**

(c) **Take all appropriate measures to ensure that the Convention and the Committee's general recommendations are made an integral part of the training for judges, lawyers, prosecutors, police and other law enforcement officers.**

#### **Legislative framework**

14. While welcoming the establishment of the National Commission on Modernization of Legislation in 2008, the Committee is deeply concerned about the long delay in finalizing the law reform that started in 2005. The Committee is particularly concerned by the delay in finalizing the revised Penal Code and the adoption of discriminatory provisions in the recently adopted Code of Persons and Family.

15. **The Committee reiterates its previous recommendation that the State party:**

(a) **Accelerate the finalization and adoption, within a clear and precise time frame and without delay, of the law reform to bring domestic provisions into line with the Convention; and**

(b) **Ensure that all discriminatory provisions are reviewed and repealed, including those in the Penal Code, the Code of Persons and Family, the Nationality Code and the Code of Criminal Procedure, in order to achieve de jure equality and enable de facto equality for women in compliance with the State party's obligations under the Convention.**

#### **National machinery for the advancement of women**

16. While welcoming the establishment of the Ministry for the Promotion of Women in May 2010, the adoption of the National Policy on Gender Equality and Equity in January 2011 and the establishment of gender focal points in some ministries, the Committee remains concerned about the very limited percentage of the national budget allocated to the Ministry for the Promotion of Women, the limited impact of the National Policy on Gender Equality and Equity, the lack of data disaggregated by sex necessary to assess the impact and effectiveness of policies and the limited number of programmes aimed at mainstreaming gender equality and enhancing women's enjoyment of their human rights.

17. **In accordance with its general recommendation No. 6 (1988) on effective national machinery and publicity and the guidance provided in the Beijing Platform**

for Action on the necessary conditions for the effective functioning of national mechanisms, the Committee recommends that the State party:

(a) Raise awareness of decision makers on the empowerment of women as a mean to advance democracy, combat poverty and implement sustainable development;

(b) Significantly increase the financial resources of the national machinery for the empowerment of women at national and local levels and allocate a higher percentage of the national budget and the international funding to gender equality issues;

(c) Provide the national machinery for the advancement of women with the necessary human and technical resources for its effective functioning in all areas of women's empowerment; this should, in particular, include technical capacity-building activities and capacity for enhanced cooperation with civil society;

(d) Incorporate a results-oriented approach, including specific indicators and targets, into the National Policy on Gender Equality and Equity and develop a strategy to involve women in development with a results-oriented approach; and

(e) Develop a comprehensive gender-indicator system to improve the collection of data disaggregated by sex necessary to assess the impact and effectiveness of policies and programmes aimed at mainstreaming gender equality and enhancing women's enjoyment of their human rights. In this regard, the Committee draws the State party's attention to the Committee's general recommendation No. 9 (1989) on statistical data concerning the situation of women and encourages the State party to seek technical assistance from relevant United Nations agencies and enhance its collaboration with women's associations on the ground that could assist in securing the collection of accurate data.

#### **Temporary special measures**

18. While welcoming the reduction of scholarship fees for girls in secondary education and the draft law establishing a 30-per-cent quota for the number of women in the National Assembly and within the public administration, the Committee is concerned that no other temporary special measures have been or are planned to be applied as a necessary strategy to accelerate the achievement of substantive equality between women and men in areas where women are underrepresented or disadvantaged.

19. The Committee encourages the State party to use temporary special measures, in accordance with article 4, paragraph 1, of the Convention, as interpreted in the Committee's general recommendation No. 25 (2004) on temporary special measures, in all areas covered by the Convention, where women are underrepresented or disadvantaged. To that end, it recommends that the State party:

(a) Set time-bound targets and allocate sufficient resources for the implementation of temporary special measures in various forms, such as outreach and support programmes, quotas and other proactive and results-oriented measures aimed at achieving substantive equality of women and men in all areas, and encourage their use both in public and private sectors; and

(b) Raise awareness among members of Parliament, Government officials, employers and the general public about the necessity of temporary special measures and provide comprehensive information on the use of such measures and their impact in its next periodic report.

