



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

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**Committee on the Elimination of Discrimination
against Women**

**Consideration of reports submitted by States parties
under article 18 of the Convention on the Elimination
of All Forms of Discrimination against Women**

Combined sixth and seventh periodic reports of States parties

Togo*

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List of abbreviations and acronyms

ASSR	Analysis of the Reproductive Health Situation
BEPC	School leaving certificate
CCoFT	Women's Consultative Council of Togo
CNAREVT	National Commission on the Care and Social Reintegration of Children Victims of Trafficking
CNDH	National Human Rights Commission
CNTS	National Blood Transfusion Centre
CRIFF	Women's Information and Training Research Centre
EGAP	States General of the Civil Service
EPI	Expanded Programme of Immunization
EU-ACP	European Union/African, Caribbean and Pacific countries
FAO	Food and Agriculture Organization of the United Nations
FAWE	Forum for African Women Educationalists
FONGTO	Federation of Togo NGOs
FUCEC-Togo	Federation of Savings and Loan Cooperatives
GDP	Gross domestic product
GF2D	Women, Democracy and Development Study and Action Group
HAAC	Audio-Visual and Communications Regulatory Authority
IDH	Invest in People
I-PRSP	Interim Poverty Reduction Strategy Paper
LTDF	Women's Rights League of Togo
MDG	Millennium Development Goal
MICS	Multiple indicator cluster survey
NGO	Non-governmental organization
PNDS	National Health-Care Development Plan
PNMJ	National Programme on Modernization of the Justice System
PRSP	Poverty Reduction Strategy Paper
QUIBB	Unified Survey of Basic Indicators of Well-being
REFAMP	Network of African Women Ministers and Members of Parliament
RTLTF	Togolese Network for Women's Leadership
STD	Sexually transmitted disease
UMECTO	Union of Savings and Loan Banks of Togo
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNDP	United Nations Development Programme

UNESCO	United Nations Scientific, Educational and Cultural Organization
UNFPA	United Nations Population Fund
UNICEF	United Nations Children's Fund
UONGTO	Union of Togo NGOs
WAGES	Women and Associations for Economic and Social Gain
WiLDAF	Women in Law and Development in Africa

Introduction

1. In accordance with the provisions of article 18 of the Convention on the Elimination of All Forms of Discrimination against Women, on 18 January 2006 the Togolese Government submitted to the Committee on the Elimination of Discrimination against Women its initial report and its second, third, fourth and fifth periodic reports combined in a single document (CEDAW/C/TGO/1-5).

2. Togo was due to submit its sixth and seventh periodic reports under article 18 in October 2004 and October 2008 respectively, but it had fallen behind schedule owing to the late submission of its earlier reports (on 18 January 2006). As a result, in accordance with the Committee's recommendations Togo was to submit its sixth and seventh periodic reports in a single document in October 2008. However, owing to data-collection difficulties Togo was unable to fulfil that commitment by the required deadline.

3. The preparation of this combined report involved representatives of the Administration, institutions of the Republic, and associations and non-governmental organizations (NGOs) working for the promotion and protection of women's rights in the private sector, as well as Togo's development partners.

4. The present combined report sets out the legislative, judicial, administrative and other measures adopted by Togo to give effect to the provisions of the Convention and the difficulties encountered. It has two parts:

- Part I contains general information about Togo;
- Part II provides information about the efforts made under the 16 substantive articles of the Convention.

5. The drafting of the present report was made possible by financial support from the United Nations Development Programme (UNDP). In this connection the Togolese Government expresses its profound gratitude to that United Nations agency.

Part I General information about Togo

1. The geographical setting

6. The information provided on pages 12 and 13 of the previous combined report (CEDAW/C/TGO/1-5), concerning climate, relief, natural drainage, vegetation, population, ethnic groups, languages and religion, remains valid. Where climate is concerned, it should be noted that rainfall was much heavier in 2006, 2007 and 2008, causing flooding and extensive material damage and loss of human life.

2. Population and demographic indicators

2.1 Population

7. The population of Togo was estimated at 5,596,000 in 2008,¹ with a population density of 98 inhabitants per km². According to the 2006 Unified Survey of Basic

¹ Estimate of the General Directorate for Statistics and National Accounts.

Indicators of Well-being (QUIBB), the age structure of the population shows a large proportion of young people: 43.7 per cent aged under 15; 52.4 per cent in the 15-64 age group; and 3.9 per cent aged 65 or over.

8. The sex structure comprises 50.4 per cent females and 49.6 per cent males; there has thus been a slight decline in the proportion of females since the previous combined report (p.15).

9. Young people constitute the dependent population and their number is greater in rural areas: 47.2 per cent against 36.9 per cent in urban areas.

10. The potentially active population (15-64 age group) is unevenly distributed in terms of place of residence. It represents 60.6 per cent of the population in urban areas, as compared with 48.2 per cent in rural areas. The third age group, i.e. persons aged 65 or older, accounts for only a small percentage. It ranges from 2.4 to 4.7 per cent in urban and rural areas respectively.

11. The uneven distribution noted in section 1.3 of the previous combined report (p. 15) persists.

2.2 Population growth rate

12. The population growth rate of 2.4 per cent indicated in the previous combined report has not changed.

2.3 Family size and composition

13. The information given in the previous combined report remains valid. But since 2006 the average size of households has decreased from 5.4 to 4.6 persons. It also differs according to location: 4.2 in urban and 4.9 in rural areas (QUIBB 2006).

2.4 Birth and fertility rates

Table 1
Sociodemographic indicators, Togo

Indicator	Indicator levels	
	EDST II 1998	Estimate 2006
Neonatal mortality rate (‰)	41	--
Post-neonatal mortality rate (‰)	39	--
Infant mortality rate (‰)	80	77
Child mortality rate (‰)	72.3	--
Infant and child mortality rate (‰)	146.3	123
Life expectancy at birth (male)	56.5 years	54.9 years
Life expectancy at birth (female)	58.5 years	60.5 years
Life expectancy at birth (male/female)	57.5 years	57.6 years
Crude death rate (‰)	13	12
Crude birth rate (‰)	37	37
Rate of natural increase (‰)	2.40	2.40
Total fertility rate (average number of children per woman)	5.4	5.4
Maternal mortality rate (per 100,000 live births)	478	--

Source: General Directorate for Statistics and National Accounts.

14. Table 1 shows that progress has been made in some sectors (the infant mortality rate fell from 80 per 1,000 live births in 1998 to 77 in 2006; the infant and child mortality rate

fell from 146.3 per 1,000 live births in 1998 to 123 in 2006), while other sectors have remained unchanged or have even deteriorated. One example is that of male life expectancy, which declined from 56.5 to 54 years. Studies will be carried out to determine the causes of this situation.

15. In contrast, life expectancy at birth for both sexes, the gross birth rate, the rate of natural increase and the total fertility rate underwent no change.

16. However, the Government has adopted strategic plans to improve this situation. One example is the National Health-Care Development Plan (PNDS) 2002-2006.²

3. Economic development

3.1 Agriculture, livestock production and fisheries

17. The information given on pages 16-17 of the previous combined report is still valid.

18. But it must be pointed out that, since the corollary of the resumption of cooperation was the revival of the national economy, the Ministry of Agriculture, Livestock and Fisheries became a priority focus of the Togolese Government. To this end the Ministry produced the Strategy for the Revival of Agricultural Production (SRPA), which was adopted by the Council of Ministers on 11 August 2008. This strategy comes with an emergency plan of action designed to improve farm productivity and the incomes of producers, both male and female. It is helping to secure the repatriation of currency, guarantee food security and promote sustainable agriculture. This initiative is consistent with the Millennium Development Goals (MDGs) and the Poverty Reduction Strategy Paper (PRSP), for which agriculture remains the primary pole of poverty-reducing growth.

19. An institutional reform of the Ministry was also carried out, with a view to rendering it more operational. In addition, the Technical Advice and Support Institute (ICAT) and the Togo Agronomic Research Institute (ITRA), two mixed-economy companies, have become useful public agricultural and scientific bodies. It should also be noted that, with support from the Food and Agriculture Organization of the United Nations (FAO), the Ministry produced a national food security programme, the final version of which was submitted in September 2008. This programme addresses the concerns of the poorest groups, women in particular.

3.2 Mining, energy, water resources and industry

20. In order to improve the management of enterprises in these various sectors the State restructured them and changed their status. For example, the Togo Phosphate Board (OTP) was privatised, becoming first the International Fertilizer Group (IFG) and today the New Phosphates Group of Togo (SNPT). Togo Electricité became the Electricity Company of Togo (CEET), and the Togo National Water Authority (RNET) became Togo Water (TdE).

21. These various changes of status sometimes triggered social consequences, in particular cutbacks in personnel.

3.3 Financial institutions and insurance companies

22. The financial institutions and insurance companies mentioned on pages 18-19 of the previous report are still operating. However, note should be taken of the effort made by the

² For the progress made since the adoption of the PNDS see the developments with regard to access to medical services described under article 12.

State to promote women's participation in economic development and thus their empowerment.

23. The funding of women's economic activities is indispensable to their empowerment. The provision of such funding was the purpose of the adoption of the successive national microfinance strategies for 2004-2008 and 2008-2012, which give special attention to women's commonest economic activities. The aim is to enable women and/or households which do not have access to traditional financial services to obtain microfinance services.

24. This vision of the State and the prospect of the resumption of development cooperation with Togo following the signature of the 22 commitments on 24 April 2004 then aroused fresh interest among financial bodies, in this case the banks and insurance companies.

3.3.1 Banks and decentralized financing systems

25. Some new banking institutions have been created in addition to the ones mentioned in the previous report, namely:

- The Sahelo-Saharan Investment and Trade Bank (BSIC). Its correspondents in Europe are Banque BIA and Union de Banques Arabes et Françaises in France;
- The Atlantic Bank of Togo, whose correspondents are: Banque Nationale de Paris (BNP), Fortis Banque, and Union de Banques Arabes et Françaises, all in France; Standard Chartered Bank and City Bank in Great Britain; BHF Bank in Germany; and ING in Belgium;
- The Regional Solidarity Bank (BRS), whose correspondent is Union de Banques Arabes et Françaises;
- The People's Savings and Loan Bank (formerly the Togo Savings Bank).

26. The National Investment Bank (BNI) is now known as the Financial Bank.

27. A number of institutions have emerged in the decentralized financing system (SFD):

- Invest in People (IDH);
- Union of Savings and Loan Banks of Togo (UMECTO);
- Federation of Savings and Loan Cooperatives (FUCEC-Togo);
- Women and Associations for Economic and Social Gain (WAGES).

28. Some of these bodies accord women special attention. UMECTO and WAGES offer two examples. The following table gives figures for the proportion of women granted UMECTO loans.

Table 2
Proportion of women granted UMECTO loans

<i>Year</i>	<i>Female recipients</i>	<i>Male recipients</i>	<i>Total loans</i>	<i>Percentage female recipients</i>	<i>Value of outstanding loans</i>
2004	1 558	323	1 881	82.82	1 099 764 207
2005	2 523	899	3 422	73.72	1 160 546 026
2006	4 679	1 047	5 726	81.75	1 071 711 941
2007	6 586	2 793	9 379	70.22	1 228 031 036
2008	5 590	4 786	10 376	53.87	1 578 847 226

Source: UMECTO annual reports.

29. Table 2 shows that most UMECTO loans are made to women, although a trend towards parity with men seemed to be emerging in 2008.

30. Table 3 shows that the number of female recipients of WAGES loans increased between 2001 and 2008 from 2,930 to 11,545, although this increase was not linear. It may also be pointed out that the number of loans has risen continuously since 2001.

Table 3

Amounts granted by WAGES and number of female recipients, by year

<i>Year</i>	<i>Amounts granted (CFAF)</i>	<i>Number of female recipients</i>
2001	550 371 158	2 930
2002	1 201 076 945	3 734
2003	2 279 314 950	6 562
2004	3 122 714 275	9 072
2005	3 473 934 615	5 012
2006	4 472 527 025	7 237
2007	6 020 405 600	9 736
2008	6 935 366 400	11 545

Source: Data supplied by WAGES.

31. The membership of FUCEC-Togo increased from 107,634 in September 1999 to 250,534 in December 2007, including 226,999 physical persons distributed as follows: 141,275 men and 85,724 women,³ i.e. 37.76 per cent women as against 25.7 per cent in September 1999.

32. IDH has no disaggregated data on the number of loans made solely to women.

33. The Interim Poverty Reduction Strategy Document (I-PRSP)⁴ indicates that the average annual outstanding loan per client in the microfinance sector ranged between 62,300 and 80,100 CFA francs between 2000 and 2004. The chief beneficiaries of the microfinance sector are Togo's poorest citizens.

34. The microfinance sector has seen relatively steady growth in recent years. In fact, the number of active clients increased by 17 per cent between 2000 and 2004; total deposits by 76 per cent; total outstanding loans by 50 per cent; and average deposit per client by 50 per cent. The sector is also dominated by mutual-benefit institutions and savings and loan cooperatives operating as networks. At the end of 2004 six of them accounted for about 87 per cent of authorized institutions, 77 per cent of clients, 81 per cent of deposits, and 71 per cent of the value of outstanding loans

35. However, it is important to note that the microfinance sector has several deficiencies, including a shortage of human resources and organizational problems. In addition, the adverse effects on poverty reduction of the high interest rates charged by microfinance institutions have not been evaluated.

³ Support and Monitoring Unit/Cooperative and Savings and Loan Institutions (CAS-IMEC), September 2008.

⁴ I-PRSP, pp. 38-39.

3.3.2 Insurance companies

36. With regard to the information given in the previous report it should be noted that the insurance companies Aigle Vie and Prévoyance Vie have gone out of business. However, other companies have emerged in Togo's insurance market: Beneficial Life Insurance; Fidelia Assurances; NSIA-Togo; and FEDAS-Togo.

37. Other brokers have also emerged:

- CAREAS International;
- Management Consultation Office (MCO);
- Afrique envergure;
- Togo Brokerage;
- Ayi A. Amavi Bureau;
- International General Brokerage (SGIC);
- International Insurance and Reinsurance Brokerage (CARI);
- International Insurance and Reinsurance Brokerage Syndicate (ICCAR);
- Insurance and Reinsurance Intermediaries (SIAR);
- Assur-Conseil;
- Insurance Audit, Studies and Advisory Corporation (SAECO-Assurances);
- Inter Insurance Bureau.

3.4 Transport and telecommunications

3.4.1 Transport

38. The information given on pages 21-22 of the previous combined report remains valid. However, the road network was seriously damaged by the torrential rains in 2006 and 2007 and especially in 2008. For example, the heavy rainfall in July and August 2008 had grave consequences, including:

- The destruction of nine bridges in various parts of the national territory, with the consequent disruption of transport from the production to the consumption areas and a sharp rise in food prices;
- The disruption of port and railway movements, which caused losses of earnings.

39. Where air traffic is concerned, Togo has just been identified as the location for the headquarters of a new air company – ASKY. On the other hand, Air Afrique, one of the main companies to serve Togo, has been in voluntary liquidation since January 2002.

3.4.2 Telecommunications

40. The information given on page 22 of the previous combined report remains valid. The telephone coverage is only 4.8 per cent; 95.2 per cent of the population have no access to a telephone, and 96.3 per cent no Internet access.⁵

41. In addition, the Télécél company has ceded its mobile-phone operating licence to the Atlantic Group, which is using the licence under the trade name “Moov”.

⁵ I-PRSP.

3.5 Tourism and hotel infrastructure

42. Here again, the information contained in the previous report (p. 22) is still up to date. However, one hotel operation (Hôtel de la Paix) has closed down. Hôtel du 2 Février, the Le Bénin hotel school and Hôtel Sarakawa have changed their names, becoming respectively Hôtel Corinthia (closed temporarily for renovation work), Hôtel Ibis and Hôtel Mercure Sarakawa, following the pull-out by the State. There is also an extensive network of private hotels.

43. The tourist attraction of Koutamakou, designated a world heritage site by the United Nations Educational, Scientific and Cultural Organization (UNESCO), should be added to the attractions mentioned in the previous combined report.

3.6 Trade

3.6.1 Domestic trade

44. The information on domestic trade given on page 23 of the previous combined report is still valid. However, the “Nana benzes” (women retailers), who are very active in the fabrics trade, are today suffering stiff competition from Asia, from China in particular. This competition is also affecting other products.

3.6.2 Foreign trade

Table 4

Trade between Togo and foreign countries during the period 2000-2007

(Values in millions of CFA francs; net weights in tonnes)

Year	Net weight		Value		Balance of trade	Rate of tax coverage (%)
	Exports	Imports	Exports FOB	Imports CIF		
2000	2 015 473.50	1 409 913.80	137 007.70	230 493.20	-93 485.50	59.4
2001	2 650 130.60	1 871 484.70	161 589.00	260 117.70	-98 528.70	62.1
2002	2 518 117.10	1 957 869.90	173 622.20	280 871.90	-107 249.70	61.8
2003	3 862 738.90	2 310 707.10	242 365.20	330 274.80	-87 909.60	73.4
2004	3 233 544.60	2 143 520.80	215 517.60	293 821.70	-78 304.10	73.3
2005	2 945 929.30	1 945 968.90	192 062.00	314 352.40	-122 290.40	61.1
2006	3 505 550.10	2 276 650.40	202 766.00	381 432.90	-178 666.90	53.2
2007	2 627 879.20	2 210 986.30	134 216.00	376 310.40	-242 094.40	35.7

Source: Foreign Trade Statistics Yearbook, General Directorate for Statistics and National Accounts, 2007.

45. It is clear from table 4 that Togo's foreign trade in the period 2000-2007 increased both in net weight (tonnes) and in value (millions of CFA francs). The net weight of exports increased from 2,015,473.5 tonnes in 2000 to 2,627,879.20 tonnes in 2007.

46. Imports increased from 1,409,913.80 tonnes in 2000 to 2,210,986.30 tonnes in 2007.

47. The value of this foreign trade, specifically free-on-board (FOB) exports, increased from 137,007.70 million CFA francs in 2000 to 134,216.00 million in 2007.

48. The cargo, insurance and freight (CIF) value of imports increased from 230,493.20 million CFA francs in 2000 to 316,310.40 million in 2007. This indicates a rolling balance

of trade increasing from 93,485.50 million CFA francs in 2000 to 242,094.40 million in 2007.

3.7 Public finances and the national debt

49. In view of the public finance problems described on page 25 of the previous combined report and the continuing high levels of debt, Togo adopted in March 2008 its Interim Poverty Reduction Strategy Paper (I-PRSP),⁶ in which it committed itself to improving the public finances and reducing its debt. In the I-PRSP the State's outstanding foreign debt was estimated at 781 billion CFA francs in 2004; it reached 820 billion in 2005 and stood at 783 billion in 2006. The outstanding amount of internal public debt increased from 276 billion in 2004 to 278 billion in 2005 and 311 billion in 2006. Almost one third of the outstanding foreign debt consists of accumulated arrears of payment.

