



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

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

Summary record of the 703rd meeting

Held at Headquarters, New York, on Wednesday, 18 January 2006, at 10 a.m.

Chairperson: Ms. Manalo

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The meeting was called to order at 10.10 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention *(continued)*

Combined initial, second, third, fourth and fifth periodic report of Togo (CEDAW/C/TGO/1-5, CEDAW/C/TGO/Q/1-5, CEDAW/C/TGO/Q/1-5/Add.1)

1. *At the invitation of the Chairperson, the members of the delegation of Togo took places at the Committee table.*

2. **Ms. Sokpoh-Diallo** (Togo), introducing the State party's combined initial, second, third, fourth and fifth periodic reports, said that it had been prepared by a 13-member technical committee working in collaboration with the Interministerial Commission for the Preparation of Initial and Periodic Reports on Human Rights and with the participation of civil society organizations.

3. The report described Togo's political and administrative evolution from the colonial period until 2002. However, there had been a number of major developments since then, in particular the election of a new President and the formation of a Government of National Unity. The new Government was taking steps to safeguard human rights and fundamental freedoms and strengthen the rule of law in line with the 22 commitments agreed by Togo and the European Union in April 2004. The Government had given priority to the advancement of women and gender parity in the programme of action submitted to the National Assembly and had taken steps to strengthen the laws protecting women against violence linked to such things as succession rights, forced marriages and genital mutilation. It had also adopted a strategic plan to offer high-quality education and encourage girls to complete their education.

4. The Government also hoped to improve the lot of rural women, through the introduction of technology, better access to land, water, training and credit, and was also constantly seeking to respond appropriately to the concerns of women traders in major urban centres. The Head of State, meanwhile, had undertaken to give women more responsibility in political, professional and social life and to give priority to women's physical protection. Competitive examinations had recently been held to fill vacancies in the teaching profession

and the police force. Of the 615 new recruits in the police force, 68 were women; for the first time Togo had a female police commissioner.

5. Regarding the general legal framework for the protection of human rights, she said that the Government had undertaken to reform the judiciary in order to improve human rights and collective freedoms in the country and to that end it had requested two international missions to assess Togo's judicial system with the support of the United Nations Development Programme (UNDP). The experts' reports had provided the basis for the national programme to modernize the judicial system, which had just been adopted by the Government. There had also been significant developments regarding legislation, in particular the adoption in 2004 of Law No. 2004/005 on the protection of disabled persons, articles 39 to 41 of which provided special protection for disabled women and the re-drafting of certain provisions of the Personal and Family Code in order to address the lack of equality relating to name, domicile, marriage, divorce, adoption, marriage systems and succession. In 2005, Togo had ratified the Additional Protocol to the African Charter of Human and Peoples' Rights on the Rights of Women in Africa and it was seriously considering ratifying the Optional Protocol to the Convention.

6. Regarding information and publicity, Togo was proud to be one of the countries of the subregion with a large number of private media outlets. Lomé alone had over 30 private radio stations, while in each main town there were at least three private radio stations in addition to the official one. Prefectures, meanwhile, had community radio stations. All these outlets were actively involved in information, education and communication in all fields and in all national languages. In 2004, Togo had also adopted a new Press Code, which decriminalized press offences and thereby strengthened protection of the freedom of expression.

7. Turning to the list of issues and questions (CEDAW/C/TGO/Q/1-5) she said that, as stated in Togo's responses thereto (CEDAW/C/TGO/Q/1-5/Add.1), a workshop had been held in Lomé in October 2005 with a view to formulating responses. The responses had been presented in accordance with relevant practice.

8. The Committee's questions had been grouped under four headings. Under the heading "Eliminating

discrimination against women and guaranteeing equality between men and women (questions 1, 2, 4, 5, 7, 8, 18 and 19)” the responses addressed the establishment of committees to review national legislation in the light of international conventions ratified by Togo; the ratification of new international conventions on the promotion and protection of women; and training and awareness-raising regarding the provisions of national legislation and international conventions relating to women’s rights.