### **Stereotypes and harmful practices**

20. The Committee welcomes the organization by the State party of awareness-raising campaigns on the role and place of women in the family and society and the delegation's statement that the new Code of Persons and Family prohibits the practices of levirate, sororate and widowhood practices. However, the Committee expresses its deep concern at the persistence of adverse cultural norms, practices and traditions, as well as patriarchal attitudes and deep-rooted stereotypes regarding the roles and responsibilities of women and men in the family and society. It notes that stereotypes contribute to the persistence of violence against women and harmful practices, including polygamy, pre-marriage, forced and early marriage, widowhood practices, levirate, sororate, bondage, female genital mutilation and denial of inheritance rights to women. The Committee is further concerned about the harmful, albeit significantly decreasing, practice of young girls enslaved in voodoo convents and about cases of violence against children and old women believed to be witches. The Committee expresses its deep concern that the State party has not taken sufficient sustained and systematic action to modify or eliminate stereotypes and negative cultural values and harmful practices.

**21. Recalling that combating negative gender stereotypes is one of the most important factors of social advancement, the Committee reiterates its recommendation that the State party:**

**(a) Put in place, without delay, a comprehensive strategy with a results-oriented approach, in conformity with articles 2 (f) and 5 (a) of the Convention, to eliminate stereotypes and harmful practices that discriminate against women, such as polygamy, pre-marriage, forced and early marriage, widowhood practices, levirate, sororate, female genital mutilation, denial of inheritance rights to women, bondage of young girls in voodoo convents and violence against children or old women believed to be witches. Such measures should include concerted efforts, within a clear time frame and with civil society, the school system, the media and traditional leaders, to educate and raise awareness about this subject, targeting women and men at all levels of society;**

**(b) Include in the revised Penal Code provisions prohibiting polygamy, pre-marriage, forced and early-marriage, widowhood practices, levirate, sororate, bondage, female genital mutilation and denial of inheritance rights to women, and provide adequate sanctions; and**

**(c) Undertake an assessment of the impact of those measures in order to identify shortcomings and improve them accordingly within a clear time frame.**

### **Violence against women**

22. While welcoming the validation in 2008 of the national strategy to fight against all forms of violence against women, the decrease in the practice of female genital mutilation, the prohibition of sexual harassment and female genital mutilation by the 2007 Child Code, and the conduct of a study on gender-based violence by the Ministry for Promotion of Women in 2010, the Committee remains concerned about:

(a) The persistence of violence against women, including rape, sexual harassment at school, in the workplace and the public sphere, early and forced marriages, domestic violence, marital rape and female genital mutilation, especially in some communities;

(b) The delay in adopting the draft law on violence against women and the draft revised Penal Code and the lack of criminalization by the current Penal Code of female genital mutilation, sexual harassment, incest, domestic violence and marital rape;

(c) The lack of information on the impact of the national strategy to fight all forms of violence against women and the lack of sufficient awareness-raising campaigns undertaken in this regard;

(d) The absence of data on cases of gender-based violence reported, prosecution and conviction rates in relation to violence against women and the number, capacity and resources of shelters, counselling and rehabilitation services;

(e) The obstacles faced by women in bringing cases of gender-based violence to courts owing to cultural taboos;

(f) The delay in implementing the recommendations of the report of the Truth, Justice and Reconciliation Commission regarding the political violence that occurred from 1958 to 2005; and

(g) The alleged cases of rape and sexual abuses perpetrated by the police on female opposition activists during the current pre-election period.

23. **The Committee urges the State party to:**

**(a) Adopt without delay a comprehensive law addressing all forms of violence against women and the revised draft Penal Code, and ensure that they criminalize marital rape, incest and female genital mutilation and that they prohibit and introduce adequate sanctions for domestic violence and sexual harassment in school, the workplace and the public sphere;**

**(b) Incorporate a results-oriented approach, including specific indicators and targets, in the national strategy to fight all forms of violence against women and strengthen its implementation;**

**(c) Significantly increase its awareness-raising and education efforts, targeted at both men and women, with the support of civil society organizations, in order to combat violence against women;**

**(d) Collect data on cases of gender-based violence, including the number of complaints, prosecutions and convictions, the sentences imposed on perpetrators of sexual and gender-based violence, and the number, capacity and resources of shelters, counselling and rehabilitation services;**

