



Convention on the Rights of Persons with Disabilities

Distr.: General
11 April 2023

Original: English

Committee on the Rights of Persons with Disabilities

Concluding observations on the initial report of Togo**

I. Introduction

1. The Committee considered the initial report of Togo¹ at its 639th and 640th meetings,² held on 17 March 2023. It adopted the present concluding observations at its 648th meeting, held on 24 March 2023.
2. The Committee welcomes the initial report of Togo, which was prepared in accordance with the Committee's reporting guidelines, and thanks the State party for its written replies³ to the list of issues prepared by the Committee.⁴
3. The Committee appreciates the constructive dialogue held with the State party's high-level delegation.

II. Positive aspects

4. The Committee welcomes the legislative, administrative and policy measures taken to promote the rights of persons with disabilities, taken by the State party to implement the Convention since its ratification in 2011, in particular the following:
 - (a) Act No. 2021-008 establishing rules for the organization, development and promotion of physical activities and sport, taking into account the concerns of persons with disabilities;
 - (b) Act No. 2013-010 on legal aid, which provides for legal aid to vulnerable groups, including persons with disabilities;
 - (c) National Strategy for Disaster Risk Reduction 2013–2017;
 - (d) National Development Plan 2018–2022, which includes provisions to strengthen inclusion mechanisms;
 - (e) Circular No. 165/2021/MEPSTA on access to classrooms for learners with reduced mobility;
 - (f) Decree No. 168/2014/MS/CAB/SG, defining the standards that take into account the protection of persons with disabilities through the construction of infrastructure equipped with ramps and/or lifts, where necessary.

* Reissued for technical reasons on 20 April 2023.

** Adopted by the Committee at its twenty-eighth session (6–24 March 2023).

¹ [CRPD/C/TGO/1](#).

² [CRPD/C/SR.639](#) and [CRPD/C/SR.640](#).

³ [CRPD/C/TGO/RQ/1](#).

⁴ [CRPD/C/TGO/Q/1](#).



III. Principal areas of concern and recommendations

A. General principles and obligations (arts. 1–4)

5. The Committee notes with concern:

(a) The narrow concept of disability used in the State party, particularly article 1 of Act No. 2004-005, which is based on the medical approach to disability;

(b) The delay in the proposed review of Act No. 2004-005 on the social protection of persons with disabilities;

(c) The absence of a comprehensive and long-term action plan for the implementation of the Convention;

(d) The lack of awareness of the rights of persons with disabilities among policymakers, government officials, legal and other professionals, including judges, teachers, medical, health and other professionals working with persons with disabilities.

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

(a) **Adopt measures to amend and/or repeal legislation that includes derogatory terminology and concepts about persons with disabilities and recognize the evolving concept of disability as arising from the interaction between persons with impairments and barriers to the full participation of persons with disabilities in society;**

(b) **Complete, as a matter of priority and within a specific time frame, the process to review Act No. 2004-005 on the social protection of persons with disabilities and bring it into line with the provisions of the Convention and the human rights-based approach to disability;**

(c) **Adopt a comprehensive and long-term disability national action plan for implementing the rights of persons with disabilities in the Convention across all government sectors and levels in order to address attitudinal and environmental barriers that hinder the participation of persons with disabilities in society;**

(d) **Provide awareness raising and capacity-building on the human rights model of disability for government officials at all levels, legal professionals, judges and prosecutors and professionals working with persons with disabilities and involve organizations of persons with disabilities in the design and implementation of training modules for public officials.**

7. The Committee is concerned about the lack of participation of persons with disabilities through their representative organizations, including diverse organizations of persons with disabilities, in the design and implementation of disability-related laws, policies and programmes.

8. **The Committee recalls its general comment No. 7 (2018) on the participation of persons with disabilities, including children with disabilities, through their representative organizations, in the implementation and monitoring of the Convention and recommends that the State party strengthen and implement mechanisms for the effective involvement of persons with disabilities, through their representative organizations, in public decision-making processes and ensure that meaningful consultations are held with the diverse groups of organizations of persons with disabilities, including organizations of women and children with disabilities.**

B. Specific rights (arts. 5–30)

Equality and non-discrimination (art. 5)

9. The Committee observes with concern the absence of an anti-discrimination framework that prohibits discrimination based on disability, including direct and indirect discrimination, the denial of reasonable accommodation, harassment and vilification and multiple and intersectional discrimination against persons with disabilities.

10. The Committee, recalling its general comment No. 6 (2018) on equality and non-discrimination and targets 10.2 and 10.3 of the Sustainable Development Goals, recommends that the State party:

(a) Incorporate the definition of reasonable accommodation into domestic legislation and apply it in accordance with article 2 of the Convention and, in particular, ensure that it explicitly recognizes that the denial of reasonable accommodation constitutes discrimination on the basis of disability and that effective investigations of reports of such discrimination are carried out;

(b) Review and amend the existing anti-discrimination legislation to recognize multiple and intersectional forms of discrimination on the grounds of disability and its intersection with other grounds, such as age, sex, race, ethnicity, gender identity or any other status and adopt strategies to eliminate multiple and intersecting forms of discrimination;

(c) Strengthen its efforts to raise awareness of non-discrimination among legal professionals, in particular members of the judiciary, and among persons with disabilities themselves, *inter alia*, through training programmes on the concept of reasonable accommodation;

(d) Adopt measures to provide persons with disabilities subjected to discrimination with redress, compensation and rehabilitation and ensure that perpetrators are sanctioned.