9. Under the heading “Combating all forms of violence against women (questions 9, 10 and 11)” reference was made to a 16-day awareness-raising campaign on issues relating to all forms of violence against women; counselling centres for women victims of violence; the adoption of legislative measures to prevent and suppress traffic in children; and the preparation of a preliminary draft law for the suppression of traffic in adults. In 2005, a centre offering medical and psychological assistance to female victims of domestic violence had been set up at the Centre Hospitalier Universitaire de Lomé and in November 2005 the Ministry of Population, Social Affairs and the Advancement of Women had appointed a group of experts to draw up a national strategy for combating gender-based violence.

10. Under the heading for “Promoting women’s entrance into political, economic and social life (questions 6, 13, 20, 26, 29 and 30)”, attention had been drawn to the following measures: revision of the Personal and Family Code; efforts to mainstream the gender issue into sectoral policies and the establishment of focal points within ministries; and the implementation of strategies to ensure women’s access to credit. Regarding gender mainstreaming, she noted in particular the establishment of a national nucleus to provide gender and development training for trainers; the elaboration of 10 gender and development training modules; the provision of gender and development training for ministry officials and civil society representatives; training for communicators; and a diagnostic study accompanied by a national gender strategy.

11. Lastly, under the heading “Ensuring effective education and health-care coverage for women (questions 12, 15, 21, 23, 24, 27 and 28)”, Togo’s responses referred to affirmative action aimed at promoting girls’ access to schools; measures to ensure conformity with World Health Organization (WHO)

standards regarding health-care coverage, health-care facilities, etc.; the adoption of legislation to protect individuals against HIV/AIDS, containing provisions for the most vulnerable; and the Government’s efforts to combat the HIV/AIDS pandemic through programmes such as the National AIDS/STD Control Programme (PNLS). Lastly, the responses stressed that all women — regardless of their social or geographical situation — enjoyed access to health care, including contraceptive methods and prenatal care, without discrimination.

12. While there had been a number of significant developments, much remained to be done. The promotion of human rights in general and women’s rights in particular was an ongoing process. Her Government would not waver in its commitment to promoting women’s rights. Lastly, she stressed that, contrary to the allegations made by certain NGOs a few days earlier, her Government had always cooperated with NGOs working for the advancement of women, including vis-à-vis the preparation of reports.

Articles 1 and 2

13. **Ms. Gaspard** asked whether the Togolese delegation would disseminate the Committee’s recommendations or submit them to Parliament to encourage it to amend those laws which continued to discriminate against women.

14. **Mr. Flinterman** asked how the Government intended to involve civil society and human rights organizations in efforts to combat discrimination and how it could claim to have taken measures to apply the law and the Convention (CEDAW/C/TGO/Q/1-5/Add.1, para. 1.a.2) if the Convention and other human rights treaties had never been adduced in a court of law.

15. **Ms. Pimentel** asked whether Togo intended to increase its cooperation with NGOs, especially women’s NGOs, in order to enhance equality between men and women. If concrete results were to be achieved, it would be necessary to draw up national policies and then to evaluate the results of implementing those policies.

16. **Ms. Patten**, noting that the March 2003 report of the Inter-ministerial Committee on the Personal and Family Code contained 24 suggestions for reform of discriminatory provisions, asked whether there was a timetable for revision of the Code. The report

contained no statistics on violence against women nor any evidence of research into domestic violence, in spite of the many mentions of both Government and NGO programmes in this field. She further enquired what specific measures were being enacted to provide access for women, especially rural women, to the justice system.

17. **The Chairperson**, speaking as a member of the Committee, wondered whether the victim of a human rights violation could apply to a court directly for redress or must first exhaust all non-judicial means.

18. **Ms. Shin** noted the need to educate the judiciary and also to educate the women of the country. She wondered whether any of the amendments proposed by the Inter-ministerial Committee on the Personal and Family Code were before Parliament, and whether any women's NGOs or individual women had been invited to participate in the Committee's work.