50. It was for this reason that the State set itself the target of "continuing the effort to restore order to the public finances with a view to gradually increasing budgetary revenue to a level above 17.8 per cent of GDP by 2010 and achieving a surplus in the primary budgetary balance of at least 1.5 per cent of GDP by that same date. In this context, the necessary reforms will be implemented to ensure increased resource mobilization and improved management of the public finances. At the same time, efforts will be made to optimize the allocation of public resources earmarked for the medium term and directed towards the priority sectors for fighting poverty. The Government envisages several areas of intervention".⁷

3.8 Development indicators

51. The analysis of development indicators made in the previous combined report (pp. 25-26) was revised in 2008. For example, according to the Framework Programme for Combating Poverty, in 1995 "almost three quarters (72.2 per cent) of the population of Togo lived below the poverty line, with an income of under 90,000 CFA francs a year, and more than half (57.4 per cent) of this group suffered extreme poverty, with an annual per capita income of under 70,000 CFA francs".⁸

52. According to the I-PRSP, the thresholds calculated in 1995 were updated on the basis of the evolution of the consumer price index. Since this index rose by 11.22 per cent between 1995 and 1999, the new thresholds of poverty and extreme poverty were estimated at 100,800 and 78,400 CFA francs respectively. These thresholds have risen since 1995. This means that a person who was not considered poor in 1995 with an income of over 90,000 CFA francs a year will be considered poor today unless his or her income has increased.⁹

⁶ The Full Poverty Reduction Strategy Paper is being prepared for adoption. It has the following priority sectors: improving governance (political, institutional, administrative and economic), consolidating the bases for strong and sustainable growth, developing human capital, reducing regional imbalances, and promoting grass-roots development.

⁷ Poverty Reduction Strategy Paper.

⁸ MPD/DGPD, Framework Programme for Combating Poverty, vol. III, 1999, p.4.

⁹ Draft national population policy, December 2004.

4. Social services

4.1 Education and training

53. It must be pointed out with regard to basic education that the State's vision since 1975, the year of the education reform, has been gradually to make primary education compulsory and free. Accordingly, the aim has been to improve the gross and net basic education rates. However, these rates have fluctuated since 2000. As a result, in the words of the National Yearbook of School Statistics 2005/06, the gross and net rates have suffered varying fortunes.

Table 5

Some data on pupil numbers and gross school attendance rates

<i>Year</i>	<i>Pupils</i>	<i>Gross school attendance rate (%)</i>
2004/05	996 707	97
2005/06	1 051 872	94
2006/07	1 021 617	89

Source: National Yearbook of School Statistics 2004/05 and 2006/07.

54. It is thus clear from these figures for 2005/06¹⁰ that 1,051,872 children¹¹ attended primary school in 2005/06, an increase of only 5.5 per cent over 2004/05. Such an increase is insufficient to maintain the gross attendance rate at its 2004/05 level, since the population of school age is increasing by 3 per cent. This attendance rate dipped in 2006/07 by 30,225 to 1,021,617 (547,622 boys and 473,995 girls).

55. Furthermore, the gross attendance rate was 94 per cent in 2005/06, down from levels of 97 per cent in 2004/05 and 110.4 per cent in 2000/01.

56. While the total gross and net attendance rates have declined, there has nevertheless been an improvement in girls' access to education. The gross enrolment rate was 91 per cent in 2005/06, against 84 per cent in 2003/04 and 90 per cent in 2004/05. The increase was bigger for girls enrolling in the year-one reception class, where the rate was 94 per cent in 2005/06, against 92 per cent in 2004/05.

57. This is a positive development on the way to achieving universal Education for All by 2015. However, these global rates conceal regional disparities. Efforts are being made to attain the goal of Education for All. For example, the gradual introduction of free basic education from the start of the 2008/09 school year will improve the enrolment rates.

58. Still drawing on these same statistics, the number of pupils in the second cycle of secondary education rose by 7 per cent in 2005/06 over the 2004/05 level. This development may also be seen in the higher gross enrolment rates in this level of education: 58 per cent in 2005/06 as against 56 per cent 2004/05 in the first cycle of secondary, and 22 per cent in 2005/06 as against 20 per cent in 2004/05 in the second cycle. However, here again disparities are still found, not only between regions but also between boys and girls, as indicated by the figures for the school year 2005/06 given in table 6 below.

¹⁰ Ministry of Primary and Secondary Education, National Yearbook of School Statistics 2005/06, forty-first year, p. viii.

¹¹ Including 565,362 boys and 486,511 girls.

Table 6
Gross attendance rates (GAR) in the first and second cycles of secondary education, 2005/06

Region	GAR first cycle (%)			GAR second cycle (%)			GAR total secondary (%)		
	B	G	T	B	G	T	B	G	T
Golfe	100	85	93	62	20	36	88	57	71
Maritime	55	34	46	15	5	11	38	22	31
Plateaux	65	44	56	34	10	23	55	31	44
Centrale	58	41	51	37	11	25	51	31	42
Kara	61	44	54	35	10	23	52	31	43
Savanes	46	20	33	16	4	11	36	15	26
Togo	66	48	58	32	11	22	54	34	44

Source: National Yearbook of School Statistics 2005/06, p. ix.

B = Boys; G = Girls; T = Total.

4.2 Employment

59. Efforts have been made to be able to offer a job to every member of the active population. It is apparent from the I-PRSP that a large proportion of this population is still unemployed. According to the diagnosis made in the I-PRSP, unemployment and underemployment rates were fairly high among Togo's active population in 2006, a third (32.9 per cent) of this population (83 per cent) being affected. However, unemployment and underemployment affect men and women somewhat differently: 34.9 per cent of men are unemployed or underemployed, as against a figure of 31.2 per cent for women.

60. However, overall recruitment to the civil service and sectoral recruitment to certain ministries in 2008 will help to reduce these rates. But it remains the case that, despite these efforts, a high proportion of the active population remains unemployed and requires even more sustained support.

61. The distribution of the unemployed population shows some disparity by place of residence. For example, while 27.4 per cent of the active rural population is unemployed, the level rises to 36.6 per cent in urban areas.

62. It should be noted that household incomes come from several cumulative sources. For example, 36.8 per cent of households draw their incomes from wages and salaries, 61.8 per cent from agriculture, 29.2 per cent from livestock production, 1.6 per cent from fisheries, 78.9 per cent from pensions and allowances, and 42.2 per cent from transfers, including 4.1 per cent in the public and 40.1 per cent in the private sector. This distribution of sources of income varies widely by place of residence. In fact, while one in four rural households (25.9 per cent) draw their incomes from wages and salaries, 55.9 per cent do so in urban areas. In comparison with urban households (19.9 per cent), most rural households (86.4 per cent) earn their living from agriculture.¹²

4.3 Communications

63. The information on communications appearing on page 27 of the previous report remains valid. However, there have been increases in the numbers of radio stations,

¹² I-PRSP, p. 23.

television channels and newspapers. According to the Supreme Audiovisual and Communications Authority (HAAC), in 2008 there were:

- 81 radio stations: two State, 73 private, three rural, and three international;
- 12 television channels: 11 private and one State;
- 84 privately owned newspapers (30 to 40 of them appear regularly once a week);
- One official daily: *Togo-Presse*.

5. Developments in the political and administrative structure

5.1 Political developments

64. Following the presidential election in June 2003 open consultations were begun between the European Union and the Togolese Government on the basis of article 96 of the Cotonou Convention, which regulates EU-ACP cooperation; these consultations led to the acceptance of the 22 commitments by the Government.

65. The process of implementing these commitments was well advanced when the death occurred of the Head of State, Gnassingbe Eyadéma, causing the talks between Togo and the European Union to be shelved.

66. Following the presidential election of 24 April 2005 the new authorities undertook to complete the implementation of the 22 commitments entered into with the European Union. A political dialogue involving all the country's shades of political feeling was thus initiated, and it led to the signature of the Comprehensive Political Agreement (APG) on 20 August 2006 and to the formation of a Government of national unity with the principal task of organizing transparent legislative elections acceptable to all Togolese.

67. On 14 October 2007 the anticipated legislative elections were held, with the participation of the opposition political parties and independent candidates. As a result of these elections three political parties are today represented in the National Assembly. These are the Rassemblement du peuple togolais (RPT) with 50 seats, the Union des forces de changement (UFC) with 27 seats, and the Comité d'action pour le renouveau (CAR), with four seats.

68. The Government of national unity formed in December 2007 included all the various political groupings, extended to include organizations of civil society and thus favouring the resumption of cooperation with the European Union.

5.2 Administrative organization

69. The administrative organization described on pages 29-30 of the previous combined report has undergone changes. A new law, namely Law No. 2007-011 of 13 March 2007 on decentralization and local freedom, elevated the cantons into rural communes.

6. General legal framework for protection of human rights

70. In addition to the agreements mentioned in the previous combined report (p. 29) Togo is a party to the following international instruments:

- The United Nations Convention against Transnational Organized Crime, ratified in July 2004;
- The terrorism conventions (Togo has ratified nine of the 13 instruments adopted), ratified on 2 July 2004;

- The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, ratified in October 2005;
- The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, ratified on 22 June 2004;
- The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, ratified on 22 June 2004.

71. In addition, some of the national policies listed on pages 28-29 of the previous combined report have been revised, and some new policies have been adopted. The revised policies include:

- The National Population Policy of 14 October 1998 (revised in 2004);
- The National Environment Policy of 1998 (revised in 2006-2007);
- The National Health-Care Policy of 14 October 1996 (revised in 2007).

72. The new policies include:

- The National Programme on Modernization of the Justice System (2005);
- The National Plan for Education for All (2005);
- The National Strategy for Mainstreaming Gender Issues in Policies and Programmes (August 2006), with a priority programme;
- The National Programme for the Promotion and Protection of Human Rights, and the Strategy for Consolidating Democracy and Peace (2008);
- The Interim Poverty Reduction Strategy Paper (2007).

6.1 Judicial mechanisms

73. The developments described on pages 30-31 of the previous combined report are still valid. It should nevertheless be added that the number of courts was increased¹³ as a response to the problem of the inaccessibility of the justice system to litigants, a problem noted on page 31.

74. With this in mind and in order to render the justice system more effective and bring it closer to litigants, a National Programme on Modernization of the Justice System was adopted in October 2005. This programme is divided into six subprogrammes; their implementation is producing the following results. Subprogramme 1, on strengthening the system's administrative capacity, has led to the establishment of several central directorates, including the Directorate for Access to Law and Justice. This Directorate is working to improve access to the system, especially for vulnerable groups and for women in particular. It is continuing with the implementation of subprogramme 6, on improvement of access to the law, which provides for legal aid, mobile court hearings, and improved relations with other relevant persons and agencies, including representatives of the legal system and civil society organizations.

75. The programme is currently being executed with technical support from UNDP, the European Union and France. This work has included an awareness and information campaign on the programme's content, the establishment of the Commission on Revision and Drafting of Legislation, the compilation of a legal database, etc.

¹³ In addition to the courts mentioned in the previous combined report there are courts in Tohou, Bafilo, Mandouri, Kévé, Guérin-Kouka, Vogan and Blitta. However, the Blitta and Tohou courts are not yet operational. In addition, the Court of Appeal in Kara is now in operation.

6.2 Means of redress

76. All the information appearing on page 31 of the previous combined report remains valid.

6.2.1 Non-judicial mechanisms

77. Togo has a number of non-judicial mechanisms for the promotion and protection of human rights.

6.2.1.1 National Human Rights Commission (CNDH)

78. All the information appearing on page 31 of the previous combined report remains valid. However, Organic Law No. 96-12 of 11 December 1996, on the membership, organization and functioning of the CNDH, was amended and supplemented by Law No. 2005-004 of 9 February 2005. The changes in question, which fall within the scope of the 22 commitments signed by Togo, further strengthened the independence and effectiveness of the CNDH. For example, the new provisions introduced in the 2005 Law included the irrevocability of a member's term of office except in the event of infringement of the legal provisions governing the Commission, the possibility for it to bring matters before the courts as part of the procedure for processing the applications which are made to it, and automatic referral to the courts of cases of alleged human rights violations.

79. Furthermore, article 154 of the Togolese Constitution of 14 October 1992 created a National Ombudsman, who supports the work of the CNDH.

80. The Ombudsman's Office is responsible for settling non-jurisdictional disputes between the Administration and citizens. But the Office is not functioning at present because the post of Ombudsman is unoccupied.

6.2.1.2 General Directorate for Human Rights

81. Attention must be drawn to one development with regard to the information given on page 31 of the previous combined report: the detachment of the General Directorate for Human Rights from the Ministry of Justice. An independent ministry has been created to deal with questions of human rights. The General Directorate for Human Rights reports to this institution, now known as the Ministry for Human Rights, Consolidation of Democracy and Civic Training.

82. Within the context of the promotion and protection of human rights in Togo, 2007 saw the adoption of a national human rights programme, the interim part of which is currently being carried out.

6.2.1.3 NGOs and associations concerned with the promotion and protection of human rights

83. All the information given on page 31 of the previous combined report is still valid.

6.3 The place of international instruments in Togo's legal system

84. All the information given on page 31 of the previous report remains valid.

7. Information and publicity

85. One point may be added to the information on this subject contained in the previous report: the Convention is now publicized in Togo's four literacy languages (Ewé, Kabyè, Tem and Ben) in order to ensure its widespread dissemination.

Part II

Information relating to articles 1-16 of the Convention

Article 1

Definition of discrimination and status of the Convention on the Elimination of All Forms of Discrimination against Women

86. Article 1 of the Convention should be considered in conjunction with articles 50 and 140 of the Togolese Constitution of 14 October 1992, which supplement articles 2 and 11 of the Constitution in order to resolve the problems of the definition of discrimination and the status of the Convention.

87. Article 50 of the Constitution states: “The rights and duties set forth in the Universal Declaration of Human Rights and in the international human rights instruments, ratified by Togo, constitute an integral part of the present Constitution.”

88. Since Togo acceded to the Convention on the Elimination of All Forms of Discrimination against Women on 26 September 1983, there can be no doubt that article 1 of the Convention, and indeed all its other provisions, are incorporated in the Constitution by virtue of its article 50.

89. Article 140 of the Constitution of 14 October 1992 states: “The treaties and agreements duly ratified or approved possess, from the date of their publication, an authority superior to the authority of laws, subject, in each individual case, to the application of the agreement or treaty by the other party.” It follows from this that laws either anterior or posterior to Togo’s accession to the Convention may not conflict with the provisions of the Convention.

90. Be it in civil, criminal or social legislation, the whole problem is to establish whether citizens can assert the rights set out in the Convention directly before the courts and tribunals and before the administrative authorities. This can be the case only if the incorporation of the Convention in the Constitution by means of article 50 also obtains with regard to the other laws and regulations.

91. When making a comparison between the body of criminal law and the body of human rights law it must be remembered that the Criminal Code of 13 August 1980 does not define discrimination against women or establish such discrimination as a crime. It was for this reason that, in order to make good the gaps and shortcomings in the Criminal Code and other legislation, the Togolese State undertook a reform of its judicial system by establishing the National Programme on Modernization of the Justice System (PNMJ), to run for a period of five years. This programme was adopted by the Council of Ministers on 19 October 2006.

92. The aim of the PNMJ is to strengthen democracy and the rule of law, the effective exercise of human rights, and social peace, as well as to create a legal environment conducive to sustainable development.

93. It consists of six subprogrammes, the second of which is concerned with the modernization of legislation. The National Commission on Modernization of Legislation (CNML) established for this purpose effectively began its work in January 2008.

94. Subprogramme 2, on modernization of legislation, provides for the harmonization of internal law with international law, in particular the harmonization of criminal legislation with the international criminal conventions (genocide; war crimes; crimes against humanity; discrimination; women’s and children’s rights; transnational organized crime; terrorism; torture).

95. Where discrimination against women and children is concerned, the draft bill revising the Criminal Code of 13 August 1980 incorporates in its article 296, paragraph 1, the provisions of the Convention relating to the definition of discrimination:

“... the term ‘discrimination against women’ shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social cultural, civil or any other field.”

96. This will make it possible to bring the Criminal Code into line with the Constitution (arts. 2, 11, 50 and 140) and with the Convention on the Elimination of All Forms of Discrimination against Women.

Article 2

Obligation to eliminate discrimination

1. With regard to statute law

97. The State has adopted the following legislation:

- Law No. 2007-017 of 6 July 2007 constituting the Children’s Code. This Code introduced several innovations, including:
 - Equality of the two sexes with respect to the age of marriage, which is now set at 18 years, with the possibility for the president of a court of first instance to grant, on serious grounds, a dispensation to a child of either sex aged at least 16 years (art. 267).
 - Protection of children against violence, exploitation, harassment and sexual abuse (arts. 387-403).
 - Right of children to inherit property, without any gender-based distinction (art. 114).
- Law No. 2006-010 of 13 December 2006 constituting the Labour Code.
- The new Labour Code introduced innovations promoting the equality of rights of men and women:
 - Definition of discrimination in the workplace (art. 3).
 - Equality in recruitment (art. 39).
 - Protection of women against sexual harassment in the workplace (art. 40). However, it should be noted with respect to this latter provision that that few cases of sexual harassment in the workplace are brought to the attention of the courts. For example, only two cases were recorded in the Labour Tribunal in Lomé in 2008, at the pre-conciliation stage.
- Order No. 1464/MTEFP/DGTLS of 12 November 2007 of the Ministry of Labour, which specifies the work prohibited to children under article 151.4 of the Labour Code. Article 11 of this Order prohibits the employment of girls aged under 16 on the exterior stands of stores and shops.
- Law No. 2005-012 of 14 December 2005 on protection of persons against HIV/AIDS; this Law was revised in 2008 in order to take account of the gender approach and human rights. It provides for HIV/AIDS prevention and treatment

programmes for women (art. 45). Article 46 also establishes a woman's right to refuse to engage in unprotected sexual relations even in the case of married couples.

- Law No. 2007-005 of 10 January 2007 on reproductive health. Article 11, paragraph 2, of this Law provides that “no woman may be subjected, for reasons connected with sexual relations or reproduction, to torture or constraint and/or to acts of violence such as: rape, female genital mutilation, forced and/or early marriage, early pregnancy, unwanted and/or closely spaced pregnancies, sexual exploitation, sexual abuse, harassment or any other form of violence”.
- Law No. 2004-005 of 23 April 2004 on social protection of persons with disabilities. Section IV of this Law deals with the specific case of women with disabilities: “The State shall provide special protection for women with disabilities in order to preserve their dignity” (art. 39); “The personnel of health institutions shall accord special attention to women with single or multiple disabilities during maternity” (art. 40); and “Women with disabilities shall receive administrative, legal and judicial assistance for the purpose of resolving any issue of a matrimonial nature” (art. 41).

98. Togo also signed, in 2004, the Convention on the Rights of Persons with Disabilities. This Convention is under study in the National Assembly with a view to adoption of the instrument of ratification.

99. Where institutions are concerned, the Ministry of Social Action, Advancement of Women and Protection of Children and the Elderly has a Directorate for Persons with Disabilities. One of this Directorate's tasks is to turn the Government's policy on protection of persons with disabilities into a reality.

100. The health, education and employment needs of such persons have been factored into the I-PRSP.

101. One practical measure is a pilot project run in Togo by Handicap International. This project, entitled “Rights, equality, citizenship, solidarity and inclusion of persons with disabilities (DECISIPH)”, covers six countries of the subregion (Mali, Burkina Faso, Niger, Senegal, Sierra Leone and Togo) and has been in implementation since 2006. Its aim is to build the capacities of persons with disabilities by giving them a new lease of life.

