



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women Fifty-third session

Summary record of the 1076th meeting

Held at the Palais des Nations, Geneva, on Thursday, 4 October 2012, at 3 p.m.

Chairperson: Ms. Pimentel

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The meeting was called to order at 3.05 p.m.

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

Combined sixth and seventh periodic reports of Togo (continued)
(CEDAW/C/TGO/6-7; CEDAW/C/TGO/Q/6-7 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Togo took places at the Committee table.*
2. **Ms. Dagban** (Togo), replying to a previous question on the numbers of women in positions of authority, said that there were 17 ambassadors, 2 of whom were women, and 206 magistrates, 4 of whom were women; and that the situation would continue to improve under the Government's policy on gender equality and equity for 2013–2017.
3. **Ms. Tebie** (Togo), replying to a previous question, said that on 29 May 2012 Togo had begun the process of accession to the 1954 Convention relating to the Status of Stateless Persons. It was also acceding to the Convention on the Reduction of Statelessness; the revision of the Togolese Nationality Code took into account the provisions in that Convention.

Articles 10 to 14

4. **Ms. Bailey** congratulated the delegation on the progress Togo had made, particularly in the area of higher education, but said that there were still obstacles to overcome. For example, the female dropout rate, which stood at 14 per cent and affected mostly girls from rural areas, was extremely high. Poverty and sociocultural norms led to a preference to retain boys rather than girls in schools, and although free education had been provided for children up to the age of 14 years, there were still additional costs to be covered, such as books and uniforms. What measures were in place to support girls at secondary level and increase the value attributed to girls' education? Without such measures, and the eventual reversal of the high adult illiteracy trends, girls would continue to be forced into unpaid work and early marriage, especially in rural areas.
5. With regard to violence, sexual harassment and rape, particularly in schools, she recalled that in February 2012, the Committee on the Rights of the Child had recommended that all perpetrators should be prosecuted and sanctioned through the courts and not in out-of-court settlements. She wished to know whether a body existed in order to accelerate the enactment of the bill aimed at revision of the Criminal Code, given the prevalence of sexual violence in schools. What sentences did teachers currently face if they were found culpable?
6. Lastly, she would like clarification on the reply to the Committee's request for the abrogation of Circular 8478/MEN-RS prohibiting pregnant girls from attending school. Even if the circular had fallen into disuse, as stated, and given that changes in behaviour and not only in law were necessary, further information on the actual situation for pregnant students was needed. Finally, she would be grateful for information on access to reproductive services and on the availability of age-appropriate sex education at all levels.
7. **Ms. Arocha Domínguez** said that although legislative measures attested to the political will to improve women's health, especially within the framework of the Millennium Development Goals, no figures had been provided since the submission of Togo's previous report, and the Committee was thus unable to monitor the application of those measures.
8. No adequate statistics on teenage pregnancy had been given for the period 2006–2011; it appeared that the rate of teenage pregnancy remained unchanged and alarmingly

high. Updated information on the efficiency of any measures applied, especially given that the Committee on the Rights of the Child had expressed the same concern in 2012, would be appreciated.

9. She wished to know if Act No. 2007-005 of 10 January 2007 on reproductive health was widely disseminated among doctors and if there had been any medical training to support the application of that law and to ensure that the rights enshrined therein were respected. What had been the law's effect on reproductive health and on the inadequate distribution of contraceptives? The shortage of medical staff in rural areas, outlined in paragraph 277 of the report, complicated the application of the law, and information on measures in place to overcome that shortage would be appreciated.

10. As there was no legally defined period within which women were allowed to undergo abortions, as stated in paragraph 102 of the written replies, she wished to know if, in the event they required it, women had access to an abortion procedure. She would also be grateful for further information on the rate of maternal mortality due to abortion and measures adopted to address other medical issues for which the health system made no provision.

11. **Ms. Rasekh** said that although health policies had been drawn up since the submission of the previous report, she wished to know if there was a monitoring system in place to ensure their proper and full implementation.

12. She also wished to know if a data-collection system had been established to measure maternal mortality and morbidity, which were known to be high. What measures were in place to prevent women's death through obstetric fistula? Did the health plan cover nutritional matters, early marriages and the prevention of teenage pregnancy? As 80 per cent of the country's population lived in rural areas and most had no access to health care, she would like to know what plans the Government had in that regard. Equally, as many of Togo's professionals were seeking employment elsewhere, she would appreciate details on any measures taken to encourage qualified health professionals to remain in the country.