19. **Ms. Dairiam** wondered whether better education led to increased awareness of women's right to equality with men. Society in general tended to have no objections to the right to education or the right to health, but often objected strongly when the right to gender equality was placed on the same level as other rights. She wondered whether judges understood that they had an obligation to interpret the law in light of the Convention. Clearly, steps must be taken in order to enforce existing laws, for example the law which did not allow marriage for girls under the age of 17. Given what the report said about early pregnancies and maternal mortality it seemed evident that some brides were under 17.

20. **Ms. Šimonović** said that it was clear from the report that revisions were needed to the Family Code in order to bring it into line with the Convention. Moreover, it should be made absolutely clear that international treaties took precedence over Togo's domestic legislation.

Article 3

21. **Ms. Schöpp-Schilling** said that it was not clear who was ensuring that women's concerns were indeed being mainstreamed in all the different plans. Targets needed to be set and monitoring systems established to evaluate whether those targets were being achieved. It would be interesting to know what percentage of the budget was being geared towards the advancement of women. She wondered whether Togo was one of those

countries which had been released from its external debt, and if so, whether any of the funds so freed would be used for the advancement of women. When change was needed, tribal chiefs played a key role in bringing change about and she wondered what exactly was being done to win them over.

22. **Ms. Saiga** asked for the exact name of the ministry responsible for the advancement of women. While women's issues were a priority of the Prime Minister's new action plan, it was not clear which institution exactly was responsible at both national and local level for its implementation.

23. **Ms. Sokpoh-Diallo** (Togo) replied that the new government already had a Gender Strategy Plan. A workshop had been held in December to bring the Family Code into compliance with the Convention; the new text would soon be submitted to the Council of Ministers for adoption. The ministry in charge of the advancement of women was now called the Ministry of Population, Social Affairs and the Advancement of Women; within it was the General Directorate for the Advancement of Women (DGPF), and within that the Status of Women Directorate (DSJF).

24. **Mr. D'Almeida** (Togo), replying to the question concerning women's access to the judicial system, pointed out that the basic text on the subject instituted audiences foraines (field court sessions) to enable women in general and rural women in particular to have access to justice. He explained further that subprogramme 6 of the 2005-2010 modernization programme provided special funding to extend the legal assistance available to women to include civil cases; formerly such assistance had been available only for criminal cases.

25. With regard to the deadline for the adoption of a revised Personal and Family Code, he noted that the Government planned to establish an ad hoc commission to reread and redraft the text and that the complete revision of the Civil Code was expected to be completed in 2006.

26. Responding to questions concerning remedies available to women, he explained that non-judicial remedies were handled by the National Human Rights Commission or by non-governmental organizations dealing with the rights of women. While previously women had had only limited possibilities to seek remedies before the courts, they were currently entitled to bring complaints directly to a judge. However, the

National Human Rights Commission often served as a channel to achieve reconciliation or to bring to court cases such as those involving violence against women.

27. Responding to a question about the training of judges in the application of the Convention, he reported that a workshop had been held for that purpose. While article 50 specified that the rights and duties stipulated in international human rights instruments were an integral part of the Togolese Constitution, there was a question as to whether a woman could invoke those provisions before the courts. The Convention on the Rights of the Child stipulated expressly that it could be invoked before the courts of States parties but that the Convention on the Elimination of All Forms of Discrimination against Women did not contain any express provision to that effect. Accordingly, legislation must be adopted to integrate the latter Convention into Togolese law. On the other hand, article 140 specified that, when the provisions of a treaty to which Togo was a party were different from Togolese law, judges should consider that the treaty provisions took precedence. Therefore, the provisions of the Convention which were different from the discriminatory provisions of domestic law could be applied.

28. **Ms. Ayeva-Traoré** (Togo) cited her own position as counsellor for gender equality as an example of the Government's efforts to achieve equality between women and men. Furthermore, the Prime Minister himself had appointed the relevant council to report to the National Beijing Follow-up Committee. All ministries had been asked to produce a breakdown by sex of data concerning their staff in order to create a databank of professional women for appointment to high-level positions.