102. The following projects also deserve mention:

- The draft revision of the Personal and Family Code, validated in July 2007. This draft text was validated by the various components of Togolese society, including the traditional chiefs, the guardians of customs and traditional practices. It addresses, among other things, monogamy and equal inheritance rights for men and women.
- The draft bill revising the Criminal Code. Article 2, paragraphs (b) and (d), of the Convention assert the principle of the legality of sentences handed down against any act or practice of discrimination against women, the choice of penalty being left to the discretion of the State party, i.e. Togo. To this end, article 296, paragraph 2, of this bill, which address discrimination, state that the main perpetrator is liable to a sentence of imprisonment for one to three years and to a fine of 500,000 to 5,000,000 CFA francs or to either one of these penalties. It should be added that article 297 imposes the same penalties in respect of acts of discrimination committed against women with regard to the following rights:
 - Equality in political and public life at the national and international levels; infringement of this right is punishable by imprisonment for three to six months and a fine of 100,000 to 1,000,000 CFA francs or to only one of these penalties.

- Equality with respect to the legislation on nationality, the violation of which is punishable by a fine of 100,000 to 500,000 CFA francs.
- Equality in education; infringement of this right is punishable by imprisonment for one month to three years and a fine of 100,000 to 1,000,000 CFA francs.
- Equality of rights in employment and in the workplace; infringement of these rights is punishable by imprisonment for one to three years and a fine of 100,000 to 1,000,000 CFA francs.
- Equality of access to the health service (imprisonment and fine).
- Equality in legal and civil matters (fine of 100,000 to 500,000 CFA francs).
- Equality of rights in the family (fine of 100,000 to 500,000 CFA francs).
- Equality of rights in access to loans and social security; infringement of these rights is punishable by imprisonment for three months to one year and a fine of 100,000 to 500,000 CFA francs).
- Equality of rights of rural women in access to development (imprisonment for three months to one year and a fine of 100,000 to 500,000 CFA francs).

2. In practice

103. The practical difficulties of applying the various instruments adopted to improve the situation of women, noted under article 2 in the previous combined report (pp. 35-36), persist today. For example, women are still underrepresented in institutions, as may be seen from the figures given in table 8 under article 7 below. However, progress has been made in the Army, the Police and the Gendarmerie and in the water and forests administrations.

104. It must also be pointed out that a study on female genital mutilation was initiated by the Ministry responsible for the advancement of women. This study, conducted as part of the Government's programme to combat gender-based violence, identified a decline in female genital mutilation in Togo (from 12 per cent in 1996 to 6.9 per cent in 2007). The study was validated in July 2008.

105. Where statistics are concerned, efforts are currently being made with UNDP support to establish a comprehensive system for collecting gender-disaggregated data in various fields, including those covered by the Convention.

106. It should be noted that various bodies, both State and private, are working on the ground to enhance awareness of the advancement of women's rights.

2.1 State institutions

107. The various State institutions described under article 2 in the previous combined report (pp. 36-38) are still in place.

108. However, Decree No. 2007-132/PR of 13 December 2007, on the composition of the Government, changed the title of the Ministry of Social Affairs, Status of Women and Child Protection. It is now known as the Ministry for Social Action, Advancement of Women and Protection of Children and the Elderly. In addition, Decree No. 2008/050/PR of 7 May 2008, on the powers of ministers of State and other ministers, boosted the scope of their authority. For example, their spheres of competence now include implementation and monitoring of resolutions and recommendations emanating from international conferences. Ministers are now responsible for the implementation of conventions and treaties adopted in their spheres.

109. It should also be noted that pursuant to Decree No. 2008-090/PR of 29 July 2008 the General Directorate for the Advancement of Women is now called the General Directorate for Gender Affairs and the Advancement of Women.

110. Another development worthy of note was the division of the Ministry of Justice, which is responsible for promoting democracy and the rule of law, into two ministries: the Ministry of Justice, responsible for relations with the institutions of the Republic; and the Ministry for Human Rights, Consolidation of Democracy and Civic Training.

111. In addition, the National Human Rights Commission, the State institution responsible for the promotion and protection of human rights, established in its administrative secretariat a Division for Women, Children and other Specific Groups and from among its elected members a Subcommission with the same title; both these bodies are responsible, among other things, for promoting women's rights.

2.2 NGOs and associations

112. In 2008 there were some 200 NGOs and associations concerned basically with women's rights. They continue to work as in the past, in concert with the State institutions, for the promotion, protection and defence of women's rights.

3. Discrimination and justice

113. The comments on prosecutions made in the previous report (p. 40) still apply. However, a national awareness-raising policy was introduced in order to combat discrimination in the justice system. This policy takes into account some of the components of the National Programme on Modernization of the Justice System, in particular subprogramme 6 entitled "Improvement of access to the law", which has the following components:

- Dissemination of laws, regulations and jurisprudence;
- Publicizing the law;
- Pilot legal-aid experiments;
- Pilot experiments with mobile court hearings targeted at rural dwellers.

114. Measures are currently being carried out to render the programme effective in terms of disseminating laws, regulations and jurisprudence and publicizing the law. For example, a joint seminar was held in 2008 by the Ministry of Justice and civil society organizations. This seminar produced a national plan of action for 2009-2010 for disseminating and publicizing the law. This plan covers both human rights in general and women's rights in particular. In addition, a Ministry of Justice web site was launched in 2008.

Article 3 Development and advancement of women

115. Since the previous report (pp. 40-41) the following changes have taken place in the legal context of the development and advancement of women:

- The Personal and Family Code. The inter-ministerial committee charged with revision of the Personal and Family Code of 31 January 1980 delivered its report in March 2003. This report was reviewed by a technical committee and validated in July 2007 at a national workshop attended by the various components of society. But the amended and validated code has not yet been adopted by the Council of Ministers. The Ministry responsible for the advancement of women, the Justice

Ministry and women's rights NGOs continue their advocacy to have the obstacles removed.

- Law No. 2005-009 of 3 August 2005 on trafficking in children. This Law provides for the prosecution and punishment not only of persons who recruit children but also of persons who transport, harbour or accept children. It also provides for the prosecution of parents or guardians as accomplices if they acted knowingly.
- Law No. 2005-012 of 14 December 2005 on protection of persons against HIV/AIDS.¹⁴
- Law No. 2007-005 of 10 January 2007 on reproductive health contains a series of provisions for the protection of maternity, in particular with regard to principles, rights and responsibilities in matters of reproductive health, contraception, medically assisted conception, termination of pregnancy, etc.
- The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, signed at Maputo in July 2003, was ratified by Togo in 2005. This Protocol provides for specific protection for African women against the vile practices and acts of violence to which they are subjected.

116. In addition to these developments in the legal setting, attention is drawn to the following supplementary measures:

- The production in 2006 by the Ministry responsible for the advancement of women, with UNDP support, of a set of gender indicators designed eventually to describe not only the distortions and imbalances between men and women in certain fields but also, and most importantly, to provide an evaluation of the magnitude of these gap with a view to proposing suitable strategies to be carried out to improve the specifications of the development programmes.
- The conduct in 2005-2006 of an analytical study of gender disparities.
- The production of an outline national strategy for gender mainstreaming in Togo's policies and programmes, which was adopted by the Council of Ministers in August 2006. This strategy has the following objectives:
 - To build women's capacity to combat the inequalities in the social relations between the sexes in all their manifestations, whether individual, collective or institutional.
 - To secure the cross-cutting mainstreaming of gender issues in all areas by all the institutions of the Republic, civil society organizations, the private sector, etc.
- The design and establishment of centres of excellence for gender equity in Togo's education systems, with the long-term aim of improving gender equity in education.

Article 4

Enhancement of equality between men and women

117. Both legislative and administrative action has been taken to improve equality between men and women. One additional measure was the introduction of the quota system.

¹⁴ See the developments mentioned in para. 97 above under article 2.

1. Administrative and legislative measures

118. On this question see the changes to statute law described under article 2 and the comments under article 3.¹⁵ The following additional administrative measures should be noted:

- The economic empowerment programme, which furnished 20 women's groups with technical and material support in 2008;
- The national gender-equality policy (PNEEG) validated in September 2008;
- The award of higher-education scholarships to all students of either sex;
- The creation of gender focal points and the appointment of members of these bodies in the "gender-sensitive" ministries as part of the implementation of the National Strategy for Mainstreaming Gender Issues in Development Policies and Programmes.

119. The task of these focal points is to work on the mainstreaming of gender equality in their ministries through the measures deemed necessary and the programmes to be implemented.

120. The Government's efforts are being supported by numerous measures to raise awareness and provide training and legal assistance for women in difficulties; these measures are carried out by civil society organizations working to secure the advancement of women and the effective delivery of women's education rights.

121. The projects carried out by the Women, Democracy and Development Study and Action Group (GF2D) deserve mention. Since 1994 GF2D has trained more than 600 paralegal personnel and held seminars for journalists and rural radio presenters, as well as publishing in 2007 the second edition of *Livre blanc de la femme togolaise: Femmes togolaises, aujourd'hui et demain* (White book of Togolese women: Togolese women, today and tomorrow), a work which describes women's present situation in Togo in all areas (health, law, science, political power, education, etc.). A similar role is played by the NGO Women in Law and Development in Africa (WiLDAF-Togo).

122. Attention should also be drawn to the protocol on collaboration between the Forum for African Women Educationalists (FAWE) and the Ministry of Primary and Secondary Education and Literacy. This protocol has four aspects.

- The physical aspect. This involves the creation of centres of excellence in a number of Level II and Level III institutions. These centres focus on the specific needs of girls and boys, such as for example toilets and playgrounds. Maritime region offers one example.
- The teaching aspect, which places the emphasis on gender training for teachers. A training curriculum has been produced for teacher-training personnel and for teachers to enable them to take the gender aspect into account in all school and school-related activities. One example is training in the production of "sketches" on topics related to the various forms of violence against girls and women found in schools and villages. Attention should also be drawn to the awareness-raising activities designed to enhance women's image and their leadership role in education.
- The partnership aspect. Partnerships are developed between schools and parent/pupil organizations to tackle gender-related problems, genital mutilation for example. This aspect is being developed in Centrale region.

¹⁵ See above: Introduction, para. 85, and section 1 under article 2.

- The institutional aspect. This means the incorporation of the gender dimension in sectoral education policy.

123. In addition to all these activities there is the collaboration between the European Union and the Ministry of Primary and Secondary Education and Literacy to organize drawing competitions on the subject of gender for children aged 10 or older.

2. The quota system (cf. section 1 “Action by the Government and State institutions” under article 7)

**Article 5
Sexual roles and stereotypes**

124. The information given under article 5 in the previous combined report (pp. 42-43) is still valid. However, with reference to the obstacles to the advancement of women the draft revised and validated Personal and Family Code contains a new provision in its article 424; article 391, which constitutes an obstacle in the form of customary inheritance practices, is deleted; this article reads: “The provisions of the present title (Inheritance) apply only to persons who have made a declaration renouncing the customary law of inheritance.”

125. When it comes to parents’ participation in their children’s education, the draft revised Code establishes equality between men and women by stipulating that spouses bear joint moral and material responsibility for their family (new art. 92).

126. In addition, spouses owe each other reciprocal care and assistance in protecting the moral and material interests of their household and their children (new art. 91).

127. With regard to boy-girl equality in school curricula, efforts are being made to revise the image of girls in textbooks and to find sources of funding for publishing the textbooks currently undergoing revision.

128. With regard to violence in the family and sexual attacks, the draft bill revising the Criminal Code of 13 August 1980 contains several articles on violence against women (arts. 197-202.3).

129. Under the draft bill sexual harassment is punishable by imprisonment for one to five years and a fine of 100,00 to 500,000 CFA francs or by either one of these penalties. The suppression of violence between spouses is addressed in articles 186 *et seq.* of the draft bill.

130. In civil law, article 93, paragraph 1, of the draft revision of the Personal and Family Code provides that sexual relations between spouses are free and consensual.

131. With respect to criminal prosecutions for rape, the number of offences recorded in Togo’s civil prisons between 2003 and 2005 totalled 165, i.e. 1.4 per cent of recorded offences.¹⁶

132. In the case of polygamy, article 40 of the draft revision has this to say about monogamous marriage: “Only monogamous marriage is recognized by law. No one may contract a second marriage before the dissolution of the first.”

133. For information about female genital mutilation, see the developments discussed under article 6 in section 2.2.2.¹⁷

¹⁶ Suzanne Soukoude, *Étude sur les conditions de réinsertion des anciens détenus dans leur communauté et les causes de la délinquance* (Study of the conditions of the reinsertion of ex-prisoners in their communities and the causes of crime), PAUSEP, 2006.

134. In more general terms on the subject of violence against women, attention is drawn to the rehabilitation, with support from the United Nations Population FUND (UNFPA), of the reception centres in all the regions of the country and of the centre providing psychological and medical care for women victims of violence in the Tokoin university hospital. These centres offer legal counselling and other advice to such women.

135. The official media and local radio stations also run articles and broadcast programmes enhancing the image of women.

Article 6

Suppression of the exploitation of women

136. The fight against trafficking, exploitation and prostitution of women has been at the heart of the efforts both of the Government and of NGOs.

137. In terms of developments regarding legal instruments, attention is drawn to the ratification of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa and of the United Nations Convention against Transnational Organized Crime.

138. The Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 29 May 1993 was ratified in 2008.

139. In addition, the National Assembly has authorized the ratification of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children of 11 November 2008 supplementing the United Nations Convention against Transnational Organized Crime

140. Where internal legislation is concerned, attention is drawn to the adoption of the several instruments mentioned earlier, including:

- Law No. 2007-017 of 6 July 2007 constituting the Children's Code;
- Law No. 2005-009 of 3 August 2005 on trafficking of children Togo;
- Law No. 2005-012 of 14 December 2005 on protection of persons against HIV/AIDS.

141. Specific information on trafficking in girls and women and the sexual exploitation and prostitution of women will be found in the following section.

1. Trafficking in girls and women

142. Trafficking in girls and women is a fact, and a particularly serious one in the case of girls. In order to combat this activity, a law on trafficking of children was adopted on 3 August 2005. This law marks a step forward in the fight against this phenomenon in the sense that it criminalizes the trafficking of children. It provides that perpetrators and their accomplices, and even parents or guardians who knowingly facilitate the trafficking of children, are punishable by imprisonment and/or fines (arts. 10-14). Furthermore, any person of foreign nationality found guilty of trafficking of children is banned from Togo for at least five years (art. 14).

143. Trafficking of children is clearly defined in article 2 of the law as "the process by which any child is recruited or abducted, transported, transferred, harboured or received

¹⁷ See paras. 164-169 below.

within or outside the national territory by one or more persons for purposes of the child's exploitation".

144. The law also provides for the creation by decree of the Council of Ministers of a national commission to combat trafficking of children, including girl victims.

145. The General Directorate for the Protection of the Child and associations and NGOs working for the promotion and protection of the rights of women and children (World Association for Orphans (WAO Afrique), Forum des Organizations de Défense des Droits de l'Enfant (FODDET), Plan Togo, etc.) carry out awareness-raising activities and monitor children victims of trafficking who are removed to such countries as Benin, Côte d'Ivoire, Nigeria and Gabon. Table 7 offers some statistics on this subject.

Table 7

Some statistics¹⁸ on trafficking of children in Togo in 2008, by sex

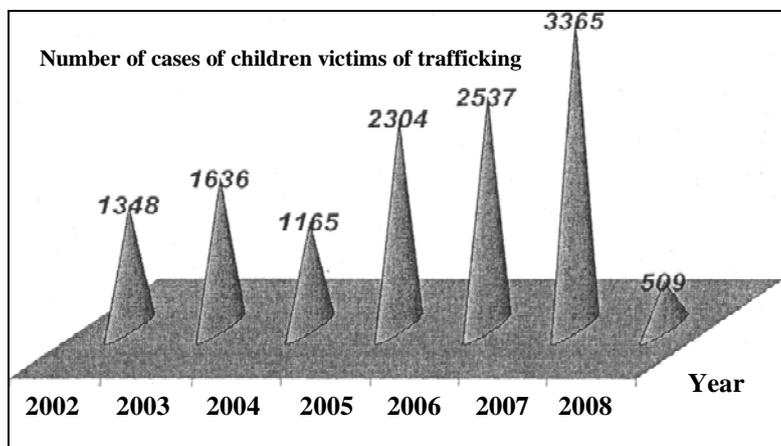
<i>Period</i>	<i>Total victims</i>	<i>Boys</i>	<i>Girls</i>
January-March	178	89	89
April-June	283	174	109
October-December	48	37	11
Total	509	300	209

Source: National Commission on the Care and Social Reintegration of Children Victims of Trafficking (CNAREVT).

146. There were 300 boys and 209 girls among the 509 victims identified (58.93 against 41.07 per cent). The following graph gives further data on trafficking of children.

Graph 1

Some data on trafficking of children,¹⁹ 2002-2008



147. Graph 1 indicates a considerable decline in trafficking in 2008 as compared with 2007, the year in which the highest rate was recorded, even though the 2008 data are only partial. This is due not only to the awareness-raising work but also to the effective enforcement of the law, as may be seen from the following figures recorded by CNAREVT:

¹⁸ These statistics do not include figures for the period July-September. And the figures for October-December relate only to Centrale, Plateaux and Kara regions.

¹⁹ These figure relate to victims intercepted, or repatriated, taken into care and reintegrated.

Summary of numbers of traffickers arrested and tried in 2008

- Six traffickers tried and sentenced to one year's imprisonment, with eight months suspended;
- One trafficker tried and sentenced to six months' imprisonment and a fine of 300,000 CFA francs;
- One trafficker tried and sentenced to six months' imprisonment, with no suspended time;
- Three traffickers tried and sentenced to two years' imprisonment, with no suspended time;
- One Beninese trafficker tried and sentenced to two years' imprisonment with no suspended time and banned from Togo for five years after serving his sentence.

Total: 12 traffickers tried and sentenced, including one Beninese national

148. This activity demonstrates the Government's determination to suppress and eradicate the trafficking of children. A hotline (Allô 111) has also been established to enable people to report perpetrators of any form of violence against children.

149. It must be stressed, however, that the law on trafficking of children is of limited scope, for it applies only to children, including girls, aged under 18.

150. But the issue of trafficking of persons in general and of women in particular is addressed in the draft revision of the Criminal Code, in order to bring it into line with the United Nations Convention against Transnational Organized Crime through the addition of a chapter 10 entitled "Offences connected with transnational organized crime".

2. Sexual exploitation and prostitution of girls and women

2.1 Girls

151. The adoption of the Children's Code constitutes a big step forward in the fight against the sexual exploitation and prostitution of children.

152. Articles 366, 388 *et seq.* of the Criminal Code characterize incest, child prostitution, child pornography, paedophilia, sex tourism and sexual harassment as violations of the criminal law. The same is true of sexual abuse and corruption of young people (incitement to debauchery or sexual exhibitionism). All of these acts are new crimes now added to rape and indecent assault.

153. The question of early marriage is addressed in article 267 of the Children's Code, which raised the age of marriage for girls from 17 to 18 years. This same article prohibits marriage of children aged under 18.