**(e) Encourage women and girls victims of violence to report cases to the police, sensitize them about the criminal nature of such acts and ensure the de-stigmatization of victims; ensure effective access of women to courts and tribunals and prosecute all acts of violence against women upon complaint by the victim or ex officio, and adequately punish perpetrators;**

**(f) Strengthen victim assistance and rehabilitation through the setting up of a comprehensive care system for victims of gender-based violence, including measures to provide them with free legal aid, medical and psychological support, and shelters, counselling and rehabilitation services;**

**(g) Implement without delay the recommendations of the report of the Truth, Justice and Reconciliation Commission regarding the political violence, including violence against women, that occurred from 1958 to 2005; and**

**(h) Ensure that those responsible for violations of the human rights of women during the current pre-electoral period are brought to justice and that all acts of sexual violence are punished.**

**Trafficking and exploitation of prostitution**

24. While welcoming the existence of programmes to prevent human trafficking and ensure reintegration of victims, the preparation of a draft law on human trafficking and a

draft decree on the establishment of a national commission to fight trafficking, the Committee is concerned about reports that Togo remains a State of origin, transit and destination for trafficking. The Committee is also concerned by the absence of a strategy aimed at combating human trafficking. Further, it is concerned about the preparation of a draft law that increases the scope of incrimination and sanctions for sex workers in cases of soliciting.

25. **The Committee recommends that the State party:**

(a) **Carry out a study to investigate the scope, extent and causes of human trafficking and forced prostitution, particularly of women and girls, including through the collection and analysis of data on trafficking and exploitation of women in prostitution, and provide information on the results of the study, along with data disaggregated by sex, in its next periodic report;**

(b) **Finalize and adopt the law on human trafficking and ensure that it fully complies with article 6 of the Convention so as to strengthen mechanisms for the investigation, prosecution and punishment of trafficking offenders; adopt the draft decree on the establishment of a national commission to fight trafficking and ensure that it has a wide mandate and sufficient resources;**

(c) **Increase international, regional and bilateral cooperation with countries of origin, transit and destination to prevent trafficking through information exchange and to harmonize legal procedures aimed at the prosecution and punishment of traffickers; and**

(d) **Address the root causes of prostitution of women and girls, including poverty, in order to eliminate the vulnerability of women and girls to sexual exploitation and trafficking; undertake efforts for the rehabilitation and social reintegration of victims and withdraw the draft legal provisions incriminating and sanctioning sex workers in cases of soliciting.**

#### **Participation in political and public life**

26. While welcoming the existence of a draft law establishing a quota for women at elected and administrative positions, and some progress achieved in the participation of women in some sectors of the civil service, the Committee is concerned about the persisting low participation of women in all areas of the political and public life, including at high levels of decision-making (11.1 per cent of women in Parliament, 22.5 per cent in the Government, and 21.4 per cent in the civil service).

27. **The Committee recommends that the State party:**

(a) **Adopt without delay the draft law establishing quotas for women at elected and administrative positions and ensure access of women to all areas of political and public life, including at high levels of decision-making;**

(b) **Implement awareness-raising activities for the society as a whole about the importance of women's participation in decision-making and develop targeted training and mentoring programmes on leadership and negotiation skills for present and potential women candidates and women holding public office; and**

(c) **Carefully monitor the effectiveness of measures taken and results achieved to ensure women's greater participation in political and public life.**

#### **Nationality**

28. While welcoming that the new Code of Persons and Family grants women equal rights with men to retain the Togolese nationality in case of divorce (art. 149), the Committee remains concerned about the delay in withdrawing from the 1978 Code of Nationality the discriminatory provisions preventing women from retaining Togolese

nationality in case of divorce (art. 23.3) and Togolese women from passing their nationality to their child (art. 3) or to their foreign husband (art. 5).