29. With regard to the very important task of achieving gender equality in education, he said that the Prime Minister had called upon the ministries concerned to institute a "positive discrimination" programme to facilitate girls' access to education.

30. **Ms. Sokpoh-Diallo** (Togo) added that a study was being conducted jointly by UNDP and civil society to determine why the situation of women was inferior to that of men and that a workshop would be held on that subject at the end of the month, chaired by the Prime Minister himself.

Article 4

31. **Ms. Patten** referred to the Government's responses to the Committee's question concerning article 4 and requested detailed information about the mechanisms to evaluate and monitor the implementation and effectiveness of the measures taken in the education sector, for example, details about the impact of the Government's special measures, about how many girls benefited and the overall time frame. She asked whether the reference to the need for legislation in order to apply the temporary special measures to other sectors meant that the Constitution might be amended. She also wondered whether there were any such measures for rural girls, whether there were any new temporary measures in the education sector to ensure an equal start for girls and whether anything was being done to enable girls eventually to accede to decision-making positions and positions in international organizations.

32. **Ms. Sokpoh-Diallo** (Togo) replied that a census shortly would be conducted and she hoped that in future Togo could provide more data on the effect of the temporary special measures on employment and education. In any case, a law adopted in December 2005 provided funding to ensure greater coverage of the country and thus fulfil the Millennium Development Goal of having 100 per cent school attendance by the year 2015. In general, girls paid less for their schooling than boys, and costs were lower in rural areas than elsewhere.

33. She confirmed that two articles of the Constitution prevented the effective application of the Convention and explained that proposals would be submitted to the Government, for example, to change the provisions stipulating that a widow was entitled to inherit her husband's property only if he had so decided during his lifetime.

34. While a great deal still remained to be done, progress was being made. For example, 30 per cent of the staff of her Ministry were women, and for the first time a woman had been named Secretary-General of the Ministry for Foreign Affairs. The efforts of the State and non-governmental organizations should be directed towards convincing traditional leaders and civil society of the need for women to be visible in all areas of society.

Article 5

35. **Ms. Tavares da Silva** said that she was concerned at the gap between objectives and reality in Togo. Although the Ministry was highly engaged and proactive, the pace of change was very slow. Women were not aware of their rights and seemed resigned to the inequalities resulting from tradition and custom. She would like to know if gender equality was truly a priority and how the Government intended to bridge the gap between intention and reality. Greater urgency and greater involvement by men in the process of change was also required.

36. **Ms. Simms** said that sex roles and stereotypes were among the greatest challenges facing women in the new century. She asked for more information about the strategy to raise men's awareness of women's rights and what resources had been made available to implement the Prime Minister's vision in that area.

37. **Ms. Coker-Appiah** said that the report mentioned ritual bondage of girls in covens of fetishists among traditional practices acting as obstacles to the advancement of women. Given the porous borders between Togo and its neighbours — Ghana and Benin — its lack of action would affect those countries. She would like to hear more about measures taken to eliminate that practice.

38. **Ms. Morvai** asked if any research had been done on the effects of early sexual activity, pregnancy and abortion on adolescents and girls.

39. **Ms. Sokpoh-Diallo** (Togo) said that indeed, much remained to be done to raise women's awareness of their rights, and her Ministry would cooperate with UNFPA on a project to educate women in that area. Each Ministry had identified a gender focal point, and a recent workshop had been held on strengthening the legal and institutional framework to make those focal points more operational. The apparent lack of urgency in implementing the Convention was partly due to the political and social turmoil the country had undergone since 1990, but gender was very much part of its current development strategy.

40. **Ms. Akakpo** (Togo) said that, in cooperation with civil society organizations, women were informed of their rights through radio and television broadcasts and through education, information and communications workshops within Ministries, to ensure that men were aware as well. The Government and civil society had

also held information days on the revised Personal and Family Code. At the regional level, UNFPA had sponsored a project with each department of local government to teach women at the local level about their rights.