Women with disabilities (art. 6)

11. The Committee notes with concern:

(a) The lack of inclusion of a disability perspective in gender-related legislation and policies, such as the national policy on equity and gender equality, the strategy against violence and the Individuals and Family Code, as well as the lack of a disability perspective in gender-related legislation and policies, which leads to further marginalization and exclusion of women and girls with disabilities in public and political life, decision-making, employment, education, vocational training and health care, including sexual and reproductive health;

(b) That the national legislative framework does not explicitly address intersectional discrimination against women and girls with disabilities;

(c) The lack of empowerment programmes for women with disabilities in employment, in public and political life, in decision-making and in the judiciary.

12. The Committee, recalling its general comment No. 3 (2016) on women and girls with disabilities and Sustainable Development Goal 5, recommends that the State party:

(a) Mainstream the rights of women and girls with disabilities into all gender legislation and a gender perspective into disability policies and programmes, in particular the 2011 National Gender Equity and Equality Policy and the National Strategy 2018–2028, while ensuring consultation with and the effective participation of women and girls with disabilities in the design and implementation of gender- and disability-related policies and programmes;

(b) Recognize multiple and intersectional forms of discrimination against women and girls with disabilities in its legislation and adopt specific legislation and strategies that reflect a gender perspective and intersectionality;

(c) Conduct a study on the situation of women and girls with disabilities in the State party, with the aim of identifying the specific situation and needs of women with disabilities in order to develop and adopt strategies, policies and programmes, especially in the fields of education, employment, health and social protection, that promote their autonomy and full participation in society and adopt measures aimed at achieving the empowerment and full inclusion of women and girls with disabilities in all spheres of life, as well as their involvement in all public decision-making processes;

(d) **Develop and implement awareness-raising campaigns and educational programmes throughout society, including at the family level, with regard to women with disabilities in a manner that promotes respect for their rights and dignity, combats stereotypes, prejudices and harmful practices and promotes awareness of their capacities and contributions.**

Children with disabilities (art. 7)

13. The Committee is deeply concerned about the stigma, discrimination and inhumane treatment children with disabilities continue to face, including their abandonment and isolation by their families owing to the prejudices they face and the negative stereotypes about them, particularly in rural areas. It is also concerned that children with disabilities are not represented in the National Council on Children and are not systematically involved in decisions that affect their lives, particularly in rural areas.

14. **With reference to the joint statement of the Committee on the Rights of the Child and the Committee on the Rights of Persons with Disabilities on the rights of children with disabilities (2022), the Committee recommends that the State party:**

(a) **Take measures to prevent discrimination and stigmatization of children with disabilities and develop awareness raising projects and programmes for children with disabilities in all areas of life;**

(b) **Ensure that children with disabilities are represented on the National Council on Children;**

(c) **Establish a mechanism that respects the evolving capacity of children with disabilities to ensure that they can form their views and express them freely in all matters affecting them and that those views are given due weight in accordance with the children's age and maturity;**

(d) **Implement a policy on the inclusion of children with disabilities in all areas of life, including family life and community life, by developing community-based inclusive strategies and programmes for children with disabilities at both the national and local levels.**

Awareness-raising (art. 8)

15. The Committee is concerned about the persistence of discriminatory attitudes, negative stereotypes, prejudices towards persons with disabilities, including persons with albinism, persons with intellectual and/or psychosocial disabilities and women and children with disabilities, as well as about the lack of awareness raising campaigns about the dignity, capabilities and rights of persons with disabilities in society and in the media and the absence of a long-term strategy for raising awareness about the rights of persons with disabilities with the effective participation of persons with disabilities.

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

(a) **Adopt a national strategy, in close consultation and with the active involvement of organizations of persons with disabilities, to raise awareness of and combat prejudices against persons with disabilities and monitor its impact;**

(b) **Introduce regular training and awareness raising modules about the rights of persons with disabilities for students at all levels of education, policymakers, members of the judiciary, law enforcement officials, representatives of the media, politicians, educators, professionals working with and for persons with disabilities and the general public, in all accessible formats and with the active involvement of persons with disabilities and their representative organizations, in order to foster respect for the dignity, abilities and contributions of all persons with disabilities.**

Accessibility (art. 9)

17. The Committee notes with concern:

(a) That persons with disabilities face barriers in gaining access to the physical environment, transportation, information and communications, including information and communications technology, and other facilities and services open or provided to the public, in particular in rural areas;

(b) The lack of measures taken to implement the relevant national legislation on accessibility standards;

(c) The ineffectiveness of policies regarding accessibility in public administration, the lack of sufficient budgetary allocations and the lack of mandatory accessibility criteria in public procurement at all levels.