29. **The Committee recommends that the State party:**

(a) **Amend its Code of Nationality to grant women equal rights with men regarding the retention of the Togolese nationality in case of divorce (art. 23.3) and the transmission of the Togolese nationality to their children (art. 1) or to their spouses of foreign nationality (art. 5); and**

(b) **Consider acceding to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.**

#### **Education**

30. While welcoming the abolition of fees for State-run preschools and primary schools in 2008, the allocation of more than 20 per cent of the national budget to education, the plan to adopt a national literacy policy by the end of 2012 and the setting up of a new university, the Committee remains concerned at the persistence of structural and other barriers to quality education, which constitute particular obstacles to the education of girls and young women. Such barriers include, but are not limited to, the prevalence of poverty and the persistence of sexual abuse and harassment of girls in schools and the negative impact of harmful practices, such as early and forced marriage, on girls' education. The Committee is also concerned about the high dropout rate of girls, the shortage of education facilities and of qualified professionals, the existence of stereotypes in school textbooks and the high illiteracy rate among women. The Committee is further concerned that the State party failed to abrogate circular 8478/MEN-RS, which forbids pregnant pupils from using school facilities, while noting the delegation's statement that this circular is not applied.

31. **The Committee invites the State party to:**

(a) **Raise awareness among communities, families, students, teachers and officials, especially men, about the importance of women's and girls' education;**

(b) **Ensure de facto equal access of girls and young women to all levels of education and retain girls in schools, including by eliminating the indirect cost of schooling, providing incentives for parents to send their daughters to school and enabling young women to stay in school during pregnancy and return to school after giving birth;**

(c) **Enforce a zero tolerance policy with respect to sexual abuse and harassment in schools and ensure that perpetrators are punished appropriately;**

(d) **Allocate adequate resources to education and ensure that they improve the number of teachers and the quality of teacher training and of school facilities;**

(e) **Undertake a revision of educational textbooks to eliminate gender stereotypes;**

(f) **Adopt and implement without delay the National Literacy Policy and ensure that it includes a gender perspective and that it contains a result-oriented approach, including specific indicators and targets; and**

(g) **Abrogate circular 8478/MEN-RS, which forbids pregnant pupils from using school facilities.**

#### **Employment**

32. While welcoming the adoption of the 2006 Labour Code, the Committee is deeply concerned about the exploitation of a large number of children, especially girls, in domestic work. The Committee is also concerned about the concentration of women in the informal economy with no social security or other benefits and the difficulties faced by women in



accessing credit for starting small-scale businesses. The Committee is further concerned about the prevalence of discrimination against women in the labour market, in particular with regard to the wage gap.

33. **The Committee recommends that the State party:**

(a) **Protect girls and boys from exploitative child labour, in particular in domestic service, through increased inspections and fines for employers, in accordance with the International Labour Organization (ILO) Convention No. 182 (1999) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, regulate and monitor the working conditions of domestic workers, in particular girls, and consider ratifying ILO Convention No. 189 (2011) concerning decent work for domestic workers;**

(b) **Provide a regulatory framework for the informal sector, with a view to providing women in this sector with access to social security and other benefits;**

(c) **Expand access by women to microfinance and microcredit at low interest rates so as to enable them to engage in income-generating activities and to start their own businesses; and**

(d) **Narrow and close the wage gap between women and men.**

#### **Health**

34. While welcoming the adoption of the 2007 law on reproductive health and the 2009 Code of Public Health, the establishment of the National Commission for the Health of Women and Children, the launching of the campaign to reduce maternal mortality in Africa, and the pilot programmes to provide subsidies for the carrying out of caesarean and surgery on vesicovaginal fistulas, the Committee is concerned about the high levels of maternal mortality rates; the lack of access to basic health-care service, in particular for rural women, and the existence of sociocultural factors that prevent women from accessing these services; the shortage of health infrastructure and the insufficient human and financial resources provided to health; the persistence of cases of vesicovaginal fistula; the high rate of teenage pregnancy; the lack of sufficient information provided to women on sexual and reproductive health and rights and family planning; and the disproportionately high number of women infected with HIV/AIDS.