154. Today the Government's fight against the sexual exploitation of children has three main focuses: awareness, prosecution of perpetrators, and social reintegration by means of social and professional measures.

2.2 Women

155. The criminal legislation on exploitation of women for prostitution, in particular public soliciting for purposes of prostitution, incitement to prostitution, and procuring, remains in force. In addition, article 40 of the Labour Code protects all workers, male and female, against harassment by employers or employers' representatives.

156. Furthermore, article 198 of the draft revision of the Criminal Code addresses and stipulates penalties for sexual harassment. According to this article, "sexual harassment

means the actual use of orders, threats, constraint, language or gestures in writing or in any other form in order to obtain sexual favours from a woman against her will. Penalties of imprisonment for one to five years and a fine of 100,000 to 5,000,000 CFA francs, or either one of these penalties, shall be imposed on any person found guilty of sexual harassment”.

157. The Government and associations carry out practical measures of medical and psychological care and legal assistance for sex workers.

158. In 2005, in the lead up to 31 July, African Women’s Day, the Government promoted the introduction of social reintegration programmes for sex workers.

159. In 2007 the Ministry for Social Action, Advancement of Women and Protection of Children and the Elderly produced its strategic sectoral plan to combat AIDS and sexually transmitted diseases (STDs), priority area 2 of which is concerned essentially with the specific problem of male and female sex workers. Area 2 provides for measures of prevention and care and for the development of income-generating activities to facilitate the reform and social reintegration of sex workers.

160. With regard to civil society, attention is drawn to the work of the La Providence association: in July 2008, as part of the campaign against AIDS in West Africa, it highlighted the need for sex workers to be protected against HIV/AIDS and other STDs and to be made aware of their rights and the possibility of a different life.

161. Attention should also be drawn to the implementation of the project “Support for the advancement of women”, financed by UNFPA and run as a pilot project by the General Directorate for Gender Affairs and the Advancement of Women. This project concentrated on training sessions and awareness-raising campaigns on gender-based violence for legal personnel and law officers and for traditional and religious authorities.

162. In addition to tackling trafficking of women and exploitation of women for prostitution, the Government and NGOs are conducting a more general campaign against certain specific forms of sexual violence, including rape, incest, sexual harassment, early marriage, and female sexual mutilation.

2.2.1 *Sexual harassment in schools and trainee workplaces*

163. Action is being taken to eliminate the specific phenomenon of sexual harassment in schools. For example, various human rights associations²⁰ have carried out measures in this area in collaboration with the Government, notably in 2000 and 2001, in schools, universities and trainee workplaces. This action led to the creation of “SOS girls” committees in almost 90 schools of various types. A guide on the care of victims was produced and made available to these committees. The committees are made up of boys and girls, teachers and parents.

2.2.2 *Female genital mutilation*

164. Despite the adoption of Law No. 98-016 of 17 November 1998 prohibiting female sexual mutilation in Togo, the practice persists in places owing to social and cultural attitudes. It is generally more confined to the northern regions, which have the highest rates: Centrale – 55 per cent; Savanes – 32.4 per cent; and Kara – 25.8 per cent.²¹

165. Through its technical services (in the Ministry for Social Action, Advancement of Women and Protection of Children and the Elderly) the Government conducts unremitting

²⁰ WiLDAF and La Conscience, among others.

²¹ General Directorate for the Advancement of Women, 2008.

information and awareness campaigns aimed at practitioners of mutilation and at the population at large concerning the damage caused by the practice and the penalties which violators risk (extension work and dissemination of the Law).

166. Attention may also be drawn to the measures to persuade practitioners of mutilation to take up income-generating activities by means of targeted training and award of repayable loans and to the systematic care facilities provided for victims by the medical and social services.

167. These activities of the Government are backed by the grass-roots efforts of NGOs and associations to raise awareness and publicize the Law. Some of them have even translated the Law into the literacy languages and displayed it on posters.

168. The purpose of this array of measures is to persuade the various communities concerned to abandon traditional social and cultural attitudes and sexual stereotypes.

169. Togo has accordingly witnessed at the national level a decline in female sexual mutilation from a rate of 12 per cent in 1998 to about 6 per cent in 2007.²²

Article 7

Participation by women in political and public life

170. Generally speaking, since the last report there have been no significant developments in participation by women in political and public life, as may be seen from table 8.

Table 8

Representation of women in public and political bodies

<i>Institutions</i>	<i>Total</i>	<i>Men</i>	<i>Women</i>	<i>Percentage women (%)</i>
Government	28	24	4	14.28
National Assembly	81	72	9	11.11
Constitutional Court	9	8	1	11.11
Procurator of the Republic	10	10	0	0
Higher Council of the Magistracy	9	8	1	11.11
National Human Rights Commission	17	15	2	11.76
Audio-Visual and Communications Regulatory Authority	9	8	1	11.11

<i>Decision-making posts</i>	<i>Total</i>	<i>Men</i>	<i>Women</i>	<i>Percentage women (%)</i>
Judges	175	157	18	10.28
Ambassadors (7) and chargés d'affaires (6)	13	13	0	0
Prefects	30	30	0	0
Sub-prefects	4	4	0	0
Chairpersons of special commissions	51	51	0	0

²² MICS 3 and UNICEF 2006 survey, confirmed by another specific survey carried out in 2007 by the General Directorate for the Advancement of Women with UNFPA support.

<i>Decision-making posts</i>	<i>Total</i>	<i>Men</i>	<i>Women</i>	<i>Percentage women (%)</i>
Principal private secretaries	28	27	1	3.57
Canton heads	328	324	4	1.21
Village heads	5 000	4 997	3	0.06
Members of Supreme Court	23	19	4	21.05

Source: Data collected in 2008 from the institutions concerned.

171. Action is being taken both by the public authorities and by civil society organizations to reduce the gaps identified.

1. Action by the Government and State institutions

172. Efforts are currently being made to mainstream a gender approach in policies and programmes. For example, an analytical study of the gender question was initiated and it led to the adoption of a strategic plan by the Council of Ministers on 2 August 2006. This move was followed by a Prime Ministerial Decree of 13 June 2008 instituting gender focal points in all ministries.

173. In the Prime Minister's Office itself the post of Adviser on Gender Issues and Parity between Men and Women was entrusted to a woman in 2005-2006. In 2007 a woman was appointed Education Adviser.

174. In addition, the Comprehensive Political Agreement (APG) of 20 August 2006, while not providing for quotas of women candidates, did nevertheless encourage the political parties to undertake to put up a minimum number of women candidates in elections. Along the same lines, at the time of the early legislative elections in 2007 Decree No. 2007-073/PR of 6 June 2007 setting the amount of candidates' deposits granted a reduction of 25 per cent in the deposit for women candidates on all lists. Furthermore, in order to encourage the political parties to give more attention to participation by women in political life Law No. 2007-018 on public funding of political parties provides for an additional payment for securing the advancement of women. This means that a cash bonus proportionate to the number of women elected in national or local elections is paid to the political party to which these women belong (art. 9).

175. Furthermore, the Government has involved women in the national dialogue on the fulfilment of the 22 commitments entered into by the Government with the European Union at Brussels on 14 April 2004 through two women's associations, the Network of African Ministers and Members of Parliament-Togo (REFAMP-Togo) and the Women, Democracy and Development Study and Action Group (GF2D); these associations represented civil society in the dialogue leading to the Comprehensive Political Agreement (APG).

176. At the local level, i.e. in the grass-roots development committees (urban district and village development committees) action was taken to promote a proportion of at least 30 per cent women in decision-making bodies.

177. In addition to these measures, other action was taken to secure the adoption of a law setting a minimum quota for women members of decision-making bodies. Law No. 2007-11 of 13 March 2007 on decentralization and local freedom will help to enhance the representation of women in decision-making bodies at the local level.

2. Action by associations and NGOs²³ in collaboration with the Government

178. The underrepresentation of women in decision-making bodies cannot be eliminated merely by adopting legislation on the subject; a change of attitude is also needed. Take for example the fact that the above-mentioned Decree No. 2007-073/PR of 6 June 2007 has not helped to reverse the tendency for women to be underrepresented in the National Assembly observed following the legislative elections of October 2007. Participation by women in decision-making is limited by the following constraints, among others:

- Low rates of female education and literacy;
- Non-registration of births, which causes difficulties with the issue of identity documents;
- Traditional social attitudes, which impede women's development;
- Religious factors.

179. This is why, in addition to the adoption of legal instruments, both the Government and civil society are also concentrating their efforts on awareness-raising and training. For example:

- GF2D organizes at the village level systematic training in decision-making for women members of village development committees (CVDs), as well as holding regular refresher courses for trainers of trainers.
- The La Colombe NGO in Vo prefecture works to enhance the awareness and the training of traditional chiefs in the political rights of women, the aim being to persuade them to look more favourably on the exercise of these rights by women.
- The NGO Association Féminine La Lumière (AFEL) has carried out awareness-raising measures in villages in four of the country's prefectures to inform people about women's rights. Like Plan Togo, GF2D and UNICEF, it has also supported citizens until they obtained a supplementary judgement²⁴ to take the place of a birth certificate, thus allowing recipients to acquire an identity card.
- WiLDAF-Togo carried out a project entitled "Women and governance", one of the aims of which was to promote participation by women in political decision-making and preparation of the budget. The project started up on 16 February 2006 and ended in December 2008. Under this project WiLDAF organized coalitions of women in three regions of the country: Maritime, Centrale and Plateaux. The members of these coalitions were trained in their rights and are in turn carrying out measures to enhance their fellow women's awareness of the various national and international instruments on women's rights and other human rights and thus to increase their interest in and their effective participation in political life.
- With the same aim in view, a project entitled "Using the law as a tool for empowering rural women", targeted on five countries of the subregion, including Togo,²⁵ and consisting of the training of 50 women paralegal personnel in each country, is to start-up in 2009. These personnel will be trained in women's

²³ For more detailed information about the activities of several national and international NGOs, see GF2D/CRIF "Femmes togolaises, aujourd'hui et demain", in *Livre blanc*, second edition, November 2007.

²⁴ There have been 3,500 cases, three quarters of them concerning women. AFEL has also supported women in their applications to obtain a certificate of nationality.

²⁵ The other countries are Benin, Burkina Faso, Côte d'Ivoire and Ghana.

participation in decision-making, among other topics, and will work alongside their fellow women in rural areas.

- Among the other activities of WiLDAF attention must also be drawn to the annual organization of 16 days of campaigning, from 25 November to 12 December, when it seeks to raise people's awareness of women's rights.
- The Women's Consultative Council of Togo (CCoFT), which was created in 2004, also engages in advocacy to draw attention to the political rights of women and reduce the inequality between men and women in decision-making. As part of its work and in the context of decentralization in Togo, the CCoFT published a document entitled "Decentralization under way in Togo", in which the emphasis is on the opportunities for women to obtain decision-making posts. It also takes part in the 16 days of campaigning on women's rights.

Article 8

Representation of women in the diplomatic corps and international institutions

1. The legal framework

180. It should be borne in mind that Togo is a party to the Charter of the United Nations, the International Covenant on Civil and Political Rights and the Convention on the Elimination of All Forms of Discrimination against Women.

2. Representation of women in the diplomatic corps

181. Few women hold posts of responsibility in the Ministry of Foreign Affairs. For example, the Ministry has only one female technical counsellor, and only two of the seven directors and only one of the 16 heads of division are women. The Ministry has a total staff of 145, including 41 women, 10 of them in category A. There are four women diplomats in Togo's overseas embassies.

182. The country's economic difficulties have made it impossible to renew embassy appointments, a fact which partially explains the poor representation of women at this level.

183. On top of this there are the traditional social attitudes preventing women from being much interested in a diplomatic career. In fact, there is a prejudiced view that women diplomats can rarely be counted wives devoted to their families, being fairly frequently called upon to go on missions overseas. This offers a partial explanation for the paltry numbers of women found in the diplomatic training schools. For example, the 2005/07 class in cycle III of the National School of Administration in Lomé (diplomatic option) had only one woman in a total of 15 students. The 2007/09 class likewise had only one woman, while the 2008/09 class had none.

Representation of women in international institutions

184. The country has a deficit in terms of the representation of Togolese women in international institutions. In order to make good this deficit, action is currently being taken to create a databank on Togolese women in such institutions.

1. Restrictions

185. The information given on page 56 of the previous combined report remains valid.

Article 9
Nationality of women

186. For purposes of harmonization with article 9 of the Convention, the retention of the nationality of a divorced foreign woman is being addressed during the drafting of the future Togolese civil code, with a view to correcting article 23.3 of Ordinance No. 78-34 of 16 September 1978 constituting the Togolese Nationality Code.

187. As a result of the reform of the judicial system, a Togolese man or woman who marries a foreigner retains his or her nationality in the event of acquisition of another nationality by this marriage.

188. The Criminal Code, currently under revision, stipulates a fine of 100,000 to 500,000 CFA francs for any act of discrimination in respect of nationality.

189. With regard to all the other aspects of the nationality of women, the information given under article 9 on pages 57-59 of the previous combined report remains unchanged.

Article 10
Education

190. In order gradually to give effect to the introduction of free education for children between the ages of two and 15, the Government decided to eliminate, from the start of the 2008/09 school year, all the fees charged for preschool and primary education in public schools.

191. In the context of the outcome of the World Education Forum held in Dakar in 2000 and of the Millennium Development Goals (MDGs) Togo undertook to introduce a national strategy for implementing the National Plan for Education for All; a start has been made on the execution of this strategy, which covers the period 2005-2015.

1. Organization of the education system

192. The information about the levels of education given on page 60 of the previous combined report remains valid.

1.1 Preschool and primary education

193. This level provides elementary education from kindergarten to the middle course of the second year.

1.1.1 Preschool education

194. Preschool education is for children aged three to five. The evolution of the enrolment between 2000/01 and 2006/07 is shown in table 9 below.

Table 9
Evolution of numbers of children enrolled in preschool by region, 2000-2007

Year	Lomé-Golfe		Maritime		Plateaux		Centrale		Kara		Savanes		Total Togo	
	B	G	B	G	B	G	B	G	B	G	B	G	B	G
2000/01	2 062	1 963	837	801	1 005	1 055	253	231	742	785	365	385	5 264	5 220
2001/02	2 132	2 064	935	940	1 221	1 281	376	418	829	909	486	503	5 979	6 115
2002/03	2 772	2 610	499	517	1 328	1 313	408	428	941	956	495	506	6 443	6 330
2006/07	4 698	4 426	1 565	1 624	1 973	2 052	816	818	1 078	1 127	1 095	1 287	11 225	11 334
2007/08	5 173	4 995	1 568	1 624	2 473	2 672	765	875	1 310	1 335	1 556	1 707	12 845	13 208

Source: National Yearbook of School Statistics 2000/01 to 2006/07.

195. The preschool enrolment doubled between 2000 and 2007 for both girls and boys. Generally speaking, there is no great gap between the numbers of boys and girls, although there are sometimes more girls —a trend already noted on pages 60-61 of the previous combined report. However, measures are currently being carried out to correct the regional disparities (even though enrolment numbers are a function of population size). These measures include the decentralization of management to the regions and capacity-building for teaching and managerial personnel, as well as expansion and improvement of the infrastructure.

1.1.2 Primary education

196. The information on age groups, qualifications and categories of school given on pages 60-61 of the previous combined report is still up to date.

197. It should nevertheless be noted that the primary enrolment increased between the 2000/01 and 2006/07 school years, although this increase was not linear. In fact, the school years 2002/03 and 2006/07 saw lower numbers than in the immediately preceding years. However, it must be stressed that these numbers are going to increase as a result of the gradual introduction of free schooling from 2008/09. The following tables show the enrolment from 2000 to 2007.

Table 10
National enrolment by sex, 2000-2007

Year	Total enrolment	Increase	Boys	Increase	Girls	Increase
2000/01	945 103	---	526 584	---	418 519	---
2001/02	977 534	3.40	538 682	2.30	438 852	4.90
2002/03	975 063	-0.30	533 920	-0.90	441 143	0.50
2003/04	984 846	1.00	535 541	0.30	449 305	1.90
2004/05	996 707	1.20	---	---	---	---
2005/06	1 051 872	5.50	565 361	---	486 511	---
2006/07	1 021 617	-2.90	547 622	-3.10	473 995	-2.60

Source: National Yearbook of School Statistics 2000/01 to 2006/07.

Table 11
Regional enrolment by sex, 2000-2007

Year	Lomé-Golfe		Maritime		Plateaux		Centrale		Kara		Savanes	
	B	G	B	G	B	G	B	G	B	G	B	G
2000/01	98 605	97 681	126 053	89 694	132 256	104 130	57 665	45 776	60 657	49 781	51 348	31 457
2001/02	103 479	103 409	127 445	94 682	132 445	107 192	58 541	47 395	62 049	51 745	54 919	34 429
2002/03	103 455	103 541	118 400	90 468	133 163	109 949	61 705	50 085	62 768	51 814	55 429	35 286
2003/04	105 590	107 765	115 277	90 197	130 676	109 153	62 345	51 609	63 307	52 542	58 346	38 039
2004/05	111 817	115 297	113 575	90 577	127 321	106 620	62 203	51 990	64 611	54 286	59 265	39 145
2005/06	115 130	119 699	122 420	98 752	135 816	115 702	62 838	53 236	66 431	56 837	62 726	42 283
2006/07	101 623	106 098	115 555	95 339	130 336	111 334	64 609	55 682	68 362	58 580	67 137	46 995

Source: National Yearbook of School Statistics 2000/01 to 2006/07. B = Boys; G = Girls.

198. With the exception of Golfe region, where the total figures for girls are higher than those for boys, the enrolment of boys is higher in all regions. This may be due to the difficulties encountered by parents when trying to enrol girls and to social and cultural factors. But it may be hoped that the gradual introduction of free schooling will help to correct this situation.

199. A comparison of the figures for 2000/01 and 2006/07 shows a decline in the gross attendance rate. In fact, the 2000/01 gross attendance rate of 110.4 per cent fell to 89 per cent in 2006/07. But the gross rates for girls are lower than those for boys in almost all regions, as may be seen in table 12 below.

Table 12
Gross attendance rates by sex and by region

Year	2000/01			2006/07		
	B	G	Total	B	G	Total
Lomé-Golfe	119.3	126.0	122.6	109	100	104
Maritime	146.6	111.2	129.4	78	80	79
Plateaux	98.4	85.6	92.3	87	83	85
Centrale	110.2	93.6	102.2	104	96	100
Kara	95.3	80.2	87.8	96	85	91
Savanes	88.7	58.2	74.0	90	71	83
Total Togo	110.4	94.1	102.5	92	85	89

Source: National Yearbook of School Statistics 2000/01 and 2006/07.

200. This downward trend in the gross school attendance rate²⁶ is also apparent in a comparison of 2000/01 with 2005/06, when the net rate declined from 76.2 to 73.7 per cent, i.e. by 2.5 per cent. But this decline related only to boys, whose net rate fell from 81.1 per cent in 2000/01 to 76.1 per cent in 2005/06, i.e. by 5 per cent. The net rate for girls underwent only a slight increase, from 71.0 to 71.2 per cent, over the same period, an increase of 0.2 per cent. Despite the drop in the number of boys, their net attendance rate

²⁶ This rate, which stood at 89 per cent for the whole country in 2006/07, was 94 per cent in 2005/06. But in general terms the downtrend was more marked for boys than for girls.

remained higher. However, the net attendance rate for girls showed no great change in comparison with the 1997/98 school year.²⁷

201. This situation is due in the main not only to poverty but also to social and cultural inertia, which means that girls, unlike boys, are often kept at home.