18. With reference to its general comment No. 2 (2014) on accessibility and to Sustainable Development Goal 9 and targets 11.2 and 11.7, the Committee recommends that the State party, in close consultation with and the active involvement of persons with disabilities and their representative organizations:

(a) **Adopt and implement an action plan and strategy to identify existing barriers to accessibility in the private and public sectors and provide the human, technical and financial resources necessary to remove those barriers to ensure the accessibility of, inter alia, buildings, transportation, information and communication, including information and communications technologies, and other facilities and services open or provided to the public, in both urban and rural areas;**

(b) **Implement the existing national legislation on accessibility, in particular Interministerial Order No. 1728/MUHCV/MSPC/MATDCL on accessibility standards for buildings for persons with reduced mobility;**

(c) **Take the necessary legislative and policy measures in the public and private sectors, such as the development of public procurement criteria, to implement the full range of accessibility obligations under the Convention, including regarding information and communications technologies and systems, and ensure effective sanctions measures for non-compliance.**

Right to life (art. 10)

19. The Committee is deeply concerned that persons with disabilities are subjected to inhumane treatment and harmful practices, in particular children, and are likely to be killed or abandoned by their parents. It is also concerned about reports of the abduction and murder of persons with albinism.

20. The Committee, recalling its jurisprudence,⁵ recommends that the State party take appropriate legal and policy measures to safeguard and protect persons with disabilities, especially children and persons with albinism, from abandonment, murder and abduction and to ensure that all perpetrators are brought to justice.

Situations of risk and humanitarian emergencies (art. 11)

21. The Committee is concerned about the lack of protocols for the evacuation of persons with disabilities in situations of risk, humanitarian emergencies and natural disasters and about barriers to guaranteeing them reasonable accommodation and accessibility to information, evacuation centres, emergency relief assistance, early warning systems and community needs assessments.

22. The Committee recommends that the State party, in close consultation with and the active involvement of persons with disabilities and their representative organizations, including those of women and girls, develop protocols for evacuation in situations of risk, humanitarian emergencies and natural disasters, providing clarity on

⁵ See Committee on the Rights of Persons with Disabilities, *X. v. the United Republic of Tanzania*, Communication No. 22/2014 of 5 October 2017 (CRPD/C/18/D/22/2014); *Y. v. the United Republic of Tanzania*, Communication No. 23/2014 of 30 October 2018 (CRPD/C/20/D/23/2014); and *Z. v. the United Republic of Tanzania*, Communication No. 24/2014 of 15 October 2019 (CRPD/C/22/D/24/2014).

the specific requirements of persons with disabilities and ensure that information, in accessible formats, evacuation centres, emergency relief assistance, early warning systems, community needs assessments and assistive devices are made available to persons with disabilities in urban and rural areas and that reasonable accommodation is considered in all situations.

23. The Committee is concerned that persons with disabilities have been disproportionately affected by the coronavirus disease (COVID-19) pandemic, in particular those who are still in institutions, and about the barriers faced by persons with disabilities in gaining access to emergency information and devices. It is also concerned about the lack of the effective inclusion of persons with disabilities through their representative organizations in the implementation of NOVSSI universal solidarity income programme to alleviate the impact of the COVID-19 pandemic on vulnerable groups.

24. The Committee recommends that the State party, guided by the guidance and policy brief on a disability-inclusive response to the COVID-19 pandemic prepared by the Office of the United Nations High Commissioner for Human Rights:

(a) **Mainstream disability in its COVID-19 response and recovery plans, including in respect of ensuring equal access to vaccines and other economic and social programmes to tackle the negative impact of the pandemic;**

(b) **Adopt measures to deinstitutionalize persons with disabilities in times of emergency and to provide them with appropriate support to live in the community;**

(c) **Involve persons with disabilities and their representative organizations at all stages in the development and implementation of COVID-19 response and recovery plans;**

(d) **Ensure that in situations of risk and humanitarian emergencies, all persons with disabilities are able to receive the necessary information, in accessible formats and on appropriate devices, and are fully included in emergency measures, such as rescue operations, evacuation or emergency services.**

Equal recognition before the law (art. 12)

25. The Committee notes with concern:

(a) That article 6 of Act No. 2004-005 deprives persons with disabilities, particularly persons with intellectual and/or psychosocial disabilities, of their legal capacity and places them under guardianship;

(b) The absence of supported decision-making mechanisms for persons with disabilities to exercise their legal capacity on an equal basis with others.

26. The Committee recommends that, in line with its general comment No. 1 (2014) on equal recognition before the law, the State party:

(a) **Repeal article 6 of Act No. 2004-005 and review national legislation to guarantee the right of all persons with disabilities, particularly persons with intellectual and/or psychosocial disabilities, to equal recognition before the law and replace substitute decision-making systems, including guardianship, with supported decision-making systems that ensure the provision of individualized support and respect the autonomy, will and preferences of persons with disabilities;**

(b) **Develop awareness raising campaigns and capacity-building programmes, in consultation with and the active involvement of organizations of persons with disabilities, for all stakeholders, including the families of persons with disabilities, community members, public officials, representatives of the media, the judiciary and members of Parliament on recognition of the legal capacity of persons with disabilities and of supported decision-making;**

(c) **Ensure the effective, independent participation of persons with disabilities through their representative organizations in the reform process and in the training of relevant personnel on the recognition of the legal capacity of persons with disabilities and on the mechanisms of supported decision-making;**

(d) **Organize and fund the development of information about what supported decision making is, in accessible formats such as Braille, sign language and Easy Read, and distribute that information to persons with disabilities and their families.**

Access to justice (art. 13)

27. The Committee notes with concern:

(a) The lack of measures taken to implement Act No. 2013-010 on legal aid;

(b) The barriers that persons with disabilities continue to face in accessing justice, including the lack of qualified sign language interpreters in administrative and judicial proceedings for persons who are deaf and the lack of documents and information in accessible formats for persons with other disabilities.