35. **In line with its general recommendation No. 24 (1999) on women and health, the Committee calls on the State party to:**

(a) **Develop and implement a comprehensive maternal and infant mortality reduction programme, with time-bound targets, including measures to increase access to obstetric services;**

(b) **Increase access by women and girls, in particular rural women, to basic health-care services and address the obstacles to women's access to health care, including sociocultural norms, that constitute a risk to women;**

(c) **Ensure, with the support of the relevant United Nations agencies, that adequate funding is provided to health-care services and that the number of health-care facilities and trained health-care providers and personnel is increased;**

(d) **Prevent the incidence of vesicovaginal fistula through nutritional programmes and adequate obstetric services to pregnant women and provide medical support to women affected by it;**

(e) **Address teenage pregnancies and widely promote education on sexual and reproductive health and rights, in particular by undertaking large-scale awareness-raising campaigns for the population in general and by integrating**

effective and age-appropriate education on sexual and reproductive health and rights at all school levels, and incorporate it into the school curricula; and

**(f) Strengthen the provision of free anti-retroviral treatment to all men and women living with HIV/AIDS, including pregnant women so as to prevent mother-to-child transmission; and sensitize mothers and fathers living with HIV/AIDS on the importance of preventing mother-to-child transmission.**

#### **Rural women**

36. While welcoming the sensitization activities undertaken with regard to access to land for women, the current development of a land policy and a land code, and the measures taken to increase access to water, education, employment opportunities and credit facilities for rural women, as well as to vaccination and prenatal health care, the Committee remains deeply concerned about the widespread poverty and illiteracy among rural women, their lack of participation in decision-making processes and the remaining lack of access to health care, social security services, education, justice, clean water, electricity, land, employment and credit facilities. The Committee is further concerned about the negative impact on rural women of their eviction from land due to mining activities.

37. **The Committee urges the State party to:**

**(a) Elaborate poverty reduction strategies integrating a gender perspective and taking account of the specific needs of rural women;**

**(b) Strengthen the measures taken to provide access to health care for rural women and ensure that they have access to social security services, education, justice, clean water, electricity, employment, credit facilities and security;**

**(c) Ensure rural women's access to land and to agricultural development programmes;**

**(d) Adopt without delay the draft land policy and the land code and ensure that a gender perspective is integrated into them; and**

**(e) Ensure that land lease contracts with foreign companies do not result in forced eviction and internal displacement or the increased food insecurity and poverty of local populations, including women and girls, and that the company concerned and/or the State party provide the affected communities with adequate compensation and alternative land.**

#### **Disadvantaged groups of women**

38. The Committee is concerned about the situation of women who face multiple forms of discrimination. The Committee is particularly concerned about the situation of older women; women with disabilities, including the limited access of girls with disabilities to education; and women in detention, including the deplorable health conditions in detention facilities.

39. **The Committee recommends that the State party:**

**(a) Adopt measures, including temporary special measures within the meaning of article 4, paragraph 1, of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures, to ensure equal rights and opportunities for women who face multiple forms of discrimination, including older women, women with disabilities and women in detention; implement these measures, as applicable, in political, public, social and economic life and in the areas of education, employment and health, and protect these women from violence, abuse and exploitation; in particular, ensure adequate educational opportunities for girls and boys with disabilities, including by integrating them into**

mainstream education; and ensure the provision of adequate health facilities and services for women in detention, in particular for pregnant women; and

(b) Adopt targeted policies to protect and integrate those women into society.

#### **Marriage and family relations**

40. While noting the efforts undertaken by the State party to eliminate the practices of pre-marriage and forced and early marriages, the Committee is deeply concerned about the persistence in the State party of the practice of polygamy, pre-marriage, forced and early marriages and denial of inheritance rights to women. It is deeply concerned that the Code on Persons and Family adopted in July 2012 contains discriminatory provisions that: (a) recognize polygamy (art. 42); (b) allow the application of custom in cases of inheritance when the spouses explicitly choose this option (art. 404); (c) place the responsibilities of the household mainly on the husband, which makes him de facto the head of the family (art. 100); and (d) establish the separate property regime as the default legal regime (art. 348), all of which often lead to discrimination against women. The Committee is further concerned about the absence of legal provisions governing de facto unions notwithstanding their prevalence, which may deny women protection and redress in case of separation.