202. The 2006/07 primary school rates for promotions, repetitions, drop-outs and completions are shown in table 13.

Table 13

Rates of promotion, repetition, drop-out and completion of primary, by sex, 2006/07

	Boys (%)	Girls (%)	Total (%)
Promotion rate	67	64	65
Repetition rate	23	23	23
Drop-out rate	10	13	11
Completion rate	68	54	61

203. These figures show that the rates for girls are less good than those for boys, even though there is parity in the repetition rate, which nevertheless remains high. Furthermore, the rate for completion of primary is only a little below half for girls but in the vicinity of 70 per cent for boys. General efforts are being made to ensure that children, girls in particular, keep attending school. One example is the “footbridge” strategy. This strategy makes it possible to bring adolescents, especially girls, back into education, regardless of whether they have attended school, teach them to read and write and integrate them in the system so that they may obtain at least the Level I certificate (CEPD). In the longer run this will help them to take up the occupation of their choice.

1.2 Secondary education

204. The comments offered on primary education apply equally to secondary. In fact, in both the first and the second levels of secondary there are always fewer girls than boys. This disparity is found in all regions, even though it manifests itself differently from one region to another. However, it is always greater in the second than in the first cycle of secondary, as may be seen in table 14 below.

Table 14

Enrolment by level, region and sex, 2000/01 and 2006/07

Region	Collège (secondary I)						Lycée (secondary II)					
	2000/01			2006/07			2000/01			2006/07		
	B	G	T	B	G	T	B	G	T	B	G	T
Lomé-Golfe	38 560	29 325	67 893	42 067	36 076	78 143	9 741	4 072	13 813	15 915	8 408	24 323
Maritime	28 582	9 961	38 543	37 388	17 149	54 537	5 038	874	5 912	8 693	2 044	10 737
Plateaux	36 398	15 681	52 079	42 143	21 739	63 882	8 617	1 875	10 492	15 956	4 574	20 530
Centrale	17 014	7 455	24 469	22 092	11 400	33 492	4 008	873	4 881	7 478	1 869	9 347
Kara	19 979	9 552	29 531	26 084	14 609	40 693	5 780	1 299	7 079	9 176	2 634	11 810
Savanes	5 204	2 148	13 243	17 332	7 994	25 326	1 578	263	1 841	3 364	721	4 298
Total Togo	150 369	75 389	225 758	187 106	108 967	296 076	34 762	9 256	44 018	60 582	20 250	81 045

Source: National Yearbook of School Statistics 2000/01 and 2006/07.

²⁷ When it was 69.5 per cent. See the previous combined report, pp. 61-62.

Table 15
Enrolment and repetition rate by sex, 2000/01 and 2006/07, and examination results

2000/01						2006/07					
1. Enrolment and repetition rates											
<i>Collège (secondary I)</i>											
Total enrolment		Repetitions		% Repetitions		Total enrolment		Repetitions		% Repetitions	
B	G	B	G	B	G	B	G	B	G	B	G
150 369	79 389	26 450	13 955	17.57	17.59	187 106	108 967	44 098	26 515	23.56	24.33
<i>Lycée (secondary II)</i>											
34 762	9 256	10 015	2 543	28.81	27.47	60 582	20 250	18 822	5 949	31.06	29.37
2. Examination results											
<i>School leaving certificate (BEPC)</i>											
June 2000						June 2006					
Candidates		Passes		% Passes		Candidates		Passes		% Passes	
B	G	B	G	B	G	B	G	B	G	B	G
23 741	10 597	16 570	6 066	69.79	57.24	37 685	19 428	21 371	8 527	56.70	43.89
<i>Baccalaureate, second part</i>											
June 2000						June 2006					
9 326	2 374	1 968	517	26.10	21.77	28 282	8 156	10 209	2 785	36.09	34.46

Source: National Yearbook of School Statistics 2000/01 and 2006/07. B = Boys; G = Girls.

205. These figures show that the enrolment increased in all levels of secondary for both boys and girls. But there are always fewer girls than boys. Thus, the gross attendance rates in 2006/07 were 58 per cent for boys and 41 per cent for girls in level I, and 34 per cent for boys and only 12 per cent for girls in level II. Steps are currently being taken to improve the situation and keep girls in school, especially since more girls than boys are sometimes found enrolled in preschool. And even when there are more boys than girls enrolled in preschool, the difference is not very big.

1.3 Higher education

206. The information given on page 63 of the previous combined report is still up to date. It must be pointed out, however, that some newly created universities and training schools have been added to the ones listed there. In the public system, for example, a new university has been opened in the northern part of the country, at Kara. In the private system, new training schools have been opened, such as the Catholic University of West Africa (UCAO).

207. All these universities and training schools offer two-year to seven-year courses, as the case may be. These courses cover all the training and studies which follow on from the second part of the baccalaureate, the initial university qualification

208. While efforts are being made in the public, private and denominational systems to establish new universities, it remains the case that many fewer girls than boys enter higher

education, even though in general terms the number and percentage of girls enrolling has increased slightly every year in comparison with the preceding year. Table 16 illustrates this point.

Table 16

Total enrolment and enrolment disaggregated by sex, Lomé University, 2000-2008²⁸

<i>Year</i>	<i>Boys</i>	<i>Girls</i>	<i>Total</i>	<i>% Girls</i>
2000/01	12 027	2 684	14 711	18.24
2001/02	8 281	1 787	10 068	17.74
2002/03	11 677	2 552	14 229	17.93
2003/04	11 221	2 635	13 856	19.01
2004/05	11 589	2 864	14 453	19.81
2005/06	16 642	4 329	20 971	20.64
2006/07	19 004	5 378	24 382	22.05
2007/08	24 094	7 114	31 208	22.79

Source: Directorate for Academic Affairs and Admissions, Lomé University.

209. Table 16 shows that the enrolment in Lomé University evolved irregularly, from 14,711 students in 2000/01 to 10,068 in 2001/02 and then to 14,229 in 2002/03 before reaching a peak of 31,208 in 2007/08, an increase of over 100 per cent. Over the same period the female enrolment moved from 2,648 to 1,787 then from 2,552 to 7,114, figures indicating a radical turn-around but still far lower than the male enrolment, which moved from 12,027 to 8,281 then from 11,677 to 24,094.²⁹

210. It should be noted that the pass rate was over 50 per cent except in the 2001/02 academic year. But the gap between the male and female pass rates was not as big as in the enrolment rates: sometimes, indeed, the female pass rate was higher than the male rate, as table 17 shows.

Table 17

Enrolments and pass rates disaggregated by sex, Lomé University, 2000-2008

<i>Year</i>	<i>Enrolment</i>		<i>Pass rate (%)</i>		<i>Combined pass rate (%)</i>
	<i>Male</i>	<i>Female</i>	<i>Male</i>	<i>Female</i>	
2000/01	12 784	2 799	09.83	11.22	10.08
2001/02	8 377	1 801	56.50	53.75	56.01
2002/03	12 010	2 608	43.86	41.72	44.85
2003/04	11 572	2 543	48.26	48.80	48.36
2004/05	12 384	3 040	49.70	50.51	49.88
2005/06	16 946	4 401	42.69	44.08	42.98
2006/07	19 265	5 449	45.34	44.24	45.10
2007/08	24 497	7 203	34.81	30.96	33.94

Source: Directorate for Academic Affairs and Admissions, Lomé University.

²⁸ The figures in this table do not take into account the numbers enrolled in Kara University and in other private and denominational training institutions.

²⁹ In 1999/00 there were 11,522 boys and 2,407 girls.

Table 18
Pass rates by sex and department, Lomé University, 2000-2008

Institution	Year	2000/01		2001/02		2002/03		2003/04	
		Male	Female	Male	Female	Male	Female	Male	Female
Faculty of Humanities (FLESH)		0.04	0.15	65.37	54.17	50.97	42.26	52.82	51.42
Faculty of Law (FDD)		26.82	26.32	36.79	42.79	31.32	30.06	29.57	36.11
Faculty of Economic and Management Science (FASEG)		0	0	53.46	46.17	43.87	35.97	56.13	50
Faculty of Science (FDS)		0	0	44.33	48	13.34	21.21	29.52	26.43
College of Agricultural Science (ESA)		61.19	75	52.69	76.92	48.72	50	56.38	16.67
National Institute for Studies in Education (INSE)		8.29	18.24	41.95	58.44	34.29	41.46	14.96	31.41
Joint Faculty of Medicine and Pharmacy (FMMP)		48.29	43.3	52.38	54.09	50.14	51.31	60.25	63.03
College of Secretarial Training (ESD)		89.47	61.11	91.67	90.69	69.33	52.17	76.32	46.8
University Institute of Technology and Management (IUT)		--	--	3.84	--	36.2	35	--	--
Medical Assistants Training School (EAM)		76.89	76.31	84.03	80.25	67.82	72.72	83.18	79.57
College of Biological and Food Technology (ESTBA)		57.14	50	77.05	83.33	74.62	69.23	76.67	76.19
National College of Engineering (ENSI)		71.88	50	65.39	55.55	66.43	88.89	68.55	88.89
CIC/CAF MICRO		--	--	--	--	28.09	--	--	--

Institution	Year	2004/05		2005/06		2006/07		2007/08	
		Male	Female	Male	Female	Male	Female	Male	Female
FLESH		58.04	57.41	43.34	48.35	37.73	12.63	32.68	25.71
FDD		36.74	39.57	20.89	20.57	16.06	5.89	30.32	29.32
FASEG		55.81	48.13	48.17	46.66	37.44	8.05	42.33	7.57
FDS		41.07	37.5	27.88	26.57	34.98	2.91	24.97	21.63
ESA		63.73	50	43.5	60	47.76	1.49	36.86	55.55
INSE		12.53	24.89	55.14	58.22	17.01	8.99	11.06	22.56
FMMP		15.52	28.32	51.63	50.54	39.54	10.94	42.85	36.79
ESD		73.07	65.75	44.44	44.83	0	36.36	40	40.18
IUT/MANAGEMENT		73.9	69.23	61.8	54.29	20.74	13.33	32.38	32.07
CEFAD		96.15	100	26.92	10.34	21.74	43.48		
EAM		74.67	88.09	73.26	71.57	56.77	22.43	22.64	26.15
ESTBA		76.51	72	50.92	48.39	50	8.11	51.38	60.29
ENSI		64.86	72.72	71.43	44.44	67.89	1.22	68.23	75
CIC/CAF MICRO		30.88	20	41.03	50	0	0	30.86	66.67

Source: Directorate for Academic Affairs and Admissions, Lomé University.

211. These tables show that many more boys enrol than girls. It is good to note, however, that the gap closes when it comes to pass rates. The pass rate for girls is sometimes higher

than the boys' rate, thus demonstrating that girls are just as successful as boys in higher education. This is an incentive for everyone involved to make efforts to retain girls in school at all levels of the education system. This will have the effect of increasing the number of girls enrolled in higher education.

2. Training in information technology

212. Information technology centres for women (CIF) have been established in the country's five economic regions (Savanes, Kara, Centrale, Plateaux and Maritime), in addition to a centre in Lomé for women civil servants. Since March 2007 these centres have trained about a thousand women in the use of computers and other new information and communications technology.

3. The informal education system

213. According to the 2006 QUIBB survey, the literacy rate is 43.1 per cent. This rate conceals not only regional differences but gender-linked disparities as well. One such disparity is that women constitute 70 per cent of the illiterate population. And illiteracy is more widespread among rural women (75 per cent) than among women in the towns (40 per cent).

214. In order to tackle this situation the Government is planning, under the I-PRSP, to speed up the process of preparing a national literacy policy, to review the content of literacy programmes, to create conditions in which illiterate adults, women in particular, can obtain access to an education conducive to their integration in their local environment, and to establish income-generating activities.

215. Another literacy measure is the establishment of mass and permanent extramural education facilities. This measure is based on forms of education which will promote the people's full development. It consists of self-training in youth centres and clubs. The main emphasis is on social and cultural stimulation offered by youth movements and in youth clubs (Regional Sports and Education Centre; Scouts Association of Togo, etc.).

216. All these activities warrant support, but such support requires both public funding and action by cooperation partners.

Article 11 Employment

1. Equal access to employment

217. No distinction is made between male and female candidates for jobs. There were no gender-based distinctions in the national competitions for recruitment to the entire civil service held in July 2003 and August 2008 or in the sectoral competitions. However, there were only 11,000 female candidates, out of a total of a little over 42,000, in the 2008 national recruitment competition. This testifies to the very low numbers of female candidates.

218. The forestry corps recruited 226 persons between 2003 and 2006. This total was made up of 67 women and 159 men (29.46 and 70.35 per cent respectively). Sixty-one women were recruited as police officers in 2006, as against 441 men, in a total recruitment of 502.

219. In 2006, 98 women and 825 men were recruited by the Gendarmerie, for a total of 923 (10.61 and 89.38 per cent respectively).³⁰ The overall strength of women in the civil service, as compared with men, is shown in table 19.

Table 19
Changes in the composition of the civil service, by sex

<i>Year</i>	<i>Male</i>	<i>Female</i>	<i>Total</i>	<i>Female rate (%)</i>
2005	17 166	6 543	23 709	27.59
2006	16 208	4 371	20 579	21.24
2007	21 749	5 034	26 783	18.79
2008	26 792	5 877	32 669	17.98

Source: Civil Service Ministry PRA/DGIPE.

220. It is apparent that the total number of women in the civil service fell between 2005 and 2008 in comparison with the number of men, even though there was a slight increase in staffing strength from 5,100 in 2005 to 5,877 in 2008 (see table 20).

Table 20
Togolese civil service staffing strength by year, category and sex, 2005 to 2008

<i>Category</i>	<i>A1</i>		<i>A2</i>		<i>B</i>		<i>C</i>		<i>D</i>		<i>Other posts</i>	
	<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>
2005	1 703	229	2 764	435	5 129	1 520	2 090	731	1 708	656	2 170	974
2006	1 658	218	2 674	445	4 529	1 426	1 513	549	1 521	528	1 663	646
2007	2 343	290	3 471	565	4 947	1 460	3 525	922	2 313	629	1 691	550
2008	2 696	328	4 216	700	5 781	1 649	5 799	1 335	3 237	719	1 547	515

221. In the highest category shown in table 20 (A1) women accounted for 11.85 per cent of personnel and men for 88.14 per cent in 2005, for 11.62 against 88.38 per cent in 2006, and for 11.01 against 88.99 per cent in 2007. The figures for 2008 were 10.84 and 89.16 per cent. The lowest category (D) shows the following rates: 27.75 and 72.25 per cent in 2005; 25.76 and 74.24 per cent in 2006; 21.38 and 78.62 per cent in 2007; and 18.17 and 81.82 per cent in 2008. An analysis of these figures shows, on the one hand, that women are underrepresented in the civil service and, on the other hand, that this underrepresentation increases with ascent through the hierarchy. This means that most women civil servants are employed in junior posts.

222. This fact demonstrates both the need to continue the efforts to keep girls in school and for them to enter higher education and the need to encourage more women to get involved and to make greater efforts to reduce the persisting disparities.

2. Working conditions

223. The information given on page 82 of the previous combined report is still up to date. However, working conditions in general were a subject of debate at the meetings of the States General of the Civil Service (EGAP) held in Lomé in December 2006. The revision of the General Statute of the Civil Service of the Togolese Republic recommended by the States General and included in the programme for reform of the civil service will make it possible to change article 17 of the decree giving effect to the General Statute, concerning

³⁰ GF2D/CRIFF, *op. cit.*, pp. 36-37.

the probation period of trainee civil servants who are more than five months pregnant, with a view to providing them with protection.

3. Harassment in the workplace

224. Sexual harassment in the workplace was not regarded as an offence until recently. It was in order to correct this situation that the EGAP meetings mentioned in the preceding paragraph recommended that legislation should be drafted on this topic.

225. With this in view, however, Law No. 2006-010 of 13 December 2006 constituting the Labour Code had already referred to the matter in its articles 40, 41, 42 and 301. Pursuant to these articles, no employee may be punished or dismissed for having endured or refusing to endure acts of sexual harassment. In addition, any employee committing such an act is liable to disciplinary sanctions. And any act of sexual harassment triggers a liability to pay compensatory damages, to which criminal penalties may be added. Furthermore, sexual harassment is characterized as an offence in the draft revision of the Criminal Code, as it is in article 395 of the Children's Code.

4. Equal remuneration and unequal taxation

4.1 Equal remuneration

226. Article 37 of the General Statute of the Civil Service stipulates equal remuneration for civil servants without any gender-based discrimination. This requirement of equal treatment is reiterated in article 118 of Law No. 2006-010 of 13 December 2006 constituting the Labour Code, the provisions of which are applied in practice.

4.2 Unequal taxation

227. No new measures have been introduced to provide protection against and to reduce unequal taxation of men and women. However, recommendation 16 in the outcome document of the EGAP meetings in December 2006 proposes the establishment of fiscal mechanisms to reduce personal income tax (IRPP) for female civil servants.

228. Practical steps are going to be taken to eliminate the marital authorization required from women when declaring dependent children in order to receive family allowances.

5. Right to free choice of occupation and employment

229. Measures are to be taken to promote women's right to free choice of work in order to correct the existing imbalance in favour of men.

230. It is for this reason that article 109 of the draft revision of the Personal and Family Code reduces this inequality by freeing women from their subordination to men. Article 101 of the revised text now empowers a married woman to object to a choice of occupation, on the same footing as her husband, when the family's interests are threatened.

231. In addition, with regard to the texts produced by the Organization for the Harmonization of Business Law in Africa (OHADA), marital authorization is no longer required for the activity of either spouse. The courts intervene only when the reason for refusal is unfounded.

6. Right to promotion

232. The information given under article 11 in section 6 of the previous combined report (p. 84) is still valid, for the General Statute of the Civil Service of the Republic has not been revised. However, the framework document on employment policy and the fight

against poverty in Togo drafted in September 2004 emphasized among its priorities the need for women to have access to more and better jobs.

233. Physical and social considerations often take precedence over equality of skills, with the result that the recruiting authority prefers men over women.

234. Fortunately, with the systematic mainstreaming of the gender concept and approach and gender strategies in the development process, this kind of discrimination will gradually fade away.³¹

7. Stability of employment

235. In January 2006 the civil service was able to recruit 8,212 teaching assistants as a result of several decisions taken by the Council of Ministers. A similar recruitment exercise will be carried out every year in respect of all teaching assistants who have completed five years' effective service. In addition, 317 employees of the Employment/Training Programme (PEF) benefited under these measures in 2006. And 1,305 temporary civil-service staff constituting the first of two waves to be processed were awarded permanent posts in 2008.

236. Lastly, new legislation has eliminated the qualification of 30 years' effective service applicable to the minimum age of retirement.³²

8. Retirement age

237. New retirement-age legislation has been adopted and is applicable, without any gender-based discrimination, both to civil servants and to workers in the private and semi-public sectors.