28. **The Committee, recalling the International Principles and Guidelines on Access to Justice for Persons with Disabilities prepared in 2020 by the Special Rapporteur on the rights of persons with disabilities, and target 16.3 of the Sustainable Development Goals, recommends that the State party:**

(a) **Adopt measures to ensure the effective implementation of Act No. 2013-010 on legal aid and article 41 of Act No. 2004-005 regarding the provision of legal assistance for women with disabilities in relation to marriage disputes in order to ensure provision of support to persons with disabilities, including in rural areas;**

(b) **Adopt and implement effective measures to ensure procedural, age-appropriate and gender-sensitive accommodations in judicial and administrative proceedings for persons with disabilities, including women with disabilities, persons with intellectual and/or psychosocial disabilities and persons who are deaf, hard of hearing or deafblind, as well as measures to provide information in accessible formats, and ensure the physical accessibility of court buildings and all judicial and administrative facilities, including in rural and remote areas;**

(c) **Strengthen capacity-building programmes for the judiciary and justice-sector professionals, such as prosecutors and law enforcement officials, including police and prison officers, on the provisions of the Convention and on access to justice for persons with disabilities.**

Liberty and security of the person (art. 14)

29. The Committee notes with concern the discriminatory provisions under articles 130 and 131 of Act No. 2009-007 that allow for the involuntary detention and hospitalization of persons with disabilities, particularly persons with intellectual and/or psychosocial disabilities who are deemed “dangerous” to themselves or others, which is incompatible with the Convention.

30. **The Committee, recalling its guidelines on the right to liberty and security of persons with disabilities and its guidelines on deinstitutionalization, including in emergencies, recommends that the State party:**

(a) **Repeal all relevant legislative provisions allowing for the involuntary deprivation of liberty of persons with disabilities on the grounds of impairment and/or perceived danger to themselves or others, introduce legislation that ensures non-discrimination through, for example, procedural accommodation for persons with disabilities, including during interrogation and detention, and restore the rights of persons with psychosocial disabilities to liberty and security of person, on an equal basis with others;**

(b) **Establish a monitoring mechanism to ensure that persons with psychosocial and/or intellectual disabilities are not subjected to arbitrary and forced treatment, particularly treatment that results in confinement.**

Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15)

31. The Committee is concerned about the occurrence of seclusion, physical, chemical and mechanical restraints and other forms of ill-treatment in family settings, psychiatric institutions, religious institutions, hospitals, prisons and educational services, particularly for persons with intellectual and/or psychosocial disabilities.

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

(a) **Adopt necessary measures for the protection of all persons with disabilities from torture and cruel, inhuman or degrading treatment or punishment in all settings, including in justice, education, health, psychosocial and aged care facilities, and consult with and actively involve organizations of persons with disabilities in this process;**

(b) **Ensure that complaint procedures are accessible to all persons with disabilities still in institutions and investigate and sanction perpetrators of practices that may amount to torture or cruel, inhuman or degrading treatment or punishment against persons with disabilities, including the imposition of sanctions proportional to the conduct.**

Freedom from exploitation, violence and abuse (art. 16)

33. The Committee notes with concern:

(a) The lack of awareness among the general population, including among persons with disabilities, about measures for the protection of persons with disabilities from exploitation, violence and abuse and the lack of a comprehensive strategy against all forms of exploitation, violence and abuse against persons with disabilities in all settings, including in the family, at school and in the workplace;

(b) That children with disabilities are exposed to higher rates of violence than other children and about the limited availability of information and statistical data regarding violence against children with disabilities and related complaints;

(c) The lack of accessible shelters for women and girls who are victims of violence, including women with psychosocial and/or intellectual disabilities;

(d) The inadequate training of staff, carers and families of persons with disabilities, health personnel and law enforcement officials in the recognition of all forms of exploitation, violence and abuse.