41. **The Committee recommends that the State party:**

(a) **Withdraw the discriminatory provisions of the 2012 Code of Persons and Family that recognize polygamy (art. 42), allow the application of custom in cases of inheritance when the spouses explicitly choose this option (art. 404) and place the responsibilities of the households mainly on the husband (art. 100);**

(b) **Withdraw the discriminatory provision of the 2012 Code of Persons and Family according to which the separate property regime is the default legal regime (art. 348) and establish a form of community of property as the default legal regime to ensure that, upon dissolution of marriage, women have equal rights to property acquired during marriage, in line with article 16, paragraph 1 (h), of the Convention and the Committee's general recommendation No. 21 (1994) on equality in marriage and family relations;**

(c) **Review the 2012 Code of Persons and Family with a view to extending existing legal provisions to couples living in de facto unions;**

(d) **Sensitize traditional leaders on the importance of the review of discriminatory provisions and practices related to marriage and family relations and ensure their participation in it; and**

(e) **Significantly increase its awareness-raising and education efforts, targeted at both men and women, with the support of civil society organizations, on the elimination of discrimination against women in marriage and family relations.**

#### **Optional Protocol and amendment to article 20, paragraph 1, of the Convention**

42. The Committee notes that the draft law authorizing the ratification of the Optional Protocol to the Convention was submitted to the Council of Ministers on 16 April 2012 for consideration and adoption and that Togo is considering accepting the amendment to article 20, paragraph 1, of the Convention. The Committee encourages the State party to ratify the Optional Protocol to the Convention and to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention concerning the meeting time of the Committee.

### **Beijing Declaration and Platform for Action**

43. The Committee urges the State party, in the implementation of its obligations under the Convention, to fully utilize 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.

### **Millennium Development Goals**

44. The Committee emphasizes that 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.

### **Dissemination**

45. The Committee requests the wide dissemination in Togo of the present concluding observations 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 and the further steps that are required in that regard. The Committee recommends that the dissemination extend to the local community level. The State party is encouraged to organize a series of meetings to discuss the progress achieved in the implementation of the present observations. The Committee requests the State party to disseminate widely, in particular to women's and human rights organizations, 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 on the theme "Women 2000: gender equality, development and peace for the twenty-first century".

### **Ratification of other treaties**

46. The Committee notes that the adherence of Togo to the nine major international human rights instruments<sup>1</sup> would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages Togo to consider ratifying the treaties to which it is not yet a party, i.e., the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the International Convention for the Protection of All Persons from Enforced Disappearance.

### **Follow-up to concluding observations**

47. The Committee requests the State party to provide, within two years, written information on the steps undertaken to implement the recommendations contained in paragraphs 15 and 21 above.

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<sup>1</sup> The International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; and the Convention on the Rights of Persons with Disabilities.

**Technical assistance**

48. The Committee recommends that the State party ensure that the cooperation and technical assistance received further focus on gender issues. Such technical assistance may include the assistance of technical adviser and the holding of workshops on the drafting of legislation in full compliance with the Convention. The Committee also calls on the State party to strengthen further its cooperation with specialized agencies and programmes of the United Nations system, including the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), the Statistics Division, the United Nations Development Programme, the United Nations Children's Fund, the United Nations Population Fund, the World Health Organization, and the Office of the United Nations High Commissioner for Human Rights and all other entities. The Committee further recommends that the State party seek more coherence in the work of these agencies.

**Preparation of the next report**

49. The Committee requests the State party to ensure the participation of all ministries and public bodies in the preparation of its next periodic report and, at the same time, to consult a variety of women's and human rights organizations.

50. The Committee requests the State party to respond to the concerns expressed in the present concluding observations in its next periodic report under article 18 of the Convention and invites the State party to submit its next periodic report in October 2016.

51. The Committee invites the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including the guidelines on a common core document and treaty-specific documents, approved at the fifth Inter-Committee Meeting of the human rights treaty bodies, in June 2006 (HRI/GEN/2/Rev.6, chap. I). The treaty-specific reporting guidelines adopted by the Committee at its fortieth session in January 2008 (A/63/38, part one, annex I) must be applied in conjunction with the harmonized reporting guidelines on a common core document. Together, they constitute the harmonized guidelines on reporting under the Convention on the Elimination of All Forms of Discrimination against Women. The treaty-specific document should be limited to 40 pages, while the common core document should not exceed 80 pages.

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