238. In the case of civil servants this legislation is Law No. 2008-002 of 26 May 2008 establishing the conditions governing retirement, and for workers in the private and semi-public sectors it is Law No. 2008-003 of 26 May 2008 establishing the general retirement-age arrangements in those sectors in Togo. The new retirement ages applicable to the civil service are set out below.

Table 21

Minimum retirement ages in the civil service

<i>Category</i>	<i>Minimum age</i>	<i>Personnel affected</i>
A1 and A2	60 years	All personnel
B and C	58 years	Health-care and teaching personnel
B	53 years	Customs personnel
C	52 years	Customs personnel
D	50 years	Customs personnel
B, C and D	55 years	All personnel in other managerial categories and permanent staff

239. The minimum age of retirement is 60 years in the private and semi-public sectors. However, early or delayed retirement can be arranged.

³¹ GF2D/CRIFF, *op. cit.*, p. 43.

³² See table 22 below.

9. Right to vocational training

240. National competitions open to candidates of either sex are held periodically for admission to the vocational training schools (National College of Administration, Nursing School, Armed Forces Medical School, National Health Workers School, National Social Training School, National Agricultural Training Institute, Regional Centre for Cultural Activities, etc.), with the exception of the Midwifery School, which is reserved exclusively for women.

10. Social benefits, social security and retirement benefits

241. In 2006, the Protocol adopted on conclusion of the proceedings of the social dialogue held from 31 January to 11 May 2006 contained a number of commitments, including, in point 5, a commitment relating to social protection. A social security ministry was established in December 2007 in fulfilment of that commitment.

242. As part of its work in this area the Government decided on the following social measures at a meeting of the Council of Ministers on 14 August 2008:

- A reduction of corporation tax by 7 per cent;
- The award of a travel allowance of 5,000 CFA francs to all employees of the State;
- A 10 per cent reduction in personal income tax (IRPP), to replace the travel allowance from January 2009;
- An increase in the general minimum wage (SMIG) and the minimum farm wage (SMAG) to 28,000 CFA francs;
- Introduction of State responsibility for physical accidents suffered by employees of the State (cover for personnel on missions, in the workplace, and travelling to and from work).

10.1 Old-age pensions in the public and private sectors

243. The increase of 5 per cent applied to salaries and wages in the public sector in 2007 affected old-age pensions.

244. With respect to the private and semi-public sector, Law No. 2008-004 of 30 May 2008 amended articles 26, 27, 28 and 30 of Ordinance No. 39/73 of 12 November 1973 establishing the Social Security Code, as amended by Law No. 2001-012 of 29 November 2001. These amendments related to the retirement age and the conditions governing receipt of old-age and disability pensions.

10.1.1 Pensions of widows and widowers of civil servants

245. The information given on page 86 of the previous combined report remains valid.

10.1.2 Pensions of widows and widowers of other employees

246. The following correction is required with regard to the information on pensions of widows and widowers of workers given in section 10.1.2 on pages 86-87 of the previous combined report: in the event of the death of a recipient of an old-age or disability pension or the death of an insured person who met the conditions for receipt of an old-age pension or who could prove 184 months of contributions, the survivors are entitled to a survivor's pension.

247. If the insured person could not claim a disability pension and had not made 180 months of contributions by the date of death, his or her disabled widow or widower or, failing that, an orphan child or children receive a lump-sum survivor's benefit. Disabled

widows and widowers and orphans who were dependent on the deceased person are regarded as survivors.

11. Health protection of civil servants and workers

11.1 Civil service

248. The information given on page 88 of the previous combined report is still valid. But there is a new factor affecting responsibility for physical accidents suffered by civil servants: insurance cover on missions, in the workplace, and when travelling to and from the workplace.

249. Law No. 2005-012 of 14 December 2005 was adopted to provide protection in the specific case of HIV/AIDS. The National Committee to Combat HIV/AIDS and STDs in the Workplace had been established earlier, in 2004.

250. Awareness-raising meetings were organized for certain target groups (public officials, judges, etc.), and focal points were established in the various ministerial departments.

251. The Directorate for Health and Safety in the Workplace, headed by an occupational health doctor, was created in 2007 in the Ministry of Labour and Social Security. The aim is to monitor the health of civil servants by means of periodic medical checks and rechecks.

11.2 The private sector

252. Pursuant to the Law mentioned above and in addition to working sessions held in enterprises and companies by the National Committee, a workshop/seminar for labour inspectors was held in Lomé from 7 to 9 March 2006. The aim was to equip the inspectors to deal with HIV/AIDS-related issues as part of their work in enterprises. In addition, focal points were set up and are operating in enterprises.

253. Article 168 of the new Labour Code of 2006 established in the Ministry of Labour and Social Security a technical advisory committee on health and safety in the workplace equipped with a permanent secretariat. Its mandate includes giving its opinion on applications for approval of arrangements for providing protection around dangerous apparatus, machines or parts of machines to be installed in institutions and workplaces, as well as on such arrangements in respect of potentially toxic products.

254. Article 174 of the Code makes it mandatory for a health and safety committee to be set up in all institutions and enterprises.

255. Article 176 makes it obligatory for employers to establish conditions to help health-care personnel to improve their performance.

12. Day-care services

256. The information given on page 89 of the previous combined report is still up to date.

13. Situation of women employed as domestic servants, and migrant women

257. The information given in the previous combined report is still valid. However, since today's girls are tomorrow's women, and with a view to preventing the exploitation of all boys and girls, the Government secured the adoption of Law No. 007-017 of 6 July 2007 constituting the Children's Code.

258. In addition, the General Directorate for Labour and Social Legislation is carrying out the project of the International Labour Organization (ILO) entitled "International Programme on the Elimination of Child Labour (IPEC)".

259. Along these same lines, a programme for 2002-2006 on the education and schooling of girls was drafted and executed by the Government, with UNICEF support. Furthermore, the efforts being made in this area have the support of Order No. 1464/MTEFP/DGTLS of 12 November 2007 specifying the work prohibited to children pursuant to article 151.4 of the Labour Code.

260. Attention should also be drawn to the drafting and validation in 2007 of a national plan to combat trafficking in persons, in particular women and children.

261. Table 22 below sets out some figures illustrating trafficking in Togo on the basis of information recorded by the DGPE, DCPJ and CNARSEVT.³³

Table 22

Some figures on adult victims of trafficking

Year	<i>No. of adult victims (aged 18 and older)</i>			
	<i>Female</i>	<i>Male</i>	<i>Total</i>	<i>% Female</i>
2005	102	69	171	59.64
2006	118	47	165	71.51
2007	109	88	197	55.32
Total	329	204	533	61.72

14. Women in the informal sectors and the problems encountered

262. Few women have formal jobs but they are found in large numbers in the informal sectors. It should be noted, however, that they are faced with several difficulties, due essentially, apart from other problems, to unfavourable working conditions and their lack of independence in organizing their activities and in decision-making. Solutions to these difficulties are being sought. For example, efforts are being made to:

- Eliminate from the Personal and Family Code recourse to customary rights of inheritance. An awareness-raising programme is also being carried out in the specific areas where customary practices are most firmly rooted.
- Direct women towards new production activities: beekeeping, raising rabbits and snails, and production of flowers and aromatic plants.
- Promote basic education for girls and adult literacy.
- Make people aware of the social and cultural constraints holding women back.
- Familiarize women with new information and communication technology to help them to manage their affairs and find jobs.

15. Women entrepreneurs

263. Women are found in larger numbers and are very active in the production and marketing sectors. However, they generally encounter difficulties resulting from their lack of education and basic training, the shortage of finance for their activities, and the lack of proper supervision. But Togo has microfinance institutions which may help to solve some of the funding difficulties. Publicity and awareness-raising campaigns are carried out and

³³ DGPE: General Directorate for the Protection of Children. DCPJ: Central Directorate of the Criminal Police. CNARSEVT: National Commission on the Care and Social Reintegration of Children Victims of Trafficking. These figures do not include those of NGOs working in this field.

training sessions are held on the rules of good financial management in order to help women manage their activities properly.

264. A total of 3,805 economic operators were registered in 2005, including 2,093 men and 1,712 women (55 and 45 per cent respectively). A total of 210 new operators were registered in 2006, including 168 men and 42 women (80 and 20 per cent respectively).³⁴

16. The value of women's housework and agricultural work

265. The information given on page 92 of the previous combined report is still valid.

17. Trade union membership among the female labour force

266. Most women trade unionists are members the basic trade unions. Women sometimes obtain decision-making posts in trade union federations. But they are most often found leading trade unions in occupations pursued mainly by women. Increasing numbers of training workshops are being held to build women's capacity to take part in the trade union battle. Furthermore, gender mainstreaming is gaining ground in the distribution of tasks in trade unions.

Article 12

Equal access to medical services

267. Article 34 of the Togolese Constitution accords citizens the right to health. There are no discriminatory practices obstructing women's right to health care.

268. A Law on reproductive health was adopted on 22 December 2006 and promulgated in January 2007 in order to give effect to this provision of the Constitution. This Law gives particular attention to:

- The principles of rights and responsibilities in reproductive health;
- The organization and functioning of the reproductive health services;
- Contraception, medically assisted conception, termination of pregnancy, and final provisions.

269. In addition, a Health Code has been drafted and is currently being considered for adoption in the National Assembly.

270. However, women still make insufficient use of the health services owing to a number of cultural, social and economic factors, such as poverty, illiteracy, lack of information and, above all, their lack of decision-making power.

1. The health situation

271. The health situation in Togo has clearly improved in recent years with respect to the numbers of facilities and personnel and the amount of equipment. The strategic targets and the measures introduced in the health sector are designed essentially to providing an effective response to the priority needs of vulnerable groups, including women and children. All these targets are set out in the five-year plans for 2002-2006 and 2009-2013, which were produced at the end of a participatory process.

³⁴ GF2D/CRIFF, *op. cit.*, pp. 41-42.

1.1 Organization of the health-care system in Togo

272. The information given on pages 93-94 of the previous combined report is still valid. However, the number of intermediate-level units has increased from five to six as a result of the transformation of the former Bon Secours hospital into a regional hospital.

1.2 Health-care infrastructure

273. The number of health-care facilities increased from 830 in 1999 to 891 in 2006, as shown in the following tables.

Table 23

Summary of health-care units in the public sector

Type of facility	Savanes	Kara	Centrale	Plateaux	Maritime	Lomé Commune	Total
University hospital		1				2	3
Regional hospital	1	1	1	1	1	1	6
Specialized hospital					1		1
District hospital	3	6	4	7	4	1	25
Outlying health-care unit	56	101	59	140	111	19	485
Maternal and child protection unit		5		9	1		15
Total health-care units	59	114	64	157	118	23	535
Hospital beds	406	1 010	714	1 266	1 118	645	5 159
Public pharmacies	3	12	6	16	13	3	53
HIV screening centre	2	2	2	1	3	32	41

Source: Maps of health-care services, MS/DISER, October 2006, National Health-Care Development Plan, 2009-2013.

Table 24

Summary of health-care units in the private sector, 2006

Type of facility	Savanes	Kara	Centrale	Plateaux	Maritime	Lomé Commune	Total
Private denominational hospital	1		1	4	2		8
Medical-social centre/private clinic	10	9	13	23	4	4	64
Private clinics/practices	1	4			32	247	284
Total private sector	12	13	14	27	38	252	356
Pharmacies	02	04	02	05	46	128	187

Source: Maps of health-care services, MS/DISER, October 2006, National Health-Care Development Plan, 2009-2013.

274. These tables show that efforts are being made to equip the health-care system with infrastructure. While the situation analysis produced in 2003 indicated that 88 per cent of the population lived at least 2.5 kilometres from a health facility, the findings of the 2006 MICS 3 showed that this figure had fallen to 62.5 per cent. But this geographical accessibility is not matched by the actual attendance rates, which remain low and fluctuate between 25 and 29 per cent. This situation is due to the degradation of the facilities and

their equipment, the shortage of personnel and their lack of motivation, the poor quality of the care, and the relatively high cost of the services.³⁵

1.3 Human resources

275. Total staffing, including all categories of personnel, increased from 7,673 in 1999 to 8,064 in 2008, for a population estimated at 5,596,000. The principal ratios (population/health-care personnel in 2007) are presented below, in accordance with the rules of the World Health Organization (WHO):

- One doctor for every 10,000 inhabitants;
- One State nurse for every 4,000 inhabitants;
- One midwife for every 4,000 inhabitants.

276. Togo's health indicators for 2007 produced the findings shown in table 25 below.

Table 25

Principle ratios, 2003 to 2007

<i>Indicator</i>	<i>2003</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>
Inhabitants per doctor	16 791	14 711	15 064	15 425	11 171
Inhabitants per State nurse	6 220	7 040	7 209	7 382	6 135
Inhabitants per midwife	14 282	15 149	15 512	15 884	13 710

Source: Principal Health Indicators, Ministry of Health, December 2008.

277. There is a general shortage of health-care personnel, a shortage aggravated by their uneven distribution,³⁶ the brain-drain and the failure to replace retirees. By way of illustration, more than 700 staff members took retirement between 2004 and 2006. However, the resulting shortfall was made good in part by the recruiting exercises carried out by the State in 2003 and by those carried out in 2008 in particular.

1.4 Financing the health system

278. Togo's health system is financed by the State, cooperation partners and the community.

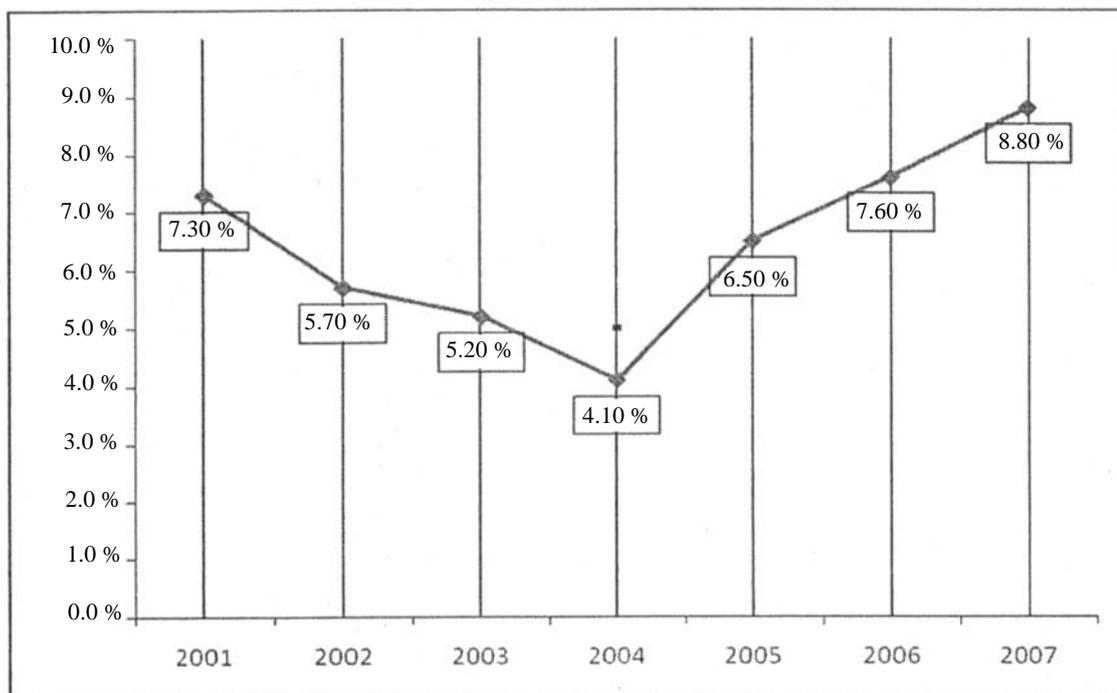
279. State financing of the health budget has been increased regularly since 2004 (4.1 per cent of the total budget in 2004; 6.4 per cent in 2005; 7.6 per cent in 2006; and 8.8 per cent in 2007).³⁷ It should be noted that in 2004 the budget declined sharply from the 2001 level, as shown in graph 2 below.

³⁵ National Health-Care Development Plan 2009-2013, p. 43.

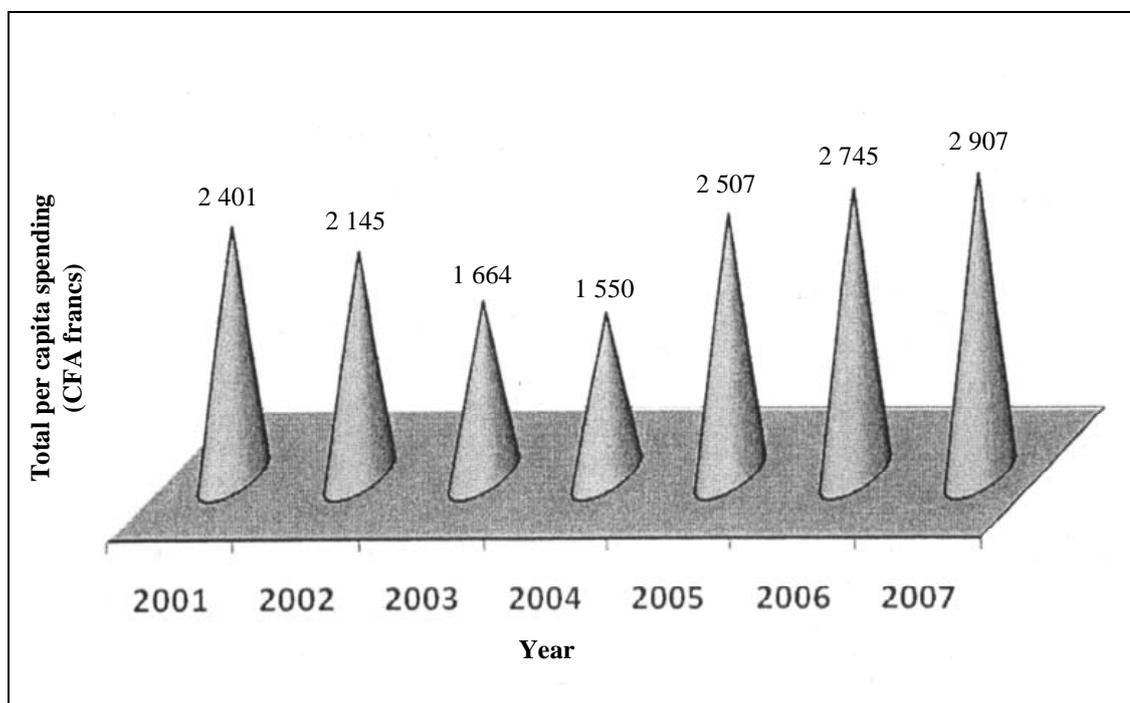
³⁶ More than half of the qualified personnel are concentrated in Lomé. The central authority, with its administrative staff, accounts for almost 9 per cent of doctors and 43 per cent of senior non-medical personnel.

³⁷ Principal Health Indicators 2007, Ministry of Health, December 2008.

Graph 2
Share of the State budget allocated to health, 2001-2006



Graph 3
Evolution of per capita spending on health, 2001-2006 (CFA francs)



280. While total spending per capita declined from 2001 to 2004, it rose steadily from 2004 to 2007, to a level of 2,907 CFA francs in 2007.