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

(a) **Take all necessary steps to raise awareness about measures for the protection of persons with disabilities from exploitation, violence and abuse and adopt a comprehensive strategy to prevent exploitation, violence and abuse of persons with disabilities, especially women and girls with disabilities, including older women, persons with psychosocial and/or intellectual disabilities and persons with disabilities who are institutionalized, ensure that persons with disabilities have information about how to avoid, recognize and report cases of exploitation, violence and abuse and that persons with disabilities who are victims have access to independent complaint mechanisms and appropriate remedies, such as redress and adequate compensation, including rehabilitation;**

(b) **Develop and implement a plan of action to eliminate all forms of violence and abuse against children with disabilities, including corporal punishment within and outside institutions, and collect disaggregated data in order to ensure effective implementation and monitoring;**

(c) **Ensure that services for women and girls with disabilities who are victims of gender-based violence, including support centres and emergency shelters, are accessible physically and in terms of information and communication and that required support is provided;**

(d) **Provide continuous training for the families of persons with disabilities and for their caregivers, health professionals and law enforcement officers to enable them to recognize all forms of exploitation, violence and abuse and to improve communication and work with persons with disabilities who are victims of violence.**

Protecting the integrity of the person (art. 17)

35. The Committee notes that national legislation prohibits forced sterilization of women with disabilities. It is concerned, however, about the lack of a monitoring mechanism for psychiatric hospitals and other segregation centres to prevent possible cases of forced sterilization and other types of surgery for which consent has not been obtained.

36. **The Committee recommends the establishment of an independent monitoring mechanism to assess the situation of women and girls with disabilities in institutions to prevent, detect and, where appropriate, punish and provide redress in cases of forced sterilizations, abortions or any other type of surgery.**

Liberty of movement and nationality (art. 18)

37. The Committee notes that, since January 2022, birth registration is free of charge if it is declared within 45 days from birth. It is concerned, however, that some children with disabilities, are still not registered at birth. It is also concerned that persons with disabilities still face barriers in obtaining birth certificates, nationality certificates and identity cards due to lack of accessibility to services and lack of awareness among the population of the need to register at birth.

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

(a) **Increase its efforts to raise awareness among parents and the community of the importance of registering the births of children, including children with disabilities, extend the free registration of birth beyond 45 days and organize regular mobile campaigns to issue birth certificates, nationality certificates and identity cards, with the effective involvement of persons with disabilities through their representative organizations;**

(b) **Remove all barriers for persons with disabilities, including those living in remote and rural areas, to the enjoyment of their rights to nationality, birth registration and civil documentation to enable them to exercise all of the rights enshrined in the Convention.**

Living independently and being included in the community (art. 19)

39. The Committee observes with concern:

(a) The continued institutionalization of persons with disabilities and the lack of effort, including budgetary and other measures, towards the inclusion of persons with disabilities in the community and the provision of all necessary support services, including personal assistance services, as well as the lack of awareness in society and among public authorities of the right of persons with disabilities to live independently and to be included in the community, the right to choose where and with whom to live and the right not to be obliged to live in a particular living arrangement;

(b) The absence of a deinstitutionalization strategy for persons with disabilities, including women and children with disabilities placed in existing residential institutions, and the lack of programmes for the resettlement of persons with disabilities, in particular persons with intellectual and/or psychosocial disabilities who cannot afford housing.

40. **The Committee, recalling its general comment No. 5 (2017) on living independently and being included in the community and the Committee's guidelines on deinstitutionalization, including in emergencies (2022), recommends that the State party:**

(a) **Review the law on social protection of persons with disabilities to bring it into conformity with the Convention and ensure that it includes sufficient budgetary and other measures, as well as awareness raising activities, to promote understanding**

of the right to choice and self-determination of persons with disabilities concerning their living arrangements, the right not to be obliged to live in a particular living arrangement and the value of inclusion in, as opposed to segregation from, the community;

(b) **Develop a strategy and an action plan, in close consultation with and the active involvement of persons with disabilities, for the process of deinstitutionalization of adults and children with disabilities who are still in residential settings and provide community-based services aimed at enabling persons to live independently and to participate in the community.**

Personal mobility (art. 20)

41. The Committee is concerned that vehicles meant for use by persons with disabilities need to be modified before their importation to the country, resulting in high costs and additional taxes and duties and involving complex bureaucratic procedures to request exemption of such vehicles and other assistive devices from importation taxes and duties, even when all conditions have been fulfilled.

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

(a) **Ensure access to quality mobile aids, devices and assistive technologies for all persons with disabilities and simplify procedures to obtain vehicles and other assistive device to ease the burden on individuals who need them;**

(b) **Ensure affordability of vehicles and assistive devices, including by applying incentive measures and tax and custom exemptions for the purchase of assistive equipment and devices for persons with disabilities, and provide fiscal and capacity support for local enterprises with the interest and ability to manufacture aids for the local market at affordable prices.**

Freedom of expression and opinion, and access to information (art. 21)

43. The Committee is concerned:

(a) About the lack of recognition of Togolese sign language as an official language and the limited number of trained and certified sign language interpreters;

(b) About the insufficient provision of information in accessible formats and of information and communications technology, such as Easy Read, plain language, captioning, sign language, Braille and audio description, as well as tactile, augmentative and alternative means of communication, both in public and private media outlets, in particular, on websites that provide public information, and the lack of access to information and communications technology by persons with disabilities;

(c) The insufficient number of accessible private and public websites and the lack captioning and sign language, including audio-description on television, for deaf, blind, deafblind and partially sighted persons.