41. The Gender Strategy Plan currently under way was a diagnostic study of gender disparity in all areas of society. Once the main challenges had been identified, the relevant ministries would be involved in the implementation of the Plan at all levels through their gender focal points.

42. **Ms. Sokpoh-Diallo** (Togo), with regard to stereotypes in education, said that textbooks had been revised to remove gender stereotypes. Female genital mutilation was illegal. The new Government had established a ministry specifically to address rural water supply, with a plan of action and benchmarks to ensure access to water in rural areas, that would relieve women of their traditional task of carrying water.

43. Changing rigid mentalities took time and effort at all levels — government, educators, traditional and religious leaders. Many traditional chiefs supported the concept of gender equality and urged their communities to send girls to school.

44. Concerning abortion, a new health bill currently before the National Assembly prohibited all but therapeutic abortion. No study of the effects of early pregnancy was planned at the moment. Legislation had been passed in August 2005 to combat trafficking in children for forced labour and sexual exploitation; a similar bill regarding adults would soon follow. In addition, Togo had entered into a multilateral agreement among nine countries in the West African region against trafficking in children and forced labour.

Article 6

45. **Ms. Morvai** noted that while describing prostitution in terms of moral depravity, the report spoke of "sex workers", thus giving the impression that it was a form of work like any other, freely chosen by those who engaged in it. Moreover, the report made no mention of prostitutes' clients. There was need for a study that would focus on the demand side, namely, on those men who thought it was their right to use women as objects. She wished to know whether Togo had ratified the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others.

46. **Ms. Sokpoh-Diallo** (Togo) replied that Togo had ratified that Convention on 14 March 1990. Moreover, on 31 July 2005, the Government had rounded up procurers and the clients of prostitutes and had taken large numbers of prostitutes, most of whom were minors, into care. In that effort it was helped by NGOs. An institution known as “La Providence”, run by nuns, was particularly active in that regard and sought to rescue young girls from prostitution. While much still remained to be done, the Government was on the right path.

Articles 7 and 9

47. **Ms. Zou Xiaoqiao**, noting the low rates of participation by women in political and public life and the fact that lack of solidarity among women was cited in the report as one of the reasons that women did not have the same chance as men of being elected, said that other factors, were no doubt equally important. She asked what action had been taken or was being contemplated to address that problem.

48. **Ms. Popescu** asked whether the data shown in the report on women’s underrepresentation at central and local levels had been updated since 2001 and whether any different trends had begun to emerge in recent years. She enquired about measures taken to encourage women to participate in local structures and, in particular, in the newly founded development committees. She also wished to know what had been done to encourage women to vote and whether a man had the right to vote on his wife’s behalf in Togo.

49. **Ms. Belmihoub-Zerdani** said that Togo needed to be able to rely on all its citizens, women as much as men; to that end women had to become visible in Togolese society. That could be facilitated by applying a quota system and financial pressure through the withdrawal of subventions for associations and parties with insufficient representation of women.

50. **Ms. Arocha Domínguez** said that the role that women needed to play in community life was important both in itself and also as a way of ensuring their increased participation at higher levels. She wished to know whether the increase in women’s involvement in national institutions such as the police force formed part of a global strategy or whether it was an isolated phenomenon. She also enquired about the results of the diagnostic study on gender carried out in

2005. Had the Government studied those results and, if so, what follow-up measures was it planning to take?

51. **Mr. Flinterman** wished to know why the 1978 Nationality Code had not yet been brought into line with the Constitution of 1992 regarding the transmission of parents’ nationality to their children. He enquired in that connection about the draft children’s law and asked whether it had been enacted yet. He observed that, de facto, a Togolese woman could not give her nationality to her husband. He likewise noted that a foreign woman who married a Togolese man would lose her Togolese nationality upon divorce. Would that also be true the other way round? He also wished to know whether it was true that a child born of a Togolese woman would be refused Togolese nationality if the father was unknown. He referred to the report where it was implied that a Togolese woman who bore her husband’s name needed his consent in order to obtain a passport. He wondered whether the husband likewise needed to have his wife’s consent in such a case.

The meeting rose at 1 p.m.