13. Lastly, since the majority of the population could not afford the health-care services in place and many women lived in polygamous households where health-care coverage extended to only one wife, she wished to know whether there was any health insurance scheme that was available to all.

14. **Ms. Ameline** asked how employment policies interacted with policies on poverty. What measures were in place to facilitate women's, especially rural women's, entry into the job market and the professional sectors? In order to help women to become self-sufficient and find professional employment, did the Government plan to prioritize work to overcome problems such as illiteracy that impeded their ability to take advantage of the social security system and gain access to microcredit? Was there a global plan to assist women in using their own land? Had any public policies been created to support women who had reportedly had to leave their homes owing to the exploitation of phosphate mines nearby?

15. As the Government was planning to recruit professionals, further information on measures to introduce quotas for women's recruitment would be appreciated. Were there measures in place to handle migrant workers and child labour and to encourage women into senior and entrepreneurial positions, including in the informal sector?

16. Women were key players in sustainable development and food security through the farming activities in which they engaged, and she wished to know what was being done to improve water and sanitation systems as a means of supporting such activities.

17. **Ms. Zou** Xiaoqiao welcomed the improvements in the living conditions of rural women but said that further progress was necessary. She noted with satisfaction that measures had been taken in response to the Committee's concluding recommendations in

2006 on women's ownership and inheritance of land. She would like information to supplement paragraph 126 of the country's written replies stating that an interministerial committee had been set up for the revision of various laws that dealt with land issues. Was there a time frame within which the land code referred to in that paragraph would be developed and adopted? How was awareness raised and the law enforced so that negative practices and traditions impeding women's acquisition of land were dispelled?

18. There were reports of rural women being forced from their homes in areas where certain mining activities had been initiated. Such women, who often had families to feed, faced multiple discrimination; they had difficulty finding new employment without domicile or education. Were there measures and income-generating activities in place to support those women?

19. Lastly, were there literacy courses for rural women to help combat the high illiteracy rate?

20. **Ms. Dagban** (Togo) said that Togo abided by the provisions on education in article 10 of the Convention and that both legislative and institutional measures were in place to prevent girls from dropping out of school and to protect them from violence.

21. **Mr. Deo Ahondo** (Togo) said there was a legislative act to combat sexual violence in schools and that the Children's Code and general criminal law also defined and set out penalties for sexual harassment in schools. Measures against school dropout focused on improving family situations, especially those of rural families, and there were grass-roots programmes to create income-generating activities for women, thereby relieving girls of certain tasks. Among other steps being taken to facilitate girls' attendance at school, educational facilities were being established in rural areas to reduce travel distances.

22. Activities were being carried out to raise awareness of the penalties for violence at home and in schools and to encourage parents to report and authorities to prosecute such violence.

23. Nevertheless, much work remained to be done at constitutional and institutional levels to ensure that girls and boys had equal educational opportunities, in turn contributing to the equitable development of the country.

24. With regard to the circular prohibiting school attendance by pregnant pupils, laws had since been developed which took precedence over it and provided enhanced protection for girls in schools, especially pregnant girls. It was important to focus on the monitoring and application of such laws.

25. **Mr. Tchiguir Kassouta N'tapi** (Togo) said that many measures had been put in place to tackle the rate of teenage pregnancy, which stood at 19 per cent. Those measures included awareness-raising campaigns and services at all levels of society, the establishment of the national health service for youth and adolescents in the Ministry of Health and a programme on reproductive health education that was supported by the United Nations Population Fund (UNFPA) and applied even at primary school level.

26. Awareness had been increased about the 2007 law on reproductive health, which had been disseminated widely among health-care providers and translated into the country's languages. To address the low numbers of health-care providers in rural areas and to replace those retiring from the profession, competitive recruitment had been carried out in 2007 and 2008 and was planned for 2013.

27. In addition to defining incentives for the employment of qualified health-care professionals in rural areas, other strategies had been initiated, including offering removable and advanced methods of birth control, a vaccination programme and prenatal counselling services to women in isolated areas. Further measures included training

community health workers in first aid and medical care and in such areas as family planning, HIV/AIDS prevention and malaria treatment.

28. Although abortion was prohibited in Togo, it was permitted when a woman's health was at stake, in the case of rape or incest or where there was a strong likelihood that the child would be born with severe malformations. Abortion had to be approved by the attending gynaecologist. The fact that there was no provision in the law stipulating the period during which an abortion could legally be carried out was a discrepancy that the Government would endeavour to remedy.