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

(a) **Take immediate steps to recognize Togolese sign language as an official language;**

(b) **Take all necessary measures, including legislative and policy measures, to ensure the accessibility of all public information, including television and media services, for all persons with disabilities in accessible communication formats, such as Braille, interpretation for deafblind persons, sign language, Easy Read, plain language, audio description, captioning and subtitles, by allocating adequate funding for their development, promotion and use and ensure access to information and communications technology appropriate for the diversity of persons with disabilities, including in rural and remote areas;**

(c) **Adopt and implement legislative and policy measures aimed at ensuring that television stations provide programmes in accessible formats, such as captioning,**

sign language and audio-description, for deaf, blind, deafblind and partially sighted persons, and ensure that public and private websites are made accessible;

(d) **In close consultation with and the active involvement of representative organizations of persons with disabilities, provide financial resources for the training of qualified sign language interpreters, including relevant professionals in the use of tactile, Braille and Easy Read formats, and develop a pool of qualified sign language interpreters and professionals trained in the use of those formats.**

Respect for home and the family (art. 23)

45. The Committee is concerned:

(a) That despite the existing legal provisions stating that “spouses marry by mutual consent” (art. 81 of the Individuals and Family Code), persons with disabilities, and particularly women with disabilities, are often deprived of their right to marry owing to discriminatory and negative perceptions in society;

(b) About the lack of measures to prevent the separation of children from their parents on the basis of disability, drawing particular attention to article 39 of Act No. 2004-005, which has resulted in mothers with disabilities losing custody of their children owing to their disability;

(c) About the absence of information in accessible formats on the sexual and reproductive rights and health of persons with disabilities, particularly women and girls;

(d) The lack of express recognition in the legislation of the State party of the right of persons with disabilities, in particular women with disabilities and persons with intellectual and/or psychosocial disabilities placed under guardianship, with respect to family, parenthood and relationships;

(e) The lack of sufficient support for children with disabilities and their families and for parents with disabilities to carry out their parental responsibilities.

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

(a) **Take measures to ensure the implementation of article 81 of the Individuals and Family Code and ensure the right of all persons with disabilities who are of marriageable age to marry and to have a family on the basis of the free and full consent of the intending spouses;**

(b) **Amend article 39 of Act No. 2004-005 to ensure that mothers with disabilities do not lose custody of their children owing to their disability and that they can exercise parental responsibilities on an equal basis with others;**

(c) **Adopt programmes and policies to provide persons with disabilities, including persons with disabilities living in rural and remote areas, with family planning education and age-appropriate information on sexual and reproductive health in accessible formats;**

(d) **Adopt legislative and policy measures to ensure support for families of children with disabilities, including support for parents with disabilities to raise their children in a family setting, including those in rural areas.**

Education (art. 24)

47. The Committee is concerned about the absence of a policy in the State party for implementing inclusive education, with specific targets and timelines, the lack of educational opportunities in mainstream schools and vocational and technical training for persons with disabilities, especially girls and children who are deaf, blind or have intellectual impairments, the lack of training for teachers on the skills and competencies required to promote inclusive education and the insufficient number of teachers proficient in sign language. It is also concerned about the lack of systematic data, disaggregated by sex and type of impairment, on the number and proportion of children with disabilities in mainstream schools receiving individualized support and on the enrolment and dropout rates for children with disabilities.

48. **Recalling its general comment No. 4 (2016) on the right to inclusive education, and target 4.5 of the Sustainable Development Goals, the Committee recommends that the State party:**

(a) **Formulate a comprehensive inclusive education policy, with strategies, measurable indicators and timelines, promoting a culture of inclusion in mainstream education at all educational levels, including individualized human-rights based assessments of educational requirements and necessary accommodations, and provide appropriate training for teachers and non-teaching education personnel on inclusive education;**

(b) **Establish an effective programme for training of teachers on inclusive education, including learning sign language, Braille and Easy Read skills;**

(c) **Provide students with disabilities with assistive compensatory aids and learning materials in alternative and accessible formats, such as inclusive digital access and modes and means of communication, including Easy Read, communication aids and assistive information and communication technologies;**

(d) **Provide disaggregated data on the number of children with disabilities mainstreamed into the regular school environment with adequate teaching support measures to enable them to reach their full potential.**

Health (art. 25)

49. The Committee is concerned about the limited access of persons with disabilities, in particular women with disabilities, to sexual and reproductive health-care services, including those with intellectual and/or psychosocial disabilities, as well as at the lack of training for medical professionals on the rights of persons with disabilities.

50. **Taking into account the links between article 25 of the Convention and targets 3.7 and 3.8 of the Sustainable Development Goals, the Committee recommends that the State party:**

(a) **Provide persons with disabilities, in particular women and girls, with access to sexual and reproductive health care and services and ensure supported decision-making for women with intellectual and/or disabilities and women with psychosocial disabilities so they can reaffirm their sexual and reproductive autonomy and self-determination;**

(b) **Develop training for health-care professionals on the rights of persons with disabilities, including on their skills, support measures and information and communication means and methods, and provide information in accessible formats, including Braille, sign language and Easy Read, for persons with disabilities, particularly persons with intellectual and/or psychosocial disabilities and women and girls with disabilities, including by ensuring the physical accessibility of health facilities and equipment.**

Work and employment (art. 27)