2. Family planning coverage

281. The Analysis of the Reproductive Health Situation (ASSR) in Togo in 2003 showed that:

- The rate of use of modern methods of contraception was 11.3 per cent among women of childbearing age, as against the rate of 8 per cent found by EDST II. According to MICS 3, the rate was 16.8 per cent, indicating an upward trend;
- The rate for all other means of contraception increased, from 24 per cent in 1998 (EDST II) to 25.7 per cent in 2003 (ASSR).

282. A total of 74,549 couples were recorded as using modern methods of contraception in 2005 compared with 62,719 couples in 2004, an increase of 6 per cent. Twenty-six per cent of the women registered with the family-planning service gave up using contraception during 2005.

283. There are many reasons for this retreat, prominent among them change of residence, leaving the country following Togo's social and political troubles in 2005, reluctance of husbands to accompany their wives to family planning centres, and the side effects of some family-planning methods.

3. Other legislation

3.1 Legislation on termination of pregnancy

284. Termination of pregnancy is regulated by Law No. 2007-005 of 10 January 2007 on reproductive health. Termination of pregnancy is not deemed a means of contraception and is authorized only on a doctor's recommendation in the following cases:

- When the continuation of the pregnancy would endanger the woman's life;
- At the woman's request, when the pregnancy results from rape or an incestuous relationship;
- When there exists at the time of diagnosis a strong probability that the foetus has a particularly serious defect.

285. In the latter case the examining doctor has an obligation to inform the couple, who decide whether to terminate the pregnancy. In taking this decision the couple may seek the opinion of a panel of doctors. In all cases a pregnancy may be terminated only in a properly equipped public or private hospital.

286. Terminations may be effected only by skilled personnel having qualifications officially recognized by the State for carrying out this kind of operation.

3.2 Adolescent fertility and pregnancy

287. Adolescent fertility remains a worrying problem. The 2003 study of the reproductive health situation showed that a total of 25 per cent of women aged under 25 were already mothers and that 4 per cent were pregnant with their first child at the time of the study. The reason for this increase since the previous combined report (pp. 97-98) is that girls are engaging in sex at an early age.

288. Another study, MISC 3 carried out in 2006, delivered the following findings:

- Marriage at age 15: 5.3 per cent of adolescents;
- Marriage before age 18: 28.8 per cent;
- Young women aged 15-19 married or in an open relationship: 16.8 per cent.

3.3 Infant and child mortality

289. The infant and child mortality rate is high. The 2006 MISC 3 produced the following findings:

- Mortality rate among under-fives: 125 per thousand;
- Infant mortality rate: 79.2 per thousand.

290. According to a 2007 study, only 11 of the 141 (8 per cent) potential emergency obstetrical and neonatal units evaluated were effectively providing this kind of care (nine units offering comprehensive emergency obstetrical and neonatal services and two units offering basic services).

291. Partogrammes for the care of women in labour are used in 37 per cent of health units, and flow charts for patient care and the treatment guide for the use of health-care personnel are available in 67 per cent of units, although little used by care providers (2002 evaluation of the use of partogrammes).

3.4 Maternal mortality

292. No study of maternal mortality has been produced since the 1998 EDST II. However, significant progress has been made in the care of pregnant women as a result of the following developments, among others:

- Attendance by 73 per cent of pregnant women for the recommended four antenatal checks;
- Fifty-nine per cent of deliveries attended by qualified personnel;
- Sixty per cent of deliveries in a specialized facility (MICS 3, 2006);
- Attendance by about 69 per cent of women for post-natal checks (monitoring and promoting growth (Analysis of the Reproductive Health Situation (ASSR)));
- Finding of the 2006 MICS 3 that only 16.8 per cent of women use contraception, although 70 per cent of health units offer family planning services.

3.5 Nutrition

3.5.1 Nutritional situation

293. According to the findings of the 2006 MICS 3, low weight leading to an insufficient weight/age ratio is found among 26 per cent of children aged under five years, with 7 per cent of them severely affected. But this proportion varies from place to place. It is 16 per cent in urban areas and 32 per cent in the countryside; it is 55 per cent in Savanes region, as compared with 15 per cent in Lomé.

294. Retarded growth, manifested in a poor height/age ratio and caused by chronic malnutrition, is found among 23.7 of children, with 10 per cent severely affected.

295. In addition, emaciation or serious underweight leading to a poor weight/height ratio is found among 14.3 per cent of children, with 3.2 per cent of them severely affected. In contrast, only 3 per cent of children in this age group are obese.³⁸ Rural children generally fare less well than urban children.

³⁸ National Health-Care Development Plan 2009-2013, p. 34.

3.5.2 *Micronutrient deficits*

296. Micronutrient deficits (of iron, iodine, vitamin A) are also common. The rate of coverage of vitamin A supplements as part of the routine EPI is 80 per cent for children aged under nine months and 58 per cent for nursing mothers. During mass campaigns this rate reaches 100.9 per cent for children aged 6-59 months. Anaemia remains common, being estimated at over 40 per cent among pregnant women and at 76-91 per cent among children aged 6 to 36 months.³⁹

297. For some years now the State has been intensifying its campaigns to raise awareness of exclusive maternal breastfeeding in order to correct malnutrition among newborn babies and children. Two vitamin A supplement and albendazole campaigns are carried out every year: vitamin A for children aged 6-11 months; and vitamin A and albendazole for children aged 12-59 months.

3.6 **Malaria**

298. As part of its efforts to provide protection for mothers and children the State has undertaken to combat malaria, with assistance from the Global Fund, the World Bank and other cooperation partners, by offering pregnant women periodic preventive doses of sulfadoxine pyrimethamine and by distributing insecticide-impregnated mosquito nets for pregnant women and for children in the 0-5 years age group.

299. Following the 2004 campaign to distribute impregnated mosquito nets in Togo, 77 per cent of families had nets and 58 per cent of children in the 0-5 years age group were sleeping under nets. The 2006 evaluation found that 38.4 per cent of these children and 55.8 per cent of pregnant women were sleeping under nets.

3.7 **The HIV/AIDS epidemic**

300. Although the Government had become alerted to the problem, no survey of the incidence of HIV/AIDS has been carried out since the epidemic began because of the cost of such surveys. The incidence is known from sentinel surveillance in health units.

301. The UNAIDS/WHO Working Group estimated that the incidence among the sexually active population was 32.2 per cent in 2006, against 5.9 per cent in 2003. A total of 110,000 persons in the 15-49 age group are estimated to be living with HIV/AIDS, including 61,000 women (55 per cent). Two strategic plans were drafted in order to combat this scourge, for the periods 2001-2005 and 2007-2010.

302. These plans include:

- The incorporation of the HIV problem in the I-PRSP.
- The production of sectoral plans to combat HIV by the various ministries and religious denominations. Priority area 1 of the sectoral plan of the Ministry responsible for the advancement of women and gender issues concerns the specific HIV-related problems of women.

303. The sentinel surveillance of a sample of 8,344 women in 2006 produced the following findings: an incidence of 5.5 per cent in urban areas and 2.7 per cent in rural areas. This gives a national average incidence of 4.1 per cent.

304. However, these rates conceal regional disparities and disparities within certain specific groups. The evolution of the incidence of HIV is described in table 26.

³⁹ *Ibid.*, p. 35.

Table 26

Evolution of the incidence of HIV by region and by year, on the basis of sentinel surveillance of pregnant women

(Percentages)

Year	Region						National Total
	Lomé Commune	Maritime	Plateaux	Centrale	Kara	Savanes	
2003	7.1	6.7	5.3	3.9	3.4	2.6	4.7
2006	8.3	4.5	3.9	4.2	3.4	1.8	4.2

305. In addition, for the relief of persons living with HIV the Government decided in November 2008 to supply antiretroviral drugs entirely free of charge. Table 27 shows the incidence of HIV among sex workers.

Table 27

Incidence of HIV among sex workers and their clients, by region

(Percentages)

	Region					
	Lomé Commune	Maritime	Plateaux	Centrale	Kara	Savanes
Sex workers	54.4	39.4	17.8	19.0	13.2	10.3
Clients	8.8	5.3	4.3	1.1	4.2	4.0

306. As this table shows, the incidence of HIV remains very high among sex workers and calls for greater efforts to secure a more significant reduction in the rates recorded.

3.8 The various health-care programmes for women, men and adolescents

307. The State has taken steps to tackle the various health problems connected with the four aspects of reproductive health (the health of children, women, young people and men). Attention is first drawn in this connection to the production of several training manuals:

- A training manual for community health workers on recognition of the signs of obstetrical problems, October 2006;
- A monitoring/supervision training manual for service-providers and community health workers on low-risk pregnancy and emergency neonatal obstetrical care, March 2007;
- A training manual on management of HIV/AIDS, tuberculosis and reproductive health drugs in Togo, September 2007.

308. Policies have been adopted in other areas as well, including:

- Reproductive health policies and standards, July 2001;
- Reproductive Health Protocol, volumes 1 and 2, October 2002;
- National Reproductive Health Programme, December 2003;
- National Food and Nutrition Policy, 2008;
- Production, validation and distribution of the road map for reducing maternal, neonatal and infant/child mortality for the period 2008-2012, May 2008.

309. Attention is drawn to the following programmes already implemented:

- Maternal and Child Health Programme;

- Children's component of the expanded programme of immunization (EPI);
- Nutrition Programme and the Programme on Comprehensive Treatment of Diseases of Newborn Babies and Children (PCIMNE);
- Programme on Prevention of Mother-to-Child Transmission (PPTME).

310. In order to ensure the survival of children, a package of preventive measures having a high impact on nutrition, vaccination, distribution of vitamin A supplements, systematic elimination of parasites, and distribution of insecticide-impregnated mosquito nets was carried out at the national level. These measures were implemented under the EPI and the PCIMNE and by the Nutrition Service.

311. Two documents were produced on the health care of young people: the National Strategic Plan 2008-2012, which sets out the main areas of intervention and the planned outcomes for this period; and the standards document for the youth and adolescent health services. This document establishes the service standards to be delivered and the minimum packages of services for the various service-provision points for adolescents and young people.

312. There are no specific programmes on reproductive health for men, but information, awareness-raising and health-care measures for men are carried out under the National Programme to Combat HIV/AIDS and STDs.

313. In addition, Togo ratified the WHO Framework Convention on Tobacco Control adopted at Geneva on 21 May 2003 and enacted its Law on Protection of Persons Living with HIV/AIDS on 24 August 2005.

3.9 National pharmaceutical policy

314. Attention is drawn first of all to the adoption on 23 January 2001 of the Law regulating the pharmaceutical sector, exercise of the profession of pharmacist, and management of medicinal drugs. In addition, a draft public health code is soon to be submitted to Parliament for adoption.

315. The legislation regulating the pharmaceutical sector is applied without any gender-based discrimination. Most of the country's 144 private pharmacies are in female hands.

316. Pharmaceutical products are imported these days by an autonomous central procurement agency (CAMEG) and five private wholesalers: GTPHARM, SOCOPHARM, SOTOMED, UNIPHART and OCDI. There are also three private factories producing and packaging medicinal drugs.

317. Every public health unit has a pharmacy for internal use.

3.10 Blood transfusion centres

318. Blood transfusion centres are regulated by Decree No. 2007-047/PR of 5 April 2007. This Decree made provision for the National Blood Transfusion Centre (CNTS) in Lomé and for regional centres (CRTS). But Togo actually has only two blood donation and testing centres (testing donated blood for HIV and hepatitis B and C),⁴⁰ in Lomé and Sokodé, and two donation centres, in Kara and Dapaong. The number of bags of blood donated has been increasing annually since 2003, as shown in table 28.

⁴⁰ In addition to these test, the CNTS attends to typing and carries out the Coombs test.

Table 28
Number of bags of blood donated, 2003-2008

<i>Year</i>	<i>2003</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>
Number of sachets	6 684 ⁴¹	8 660	10 092	12 990	14 816 ⁴²	10 665 ⁴³

Source: Principal Health Indicators 2007, Ministry of Health, December 2008.

319. Despite this increase, the supply is always less than the demand, so that Togo still has a deficit. For example, the number of bags of blood collected in 2007 was sufficient to meet only 55 per cent of the needs from Lomé to Atakpamé. This is why projects are planned for the construction of blood donation and testing centres in the Tokoin University hospital in Lomé and in Afagnan, Kpalimé and Atakpamé. Efforts are also being made to coordinate the donation campaigns to encourage people to visit the centres.

Article 13

Social and economic benefits

1. Entitlement to family benefits

1.1 Family benefits for civil servants

320. In addition to the various benefits described in section 1.1 in the previous combined report (p. 110), there is also an initial accommodation allowance granted to civil servants on their marriage.

1.2 Family benefits for other employees

321. The information given on pages 110-111 of the previous combined report remains valid.

1.3 Maternity benefits

322. The information given under this heading on page 111 of the previous combined report remains valid.

2. Right to take out bank loans, mortgages and other types of loan

323. The information contained in the previous combined report is still up to date. However, the redrafted and validated version of the Personal and Family Code, in particular article 424 on inheritance rights, is likely to lead to progress with regard to the guarantee required for loans to women: in future “[t]he provisions of the present title are applicable to all matters of inheritance” and not just to persons who have renounced the customary laws of inheritance.

3. The right of legal redress

324. The information provided under this heading on page 111 of the previous combined report remains valid.

⁴¹ Including 15 per cent female donors.

⁴² Including 18 per cent female donors.

⁴³ Number of bags collected as of 31 August 2008.

4. Participation in social, recreational and cultural activities and sports

325. As pointed out, women do participate in social and educational activities. However, the problem of the underrepresentation of women arises here as elsewhere.

Article 14 Rural women

1. Rural women and the Convention

326. The information given on page 113 of the previous combined report is still valid. However, the Convention appears to be becoming increasingly well known as a result of the awareness-raising and training activities carried out both by the Government and by civil society organizations.

2. Togo's population structure

327. The censuses and surveys conducted since 1960 show that Togo has more women than men; table 29 illustrates this point.

Table 29

Evolution of the population structure by sex

<i>Demographic exercise</i>		<i>Men %</i>	<i>Women %</i>
Census	1960	48	52
Census	1970	48	52
Census	1981	49	51
EDST	1988	48.8	51.2
EDST	1998	49	51
MICS 3 and QUIBB	2006	49.6	50.4

Source: General Directorate for Statistics and National Accounts.

2.1 Active population

328. According to the 2006 QUIBB and MICS 3 figures, the active population comprises 48.7 per cent women and 51.3 per cent men, whereas in the previous combined report submitted by Togo under the Convention these figures were given as 43.8 and 56.2 per cent respectively for 1981.

329. Between these two years the gap narrowed in favour of women. This may have been due both to a higher male mortality rate at all ages and to migration.

330. Furthermore, the women's activity rate was higher than the men's rate regardless of place of residence. But it was a little higher in rural than in urban areas. The QUIBB figures indicate a women's activity rate of 82.2 per cent, as against 81.7 per cent for men.

2.2 Rural and urban population and growth rate

331. The rural population was estimated at 2,945,000 in 2000,⁴⁴ at 3,130,000 in 2005 and at 3,253,000 in 2008. Thus, the country's population is predominantly rural. The rural population comprised 74.8 per cent of the total population in 1981, compared with 25.2 per

⁴⁴ Previous combined report, p. 112.

cent for the urban population. These figures were 67.1 and 32.9 per cent respectively in 1998, while in 2000 and 2005 the rural population comprised 63.6 and about 60 per cent of the total population respectively. Population growth between 1970 and 1981 was 2.4 per cent in rural and 4.4 per cent in urban areas. The urban population growth rate shifted from 5.2 per cent in 1981 and 2000 to 4.4 per cent between 2000 and 2005 and to 4 per cent between 2005 and 2008.

332. The proportion of women working in the agricultural sector and in livestock production showed hardly any change from the figure of 56.4 per cent indicated in the previous combined report (p. 112).⁴⁵

333. The difficulties faced by women, usually linked to the difficulties of Togolese agriculture in general, include:

- Difficulty of access to modern production and processing technology, a difficulty implying very harsh working conditions;
- Illiteracy;
- Social and cultural resistance to change.

334. Women also encounter problems connected with the difficulty of acquiring access to land, which is due essentially to the inertia of customary attitudes.

335. In order to make a start on solving these problems, the Togo-UNFPA programme of cooperation provided training for about 100 leaders of women's production and processing groups both in the drafting and in the implementation of business plans and furnished them with equipment for producing and processing farm products.⁴⁶

336. Other measures were carried out in Savanes region, with UNDP support, under the Savanes integrated regional development project (PDRIS), which helped women in the project's area of intervention to acquire plots of land to farm themselves in order to secure their economic independence.

3. The rural population and illiteracy

337. The information contained on page 115 of the previous combined report and the concerns raised there are still current, in the sense that the female illiteracy rate remains high.

338. Efforts are being made to correct this imbalance, for it is clear that the country's development is impossible unless women are involved and that education plays a pivotal role in securing their participation. Attention must therefore be given to the attendance rates of girls at all levels of the school system, removal of the obstacles to teaching adult women to read and write, etc.

339. Modules for the training of trainers incorporating the gender approach have been introduced as part of the adult literacy work.

340. The literacy programmes are supported by community and private radio stations operating throughout the country.

⁴⁵ GF2D/CRIFF, *op. cit.*, p. 191.

⁴⁶ Draft national report on the evaluation of the implementation of the Beijing Declaration and Platform for Action on the occasion of the fifteenth anniversary of their adoption.

4. Breakdown of households by sex of head of household

341. This breakdown has changed little in rural areas since 2000. More than 80 per cent of rural households are headed by men and under 20 per cent by women (previous combined report, pp. 115-116).

5. Work and working hours of rural women

342. The information given on p.116 of the previous combined report is still current.

6. Rural women's participation in community life

343. Despite the establishment of the grass-roots development committees (CDB)* and the introduction of a quotas for women in these committees, the participation of women in general and rural women in particular in the management of CDB business still needs further encouragement. It is also to be hoped that the effective application of the decentralization legislation mentioned earlier will lead to increased participation by women in local grass-roots activities.

7. Rural women and social security

344. There has been little change in this matter since 2000.

8. Rural women's access to drinking water

345. As stated in the previous combined report (pp. 118-119), the lack of drinking water and sanitation infrastructure and the difficulty of access to what infrastructure does exist constitute major problems, especially in rural areas. The MICS 3 findings indicate an overall rate of access of 57.1 per cent to an upgraded source of drinking water. Rural women have poor access to drinking water. The Government, with the support of its cooperation partners, is stepping up the construction of pump-equipped wells in an endeavour to find solutions to this situation.

9. Rural women's access to education (cf. article 10)

346. Information on girls' education will be found under article 10 above. Efforts are continuing with regard to adult literacy, with a view to reducing the adult illiteracy rate in general and the women's rate in particular.⁴⁷

10. Access to employment for rural women

347. There has been little change in the information given on page 119 of the previous combined report.

11. Women's access to medical care (cf. article 12)**12. Provision for women's programmes in the national budget**

348. The information contained in the previous combined report is still up to date. However, note should also be taken of the creation in the Office of the Prime Minister in 2008 of a ministry for grass-roots development, which furnishes support to women in their income-generating activities.