29. Maternal and child health care were covered by five-year sectoral plans, which formed part of a national health development plan. The plans were evaluated at the end of each five-year period. Reports were produced periodically on the relevant activities, training was conducted and a quarterly bulletin on various operational aspects of the plans was issued.

30. Obstetric fistula usually resulted from home deliveries and were a particular problem among teenage girls. The Government had organized a number of awareness-raising campaigns for women aimed at avoiding early pregnancies and, if they did become pregnant, informing them about access to prenatal monitoring. Given that persons living in rural areas accounted for some 80 per cent of the population, the Government, in conjunction with various international partners, was engaged in efforts to ensure that there were enough health practitioners with the requisite medical training to attend to rural communities.

31. **Mr. Yakoubou** (Togo) said that the new national employment policy reflected the Government's commitment to ensuring that men and women were on an equal footing with respect to employment. The Ministry for Grass-Roots Development, Crafts and Youth Employment was very active and offered women various kinds of economic support, including access to microcredit. In view of the significant contribution that the informal sector made to the economy, the Government was taking steps to determine how best to assist in its development. Doing so would also benefit the public sector, in that better organization would enable the recovery of tax revenue from informal activities.

32. The problem of women displaced from phosphate mining areas was not specifically linked to gender; rather, it had to do with the public use of agricultural lands. However, the Government had set up a procedure to provide compensation to the owners of lands affected by mining operations.

33. Customary law in Togo predated by many centuries the Roman civil law that had been imposed by the colonial Powers, leading to the coexistence of two different legal systems in Togo. Customary law should not be regarded as inherently unacceptable: modern Togolese law incorporated many of its positive aspects.

34. **Ms. Kombiagou** (Togo) said that efforts to help women become independent often depended on providing them with land that they could cultivate for their subsistence. However, such efforts ran up against the problem of customary land tenure in Togo. An interministerial committee had been set up to develop an approach to the problem, but it was a complex and controversial issue that would take time to resolve and called for more in-depth study. Other actions were being undertaken to facilitate women's access to land, especially in view of the fact that women generally did not inherit land. Such efforts relied on the participation of rural populations themselves, traditional chiefs and a number of NGOs. A land-use planning agency in the Ministry of Agriculture was endeavouring to change attitudes in rural areas in order to promote women's access to land.

35. **Mr. Yakoubou** (Togo) said that the number of formalities required for starting a business had been reduced and the national employment policy contained a component for

promoting female entrepreneurship. Successful women leaders were recognized each year in a prize-giving ceremony and a programme had been developed to give priority to female graduates on the job market.

36. **Ms. Bailey**, raising some follow-up questions on articles 12, 13 and 14, said that she wished to know to what extent measures to promote the education of girls and to keep girls in school were being monitored and what practical results they had achieved. She was particularly interested in knowing whether the provisions of the law that allowed pregnant girls to remain in school during their pregnancy were being applied.

37. **Ms. Acar** said that all cultures had beneficial customs that were worth maintaining, and some of them were reflected in customary law. However, the Committee had often observed that, wherever there was a mixed legal system in a society, the customary law pertaining to marriage and inheritance often worked to the disadvantage of women. There was much accumulated experience in countries around the world regarding how to reconcile the two systems so that they did not infringe women's rights. One good way was to incorporate the positive aspects of customary law into the civil law system.

38. **Ms. Zou** Xiaoqiao said that the State party should take effective action to ensure that the discriminatory aspects of customary law that denied women land inheritance rights were abolished. She enquired about the status of the study for the development of a land code.

39. **Ms. Rasekh** asked whether the Government had a system for collecting data on maternal mortality and whether it had determined the current maternal mortality rate. Had a comprehensive health-care plan covering the entire country been formulated? If not, a model from another country in the region could be used to develop such a plan. She enquired what type of psychological and psychiatric health care was available to women. She would welcome additional information on whether husbands were required by law to accompany their wives when they wished to obtain contraceptives or whether they did so out of custom. The Government might consider organizing education and awareness-raising campaigns to help change attitudes in that regard so that women were free to obtain contraceptives on their own.