51. The Committee notes with concern:

(a) Discriminatory legislation that excludes or limits the participation of persons with disabilities in the labour market, in particular by restricting their access to study at the École nationale d'administration (National School of Management), the École nationale des professions de justice (National School of Legal Professions) and the École normale supérieure;

(b) The low rate of employment of persons with disabilities in the open labour market, particularly women with disabilities, and the barriers to employment faced by persons with disabilities, including the inaccessibility of the physical environment of many workplaces and the lack of support and individualized accommodation provided to persons with disabilities;

(c) The lack of technical support for persons with disabilities who access funds through the Youth Economic Initiative Support Fund, leading to failed businesses and to being sued by microfinance companies who loan out such funds;

(d) The absence of effective incentives and affirmative action programmes to promote the inclusion of persons with disabilities in the open labour market, in both the public and private sectors.

52. The Committee recommends that the State party, in line with target 8.5 of the Sustainable Development Goals:

(a) **Repeal all discriminatory legislation that excludes or limits the participation of persons with disabilities in the open labour market and adopt effective measures to ensure the right of all persons with disabilities to work, as well as measures to combat discrimination, particularly in relation to advertisements, recruitment processes, reasonable accommodation, retraining, promotion and other rights related to work and employment;**

(b) **Ensure equal access to enter the École nationale d'administration, the École nationale des professions de justice and the École normale supérieure by, inter alia, taking specific measures to that end and by providing reasonable accommodation;**

(c) **Adopt and implement a national strategy to ensure access to employment by persons with disabilities in the open labour market, both in the public and private sectors, including by providing incentives and affirmative action programmes designed to promote the employment of persons with disabilities, including quotas to increase participation of persons with disabilities, particularly women with disabilities, in the open labour market;**

(d) **Take effective measures to remove the systemic barriers and disability-based discrimination faced by persons with disabilities in access to employment, including ensuring the provision of reasonable accommodation, workplace adaptation and accessible workplaces;**

(e) **Implement training and skills development programmes to facilitate the recruitment of persons with disabilities and to make them more competitive in the open job market and support entrepreneurship among persons with disabilities;**

(f) **Strengthen measures to ensure that persons with disabilities have access to work and employment in the open labour market and to inclusive work environments, including persons with disabilities taking part in deinstitutionalization processes, persons with intellectual and/or psychosocial disabilities and persons with hearing impairments.**

Adequate standard of living and social protection (art. 28)

53. The Committee notes with concern the lack of an effective social protection scheme, including provisions to cover disability-related expenses, to ensure access for persons with disabilities and their families to an adequate standard of living. It is particularly concerned about the lack of social protection measures, including the provision of support for disability-related expenses, for persons with disabilities who are not in any form of employment and have no income to pay for these services.

54. Recalling the links between article 28 of the Convention and target 10.2 of the Sustainable Development Goals, which seek to empower and to promote the economic inclusion of all persons, irrespective of disability status, the Committee recommends that the State party:

(a) **Adopt the revised law on the social protection of persons with disabilities and the programmes that provide support in the form of food, non-food items, school supplies, contributions to medical expenses and other forms of financial support and ensure that they are integrated into public policy, with targets, monitoring and resources;**

(b) **Ensure access by persons with disabilities, in particular women and girls with disabilities and older persons with disabilities, to social protection programmes and poverty reduction programmes;**

(c) **Ensure access by persons with disabilities and their families living in situations of poverty to assistance from the State, including disability-related expenses, adequate training, counselling, financial assistance and respite care.**

Participation in political and public life (art. 29)

55. The Committee notes with concern:

(a) That article 173 of the Electoral Code, which includes “incompetent adults” as part of those ineligible to participate in elections, restricts the participation of persons with disabilities in political life on the basis of disability, in particular persons with intellectual and/or psychosocial disabilities;

(b) The physical inaccessibility of polling centres and the lack of information regarding electoral materials in accessible formats for persons with disabilities, in particular for blind and partially sighted persons, to exercise their franchise;

(c) The low representation and participation of persons with disabilities in political and public decision-making, particularly the lack of specific measures to promote the inclusion of women with disabilities in public and political life, including their exclusion from the draft law establishing quotas for women in elected and administrative positions.

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

(a) **Repeal or amend all laws and policies that restrict or deny persons with disabilities, particularly persons with intellectual and/or psychosocial disabilities, the right to vote and stand for election and ensure their full participation in electoral process and in political and public life;**

(b) **Introduce specific measures to ensure the equality and participation of underrepresented groups of persons with disabilities, including deaf persons, persons with intellectual and/or psychosocial disabilities, deafblind persons and women with disabilities, including as elected representatives, and provide candidates with disabilities who stand for elections with the disability-related support necessary to campaign on an equal footing with other candidates;**

(c) **Adopt effective measures to ensure accessibility of the voting environment, including the physical environment, and the provision of electoral materials and information in accessible formats for all persons with disabilities;**

(d) **Take all appropriate measures, including specific measures, to ensure the participation of persons with disabilities, especially women with disabilities, in political life and public decision-making.**

Participation in cultural life, recreation, leisure and sport (art. 30)

57. The Committee is concerned about the lack of sufficient access for persons with disabilities, including children with disabilities, to inclusive sporting, leisure and cultural activities and services. It is also concerned that State party has not yet ratified the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled.