* The grass-roots development committees are known as Village Development Committees (CVD) in villages and as District Development Committees (CDQ) in urban districts.

⁴⁷ See the comments made in section 3 above under "The rural population and illiteracy".

13. Family planning in rural areas (cf. article 12)

349. The information given on page 120 of the previous combined report is still up to date.

14. Women's self-help groups

350. The categories of self-help groups formed by women, especially rural women, discussed on page 120 of the previous combined report, increased from 0.51 per cent in 2003 to 11.42 per cent in 2007.⁴⁸ Despite this increase, the difficulties faced by women persist, even though the existence of microfinance institutions⁴⁹ has helped to resolve to some small extent the problem of women's difficult access to loans to fund their projects. The adoption of the National Microfinance Strategy (for 2004-2008 and 2008-2012) has done much to improve the framework for the operations of microfinance institutions.

15. Access to ownership of land

351. The information to be found on page 121 of the previous combined report is still up to date. But in order to ease the difficulties encountered by women in this area, an amendment has been proposed to article 391 of the draft revised Personal and Family Code to enable women to exercise the right to inherit land on a basis of equality with men. Moreover, several judicial decisions handed down on land cases since 2006 have tended towards equal treatment for women and men.

16. The status of rural women

352. The status of rural women may be inferred from the following description of the living conditions of farm households.

16.1 Housing characteristics

353. Rural housing conditions have changed very little in comparison with the position in 2000, the year to which the previous combined report relates.⁵⁰ But the building of permanent dwellings has been encouraged since the recent floods resulting from climate change.

16.2 Domestic amenities

354. Rural households have seen little change since 2000 in methods of water supply and lighting, sources of fuel for cooking, type of sanitation arrangements, and domestic equipment.

355. According to the MICS 2 and MICS 3 data, the proportion of households using clean drinking water increased from 53 per cent in 2000 to 57 per cent in 2006 (88 per cent in the towns and 40 per cent in the countryside).

356. The commonest source of fuel for cooking is still wood charcoal, with all its consequences for the environment. The way to tackle this problem is to develop other sources of fuel.

357. In 2006 only 28 per cent of households had electric lighting, and the coverage was only 4 per cent in rural areas. It should be noted that between 2006 and 2008 Togo suffered

⁴⁸ Ministry of Agriculture.

⁴⁹ See the developments regarding banks and the decentralized financing system (Part I, section 3.3.1).

⁵⁰ Previous combined report, p. 121.

a serious energy crisis, which had an impact on the country's economy, in particular on the subsistence activities of the poorest people.

358. Only 40 per cent of households had access to an adequate sanitation system in 2000. This indicator had worsened to 32 per cent by 2006. It stands at 10 per cent for rural areas.⁵¹

17. Structures promoting participation by rural women in community life

359. The information appearing on pages 122 and 123 of the previous combined report is still up to date. Here again it is to be hoped that the implementation of Law No. 2007-011 of 13 March 2007 on decentralization and local freedom will enable rural women to find a new framework for participating in community life.

Article 15 Equality before the law in civil matters

1. Capacity to conclude civil contracts

360. The Children's Code adopted on 6 July 2007 establishes the age of majority at 18 years. Any person who has reached this age may conclude all civil contracts without any discrimination. Women thus enjoy exactly the same legal status as men, a status empowering them to conclude civil and commercial contracts.

2. The right to administer property

361. The information contained in the previous combined report is still up to date. But there are several persisting difficulties, which may be viewed from two standpoints.

362. Firstly, article 242 of the Personal and Family Code (now article 257 in the draft bill revising the Code, which has been validated but not yet adopted) states: "If one of spouses dies or finds himself or herself in one of the situations covered by article 241 (in particular the loss of parental authority), the exercise of parental authority shall devolve entirely to the other spouse."

363. This provision has the direct consequence of transferring the right to manage the children's property to the surviving spouse. But two obstacles arise in practice, one affecting monogamous and the other polygamous marriage.

364. In the case of a monogamous marriage, the strict application of article 242 of the Personal and Family Code normally releases the surviving spouse from the need to complete any other formality for acknowledgement of the status of administrator. In practice, however, the pensions services located in the Ministry of the Economy and Finance require, when this right is to be exercised by a woman, judicial ratification of the document resulting from the family conference confirming the choice of this woman to administer the inherited property. This requirement raises an illegal obstacle to the assertion by the woman of her legal right of administration. Indeed, in many cases the deceased's family decides not to hold a family conference in order to prevent the woman from completing the above-mentioned administrative procedure. In extreme but still common cases another member of the family of the deceased spouse is appointed to administer the property, in violation of the legislation (art. 242 of the Personal and Family Code).

365. Action is being taken to remove this formal requirement imposed by the authorities, which constitutes, after all, a contravention of the law. The problem will no doubt be

⁵¹ I-PRSP.

resolved by the National Programme on Harmonization of Legislation, which is currently being carried out under the National Programme on Modernization of the Justice System.

366. In the case of polygamous marriages, the Personal and Family Code of 31 January 1980 is silent on the legal procedure for administration of property by one of the wives if the husband dies.

367. This problem may disappear once the validated Code has been adopted, for article 40 the new version recognizes and establishes in law only monogamous marriage.

368. Secondly, article 391 of the Personal and Family Code of 1980 voids women's inheritance rights of all substance by making the application of the inheritance legislation dependent on a choice made before the death. This of course means that, if no such choice has been made, the inheritance is regulated by customary practice. In fact, practices differ in this matter from one region to another, from one ethnic group to another and even from one family to another. The common factor, whatever the criterion on which the decision is made, is disregard of a right possessed by the wife, whose status is deemed inferior to that of a subject of law.

369. Since recourse to customary practice is established in law, by the above-mentioned article 391, it is a matter of urgency for the revised Code to institute equality between men and women, so that all subjects of law will be governed by the same procedure, as provided for in article 424 of the revised version, which states: "The provisions of the present title are applicable to all matters of inheritance."

370. In addition, article 115 of the Law on decentralization and local freedom of 13 March 2007, which created the rural communes, divests traditional chiefs of the status of civil registrar and invests this status solely in the local mayor; this will facilitate the strict application of positive law and thus prevent recourse to unequal customary rules.

3. Equal treatment by the courts

371. Women have access to the justice service on a basis of equality with men; they are not discriminated against in any way at all. The Civil Code, the Criminal Code, the Code of Civil Procedure and the Code of Criminal Procedure contain no discriminatory provisions. While in the past women were reluctant for social reasons to take legal action, especially in matrimonial matters, this reluctance is becoming less pronounced, for increasing numbers of women experience no difficulty in taking such action in certain matters. For example, in the 2006/07 judicial year 47 per cent of the actions heard in the matrimonial division were brought by women, as against 53 per cent by men. However, women victims of violence (rape, incest) are still reluctant to go to court owing to social and cultural attitudes. Awareness-raising and training measures are being carried out for women in order to improve this situation.

372. When it comes to punishment by the law women detainees have the same rights as men. However, women are accorded certain specific rights by reason of their female status. For example, women are not held in the same cell as men and, furthermore, pregnant and breastfeeding women may be released on bail.

373. NGOs and women's associations also carry out various measures to ensure that Togolese women enjoy equal treatment by the courts. In 2002, for example, WiLDAF-Togo executed a subregional project entitled "Awareness-raising and capacity-building for judicial and extra-judicial personnel for the effective delivery of women's rights in West Africa".

4. Freedom of movement and choice of residence

374. Pursuant to article 104 of the 1980 Personal and Family Code a married couple may choose the place of their marital home freely and by common accord; in the absence of such an accord a married woman lives in the place chosen by her husband, except when this place is dangerous for her or the children. This provision clearly discriminates against women with respect to the right to choose one's residence. It is time for it to be amended in order to re-establish equality of rights between married women and their husbands. Thus, article 96 of the revised Personal and Family Code, which has been validated, states clearly that "the marital home is the home chosen by the spouses by common accord".

375. A judicially separated woman has her place of residence fixed by the court. Most divorced women cease to have the marital home as their legal place of residence.

Article 16

Equality in matters of marriage and family law

1. Regulation of family relations

376. Most couples, especially among the rural population, do not go to a civil registrar to have their union legalized. For this reason the State and associations for the protection of women's rights are stepping up their awareness-raising activities in order to encourage members of this population group to regularize their situation and take advantage of the measures of protection contained in the Personal and Family Code.

2. Freedom to choose a spouse

377. Articles 75 *et seq.* of the 1980 Personal and Family Code already establish the principle of free consent to marriage; marriage must be celebrated before a civil registrar, at which time non-consent may be stated by either party. The Code sets the age of marriage at 20 years for men and 17 years for girls. This legislation is aimed at preventing early marriage, which undermines the reproductive health of the wife. But in order to remove this age-discrimination Togo harmonized these provisions of the Code with the international instruments, such as the Convention on the Rights of the Child. The age of marriage is accordingly fixed at 18 years in articles 267 *et seq.* of the Children's Code. Provisions of the Children's Code also condemn the marriage of minors and prohibit parents and guardians from promising children in marriage. In addition, article 269 of the Code states: "Each of the future spouses, even if he or she is a child aged 16 years (when a dispensation has been granted), must personally consent to the marriage. The marriage is otherwise null and any imposed sexual act constitutes rape." These legal requirements offer effective means of combating early and forced marriage.

378. It should be pointed out that the age of marriage of 18 years is the same as the age of majority established in article 2 of the Children's Code. The Government wishes to change this situation by bringing the age of marriage into line with the age of emancipation, i.e. 16 years.

3. Polygamous marriage

379. The problems arising from polygamy may finally be resolved when the validated revision of the Personal and Family Code is adopted, for its article 40 eliminates polygamy in the following terms: "Only monogamous marriage is recognized by law. No one may contract a second marriage before the dissolution of the first."

4. The various matrimonial regimes

380. The information given on page 126 of the previous combined report, in section 4 under article 16, remains valid.

5. Responsibility of husband and wife in marriage

381. Article 101 of the current Personal and Family Code states: “The husband is the head of family.” This provision creates a gender-based inequality by conferring greater authority on men. In order to eliminate this discrimination the revised version of the Code simply deletes article 101 and establishes the joint responsibility of the husband and wife in marriage in the following articles:

- Article 90: “The spouses commit themselves to a communal life. They owe each other respect and affection.”
- Article 92: “The spouses shall share moral and material responsibility for the family. The rights of each spouse in the marriage and in the family are protected and preserved. The management of the family’s affairs may not be effected by one spouse alone unless the other spouse is unable to express his or her wishes owing to incapacity, absence or estrangement or if he or she voluntarily abandons the communal life, or for any other reason.”
- Article 94: “The spouses shall contribute to the expenses of the household and the family in proportion to their respective incomes and capacity. The contribution of the spouses to the expenses of the household may be funded by or result from their activities in the home or from their collaboration in the other spouse’s occupation.”
- Article 95: “If one of the spouses fails to fulfil his or her obligations, the other may apply to a court for authorization to attach, block or draw on, to the extent of his or her needs, all or part of the income of the other spouse, including income under the matrimonial regime and income produced by his or her work, or any other sums owed to the other spouse by a third party.”

6. Women and divorce

382. The information appearing on pages 127-128 of the previous combined report, in section 7 under article 16, is still valid. The draft revised version of the Personal and Family Code introduces an innovation by establishing divorce by mutual consent in articles 110 *et seq.* of chapter 4, which is entitled “Divorce by mutual consent” and is found in title 4, on marriage.

7. Rights and responsibilities of partners in informal unions

383. The information given on page 127 of the previous combined report, in section 6 under article 16, is still valid.

8. Custody of children and retention of maiden name

384. The information found on pages 128-129 of the previous combined report is still up to date.

9. Women and inheritance

385. Article 391 of the Personal and Family Code, which establishes the principle of option of applicable law in matters of inheritance, is amended in the draft revised version. This amendment constitutes progress in that there is no longer automatic recourse to customary practice (when the deceased has made no option), which enshrines

discrimination between men and women in matters of inheritance. Article 391 has thus become new article 424 in the revised version of the Code, which states: "The provisions of the present title are applicable to all matters of inheritance."

Conclusion

386. The implementation of the Convention on the Elimination of All Forms of Discrimination against Women requires States parties to make sustained efforts to ensure a minimum of respect for women's rights, taking into account women's specific characteristics. This is what Togo has endeavoured to do over the past eight years (2000-2008), the period covered by the present combined report.

387. Togo may congratulate itself on having made some progress in some of the fields covered by the Convention. But this progress would have been impossible but for the joint efforts of all the parties involved in improving the status of women and the exercise of their rights (Government, institutions of the Republic, civil society and technical and financial partners).

388. In legal terms, not only has Togo signed or adopted the international instruments on human rights in general and on the specific rights of women, it has also adopted internal legislation and even regulations. Thus concrete measures, be it awareness-raising to familiarize the people with the Convention or action in various areas covered by the Convention, have been carried out in the field in order to deliver on the commitments undertaken by Togo.

389. However, this definite progress must not be allowed to conceal the immense amount of work still to be done. In fact, the consequences of the suspension of cooperation with the European Union (even though this cooperation has been resumed) have prevented Togo from acquiring all the means called for by its policies with regard to the promotion and protection of human rights in general and women's rights in particular.

390. The Government hopes nevertheless take advantage both of the resumption of cooperation with the European Union and with all of Togo's development partners and of the country's social and political stability over the past several years to secure a substantial improvement in the status of women and the exercise of their rights over the years to come.

391. Aside from the reporting aspects of the present document, it should be noted that it constitutes an important management tool which offers the parties involved a comprehensive snapshot of the situation of women in the economic, social, political and other fields.

392. It also constitutes a basic tool for setting the priorities in terms of international cooperation.

393. It will be useful in this connection to strengthen the data-collection arrangements and mechanisms by means of direct measures to assist State institutions, civil society organizations and other grass-roots groups whose participation in the reporting exercise is indispensable.

394. The Government knows that it can count on the collaboration and assistance of all its partners, both national and international, in order to achieve this end, for in this as in other fields only a combined effort will secure convincing results.

Annex 1

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3. Law No. 80-1 of 13 August 1980 constituting the Criminal Code
4. Ordinance No. 80-16 of 31 January 1980 constituting the Personal and Family Code
5. Law No. 2007-017 of 6 July 2007 constituting the Children's Code
6. Law No. 2006-010 of 13 December 2006 constituting the Labour Code
7. Organic Law No. 2005-004 of 9 February 2005 amending and supplementing the membership, organization and functioning of the National Human Rights Commission
8. Law No. 2005-12 of 14 December 2005 on protection of persons against HIV/AIDS, as amended
9. Law No. 2007-005 of 10 January 2007 on reproductive health
10. Law No 2004-005 of 23 April 2004 on social protection of persons with disabilities
11. Law No. 2005-009 of 3 August 2005 on trafficking of children
12. Law No. 2007-11 of 13 March 2007 on decentralization and local freedom
13. Draft revision of the Personal and Family Code
14. Draft bill amending the Criminal Code

Annex 2

List of members of the Technical Drafting Committee for Togo's periodic reports under the Convention

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Annex 3

**List of participants in the national validation workshop,
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32. Ms. Akouavi Aholou-Fianke	Civil Service and Administrative Reform
33. Mr. Djéma Bakou	Civil Service and Administrative Reform
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Annex 4

Judiciary maps of Togo

Jurisdictions of courts of appeal



Source: Official web site of Ministry of Justice.

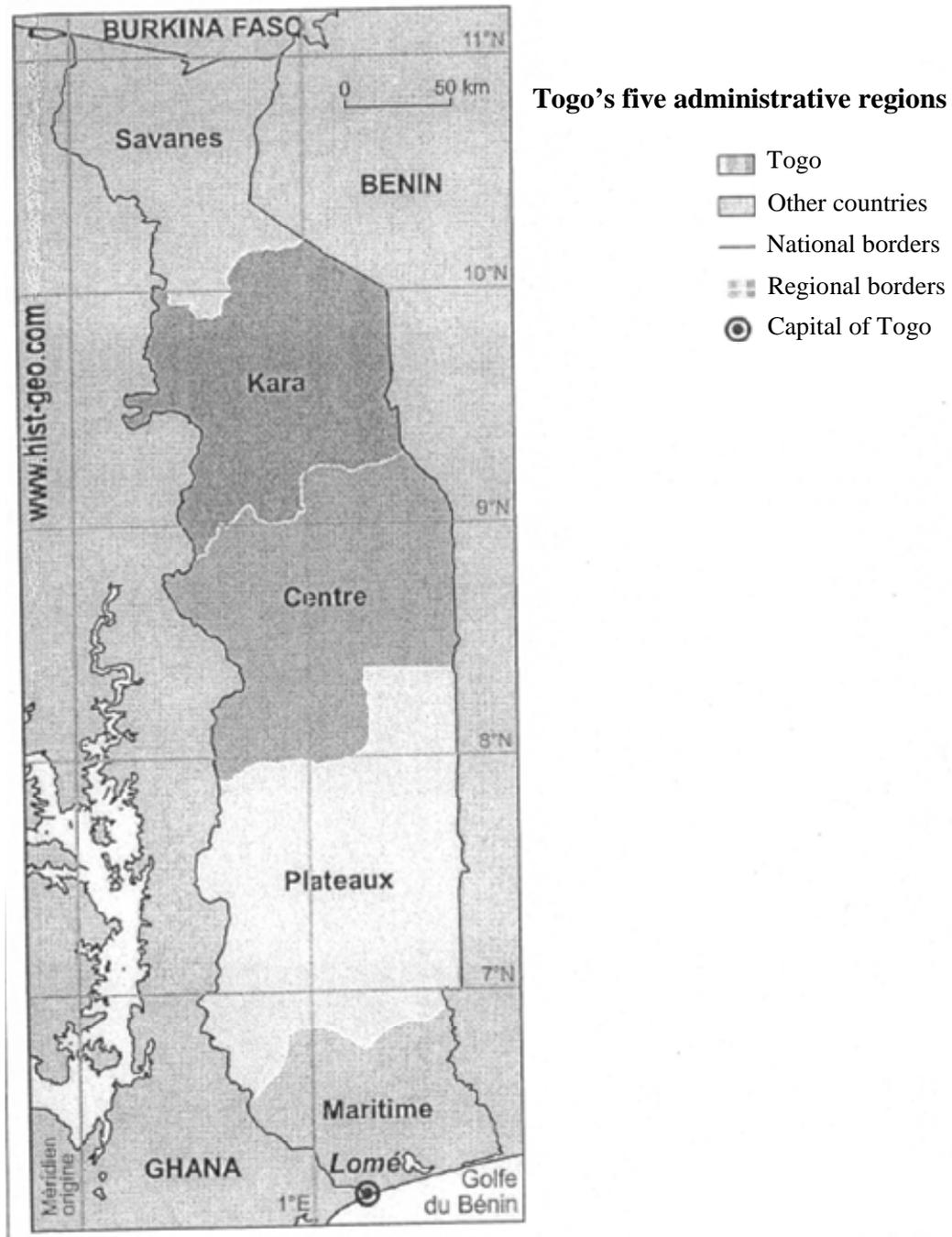
Jurisdictions of courts of first instance



Source: Official web site of Ministry of Justice.

Annex 5

Map of Togo's regions



Source: www.hist-geo.com.

Annex 6**New organization of the courts system**