40. **Ms. Jahan** said that she had received information to the effect that there were no prioritized services for children with disabilities and no policy for the inclusion of children with disabilities in mainstream education. The delegation should elaborate on what national policies and programmes were available to ensure that girls and women with disabilities had access to education, health-care services and employment opportunities. She was concerned at reports that in certain geographical areas, children with malformations, particularly girls, were put to death shortly after birth. She asked what efforts the State had made to bring those responsible to justice and to prevent such crimes from recurring.

41. **Ms. Halperin-Kaddari** asked which specific provisions in the State party's legislation gave official recognition to customary law and whether the default regime was nevertheless the civil law system.

42. **Ms. Ameline** said that she would like to know whether the State party had plans to strengthen the provisions governing entitlement to maternity leave. She asked whether measures to eliminate sexual harassment had been successful in improving women's participation in the labour market.

43. **Ms. Dagban** (Togo) said that the data concerning the effectiveness of measures to increase the enrolment of girls in school showed that positive results had been achieved.

44. **Ms. Azambo** (Togo) said that previously, when a female student became pregnant, she was temporarily suspended and went back to school after having her baby. Following the ratification by Togo of the African Charter on the Rights and Welfare of the Child, any

female student who became pregnant was now entitled to continue her normal schooling as long as her health allowed. There had been cases of girls who had stayed in school until the day before they delivered the baby.

45. With regard to the killing of children with malformations, many actions had been undertaken to combat that practice, which, tragically, continued in certain parts of the country. A Government study had been carried out nationwide in order to document the problem and elaborate strategies for dealing with it. Specialists were helping the Government to organize awareness-raising campaigns and to develop slogans that would be disseminated in the affected communities.

46. **Mr. Yakoubou** (Togo) said that customary law was applicable only to the extent that its content had been codified and incorporated into Togolese law. Nevertheless, a number of non-codified customary practices subsisted, as did practices expressly punished by law in which people continued to engage in certain localities. Some of those practices persisted because people were more familiar with customary law than with Togolese law. Nonetheless, persons who violated the law were brought to justice. The murder of a child with malformations was a serious offence that was punishable under both the Criminal Code and the Children's Code.

47. **Ms. Soukoude** (Togo) said that customary law did not have precedence in Togo. Some customary practices had been retained, but only if a judge had determined that they were in conformity with human rights and the fundamental principles set out in the Constitution. The new Personal and Family Code, which constituted significant progress with regard to women's right to inherit land, for example, was in general the applicable legislation.

48. **Ms. Dagban** (Togo) said that women with psychiatric problems were accorded the proper care in special centres.

49. **Mr. Tchiguirí Kassouta N'tapi** (Togo) said that according to a population and health survey conducted in 1998, the maternal mortality ratio was 478 per 100,000 live births. United Nations agencies had measured the ratio at 350 per 100,000 live births in 2008 and 300 per 100,000 live births in 2010. Even if the figure continued to decrease at that rate, the Millennium Development Goal of lowering maternal mortality by 75 per cent from 1990 to 2015 would not be reached. Statistics from hospitals showed much lower figures than the national ratio, which meant that many maternal deaths took place outside the institutional framework. The Government was raising awareness among community health practitioners about the importance of reporting all maternal and infant deaths, so that it could then determine the causes and address the situation.

50. Psychological care programmes for women had only recently been established but showed great promise. Social workers employed in hospitals were also trained to provide psychological care. Husbands were asked to accompany their wives on prenatal check-ups so that they could be well informed and show their support. Committees of men were being established across the country to encourage their wives and female family members to use contraceptives and family planning options.

51. **Ms. Azambo** (Togo) said that all girls with disabilities were protected under the Children's Code without discrimination. The Government was reviewing legislation on women with disabilities with a view to bringing it into line with the Convention on the Rights of Persons with Disabilities, which Togo had recently ratified. Pilot programmes had been launched in the two poorest regions of the country to provide inclusive education for all children with disabilities. It was true that there were few specialized institutions for children with disabilities, and those that did exist were run by civil society organizations. Women with disabilities would be taken into account in the strategy to protect vulnerable groups in Togo being developed by the Ministry for the Advancement of Women.

52. **Ms. Dagban** (Togo) said that the Personal and Family Code recognized women's right to inherit land on an equal footing with men. Several awareness-raising programmes had been carried out to encourage men to accept the idea of sharing land with women.

53. **Mr. Yacoubou** (Togo) said that while the Personal and Family Code provided for the transfer of land to women, land laws still needed to be codified, a delicate issue because most land was privately owned. The process of drafting a land code was in the advanced stages, and the resulting bill would soon be submitted to parliament.