58. **The Committee recommends that the State party adopt measures to promote and protect the right of persons with disabilities, particularly children with disabilities, to participate in cultural life, recreation, leisure and sport on an equal basis with others, as well as to ratify and implement the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled.**

C. Specific obligations (arts. 31–33)

Statistics and data collection (art. 31)

59. The Committee welcomes the inclusion of the short set of questions on disability and the related methodology in the data collection guide of the Washington Group on Disability Statistics for its fifth population and housing census in 2022. It is concerned, however, about the inadequate quantitative and qualitative information, including disaggregated statistics and data provided in the State party's initial report, resulting from the lack of training of census enumerators and other officials who work with data and statistics. It is also concerned that disability is not featured in the biometric identification registration process, that disability issues are not included in the monitoring indicators for the implementation of the Sustainable Development Goals and that the dissemination of statistical information among persons with disabilities is not available in an accessible format.

60. **The Committee recommends that the State party adhere to the Convention in its efforts to achieve Sustainable Development Goal 17, in particular target 17.18, to significantly increase the availability of high-quality, timely and reliable data disaggregated by income, gender, age, race, ethnicity, migratory status, disability, geographic location and other characteristics relevant in national contexts, and in particular that the State party:**

(a) **Actively and meaningfully consult and collaborate with persons with disabilities, through their representative organizations, in its efforts to increase the collection of data and statistics on disability and to adequately train census enumerators and other officials in the use of the short set of questions on disability and related methodology of the Washington Group on Disability;**

(b) **Allocate funds to undertake periodic research on the rights of persons with disabilities, with the aim of identifying barriers to the implementation of those rights;**

(c) **Ensure that disability is included in the biometric identification registration process;**

(d) **Support independent, participatory, quantitative and qualitative research to inform adopted disability-related policies and measures to ensure the rights of persons with disabilities;**

(e) **Ensure that such data is available in Braille, sign language, Easy Read and electronic formats, including for persons with disabilities in rural and remote areas.**

International cooperation (art. 32)

61. The Committee notes with concern the insufficient consultation with and inclusion of organizations of persons with disabilities, in particular organizations of women with disabilities, as development cooperation partners in the design and implementation of international agreements and programmes, and that there is no disability perspective in the national implementation and monitoring of the 2030 Agenda for Sustainable Development.

62. **The Committee recommends that the State party adopt concrete measures to ensure the effective participation and inclusion of and consultation with persons with disabilities, through their representative organizations, in international cooperation agreements and programmes, specifically in the monitoring of the 2030 Agenda. It also recommends that the State party adopt the measures necessary to ratify the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa, adopted by the African Commission on Human and Peoples' Rights in 2018.**

National implementation and monitoring (art. 33)

63. The Committee notes with appreciation that the Commission nationale des droits de l'homme has been reviewed in 2019 and accredited with an "A" status by the Global Alliance of National Human Rights Institutions. The Committee is concerned, however, about the

limited effectiveness of the national commission to monitor the implementation of the Convention, including the lack of participation of representatives of persons with disabilities in the monitoring process and the coordination of the Commission with representative organizations of persons with disabilities.

64. The Committee recommends that the State party implement the recommendations of the Sub-Committee on Accreditation of the Global Alliance of National Human Rights Institutions and strengthen the Commission nationale des droits de l'homme to ensure that it functions effectively and independently and discharges its mandate in full compliance with the Paris Principles. The Committee also recommends that the State party ensure the full involvement and participation of persons with disabilities, especially women with disabilities, and their representative organizations in the monitoring of the implementation of the Convention, including by providing the necessary funding.

IV. Follow-up

Dissemination of information

65. The Committee emphasizes the importance of all the recommendations contained in the present concluding observations. With regard to urgent measures that must be taken, the Committee would like to draw the State party's attention to the recommendations falling under articles 4 (3), 6 and 24 of the Convention.

66. The Committee requests the State party to implement the recommendations contained in the present concluding observations. It recommends that the State party transmit the concluding observations for consideration and action to members of the Government and Parliament, officials in relevant ministries, the judiciary and members of relevant professional groups, such as education, medical and legal professionals, as well as to the media, using modern social communication strategies.

67. The Committee strongly encourages the State party to involve civil society organizations, in particular organizations of persons with disabilities, in the preparation of its periodic report.

68. The Committee requests the State party to disseminate the present concluding observations widely, including to non-governmental organizations and organizations of persons with disabilities, and to persons with disabilities themselves and members of their families, in national and minority languages, including sign language, and in accessible formats, including Easy Read, and to make them available on the government website on human rights.

Next periodic report

69. The Committee requests the State party to submit its combined second, third, fourth and fifth periodic reports no later than 1 April 2029 and to include therein information on the implementation of the recommendations made in the present concluding observations. The Committee also requests the State party to consider submitting the above-mentioned report under the Committee's simplified reporting procedure, according to which the Committee prepares a list of issues at least one year prior to the due date set for the report of a State party. The replies of a State party to such a list of issues constitute its report.