54. When cases of sexual harassment in the workplace were discovered, administrative penalties were automatically applied. Criminal penalties were more problematic, because victims were often reluctant to testify. Efforts were under way to raise women's awareness of the need to come forward. Further efforts to discourage sexual harassment were also needed.

55. Maternal leave was automatically granted in the public sector. In the private sector, such benefits were sometimes denied, but the National Council for Social Dialogue was working with employers and trade unions to negotiate a collective agreement on the issue.

Articles 15 and 16

56. **Ms. Halperin-Kaddari** said that the State party's previous report had indicated that a large percentage of married women were in polygamous marriages: she asked if updated statistics were available. She wished to know why the provision in the draft Personal and Family Code abolishing polygamy had been deleted in the final version. The Code also designated the husband as the head of the family, which was not in line with article 16 of the Convention or the Committee's general recommendation No. 21. Even the State party's report noted that the provision fostered gender-based inequality, and she wondered why the relevant article had not been deleted.

57. It was unclear whether women in de facto unions were left without any property or inheritance rights and whether the children of such unions were denied their rights if the father refused to acknowledge paternity. While there were three marital property systems in place, the default was the separate property system, which was unfavourable to women. She asked how women, and particularly illiterate women, were made aware of their options in that regard. She wished to know if it was still true that women's unpaid work within the household was not recognized under any of the property systems.

58. **Mr. Deo Ahondo** (Togo) said that the draft Code had simply been an expression of the Government's will, and that it had been up to lawmakers to make the final decisions. The lawmakers had decided that certain cultural aspects had not been taken into account in the draft, and that further awareness-raising efforts were first needed before adopting such provisions as law. However, other provisions unfavourable to women had been removed in the amended Code, thereby improving gender equality.

59. It was true that there were no regulations governing de facto unions. However, children born from such unions were protected under the Children's Code. If the father refused to acknowledge paternity, legal avenues were available to both the mother and the child in certain situations to force him to assume his parental responsibilities.

60. Illiteracy should not prevent women from making informed choices regarding marital property systems. A commission which included technical partners and NGO representatives had been established to develop strategies for disseminating the Personal and Family Code.

61. **Ms. Dagban** (Togo) said that she wished to reaffirm the Government's commitment to the equality of men and women, despite the remaining difficulties with the Personal and Family Code.

62. **Mr. Yacoubou** (Togo) said that, like the Committee, the Government was also displeased that polygamy had not been abolished in the final version of the Personal and Family Code. Since parliament had arrived at an impasse on the issue, a compromise had been reached so that the positive aspects of the Code in other areas would not be lost. The Government was optimistic that greater equality in marriage would be achieved in the near future.

63. The work women performed in the household was recognized in Togo; however, it was not quantified in monetary terms. It was possible that Committee members and the delegation did not have the same understanding of the concept of remuneration.

64. **Ms. Halperin-Kaddari** said that she shared the Government's hope that the issue of polygamy would be addressed in future legislation. The Committee was not suggesting that the Government should pay women for the housework they performed. Rather, it was recommending that, in accordance with article 16 of the Convention, the Government should adopt a system recognizing the non-financial contribution of housewives to the property accumulated during marriage when dividing that property at the end of the marriage. If the default marital property system was changed to the community rather than the separate system, then the Government would not have to find ways to inform women about their choices, as their economic needs would already have been addressed.

65. **Mr. Yacoubou** (Togo) said that family court judges, many of whom were women, must be trusted to take into account the Convention and the inheritance rights of women as set out in the Personal and Family Code when dissolving marriages. When the Code had been drafted, the marital property system chosen as the default had been the one thought to be the most beneficial to women.

66. **Ms. Soukoude** (Togo) said that there was some Togolese case law in which women's work in the household had been validated when dividing marital property, but it was true that the practice was not widespread. Efforts were under way to raise awareness among judges and encourage them to take such work into account.

67. **Ms. Dagban** (Togo) thanked the Committee members for their questions, suggestions and contributions and said that her delegation looked forward to hearing the Committee's recommendations.

68. **The Chairperson** said that the constructive dialogue had shown that the Government was committed to furthering women's rights in Togo. She commended the State party for its efforts and encouraged it to take all necessary measures to address the Committee's concerns.

The meeting rose at 5.10 p.m.