



REFERENCE: YH/follow-up/Togo/62

14 December 2015

Excellency,

In my capacity as Rapporteur for Follow-up on Concluding Observations of the Committee on the Elimination of Discrimination against Women (CEDAW), I have the honour to refer to the examination of the combined sixth and seventh periodic reports of Togo at the Committee's fifty-third session, held in October 2012. At the end of that session, the Committee's concluding observations were transmitted to your Permanent Mission (CEDAW/C/TGO/CO/6-7). You may recall that in the concluding observations, the Committee requested Togo to provide, within two years, written information on the steps undertaken to implement the recommendations contained in paragraph 15 and in paragraph 21 of the concluding observations.

The Committee welcomes the follow-up report received with an eight-month delay in June 2015 (CEDAW/C/TGO/CO/6-7/Add.1) under the CEDAW follow-up procedure. At its sixty-second session, held in October-November 2015 in Geneva, the Committee examined this follow-up report and adopted the following assessment.

Regarding the recommendation made in **paragraph 15** of the concluding observations that the State party “accelerate the finalization and adoption, within a clear and precise time frame and without delay, of the law reform to bring domestic provisions into line with the Convention”: The State party indicated that several laws were enacted to align domestic legislation with the Convention, including the Act on the bylaws of the public service, the Act on the Electoral Code, the Act on legal aid, the Act on the Code of Persons and Family, and the Bill on the Penal Code and Code of Criminal Procedure. While welcoming the enactment of a number of laws, the Committee considers that the State party did not define a clear and precise time frame for the finalization and adoption of the law reform to bring domestic provisions into line with the Convention. The Committee considers that the State party took some steps towards the implementation of the recommendation. It considers that the recommendation **has been partially implemented**.

Regarding the recommendation that the State party “ensure that all discriminatory provisions are reviewed and repealed, including those in the Penal Code, the Code of Persons and Family, the Nationality Code and the Code of Criminal Procedure, in order to achieve de jure equality and enable de facto equality for women in compliance with the State party's obligations under the Convention”: The State party mentioned that amendments made to the Code of Persons and Family in 2014 granted women a set of rights that ensure them a certain protection, fulfilment

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and equality with men, including equal and shared responsibility of the household between spouses, the protection for the wife from the recriminations of her in-laws in the event of dissolution of the marriage, and the exceptional use of customary law with respect to inheritance.

The State party also indicated that new provisions were added to the Electoral Code, in particular the enforcement of gender equality in candidate lists for legislative elections as of July 2013. It further mentioned that new provisions in the Legal Aid Act facilitate women's access to legal services, while bylaws of the Togolese public service call for fair access for men and women to all public offices. As regards the Nationality Code, which is currently under revision, it was emphasized that women's right to pass on their Togolese nationality to their foreign-national spouses is not yet recognized. However, according to the new Code of Persons and Family, divorce has no more effect on the rights acquired by the husband or wife to the Togolese nationality. The Committee considers that the State party took some steps towards the implementation of the recommendation. It considers that the recommendation **has been partially implemented**.

The Committee recommends that, in relation to paragraph 15 of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to:

- 1) Accelerate the finalization and adoption, within a clear and precise time frame and without delay, of the law reform to bring domestic provisions into line with the Convention; and
- 2) Ensure that all discriminatory provisions are reviewed and repealed, including those in the Penal Code, the Nationality Code and the Code of Criminal Procedure, in order to achieve de jure equality and enable de facto equality for women in compliance with the State party's obligations under the Convention.

Regarding the recommendation made in **paragraph 21** of the concluding observations that the State party "put in place, without delay, a comprehensive strategy with a results-oriented approach, in conformity with articles 2 (f) and 5 (a) of the Convention, to eliminate stereotypes and harmful practices that discriminate against women, such as polygamy, pre-marriage, forced and early marriage, widowhood practices, levirate, sororate, female genital mutilation, denial of inheritance rights to women, bondage of young girls in voodoo convents and violence against children or old women believed to be witches. Such measures should include concerted efforts, within a clear time frame and with civil society, the school system, the media and traditional leaders, to educate and raise awareness about this subject, targeting women and men at all levels of society": The State party mentioned that it has taken legislative, regulatory and programme measures aimed at eliminating discriminatory stereotypes and harmful practices affecting women. It indicated that the Code of Persons and Family recognizes both monogamy and polygamy, but generally prohibits pre-marriage, forced and early marriage. Widowhood practices, levirate and sororate are also banned by the Code. Moreover, the State party stated that female genital mutilation has much decreased since its prohibition in 1998, especially thanks to the concerted grassroots awareness raising actions undertaken. It further stressed that the law grants the same rights to men and women as regards inheritance. With respect to the bondage of young girls in voodoo convents and violence against children or old women believed to be witches, a sustained commitment (Notsè declaration) has been obtained from the guardians of customary practices in 2013. Additionally, the State party mentioned that various programmes and initiatives are being implemented by the Government to combat all forms of violence against girls and women, such as the national programme to combat violence against girls and women, the national programme to combat pregnancy and marriages among teenage girls, and coverage of issues related to violence against girls and women in education and training programmes. The Committee welcomes the implementation of measures, including legislative and programme measures, aimed at prohibiting, educating and raising awareness of certain harmful practices. However, it notes that the State party did not indicate whether such measures have included concerted efforts with civil society, the school system, the media and traditional leaders, and whether a comprehensive strategy with a

results-oriented approach to eliminate stereotypes and harmful practices that discriminate against women was put in place. The Committee considers that the State party took positive steps towards the implementation of the recommendation. It considers that the recommendation **has been partially implemented**.

Regarding the recommendation that the State party “include in the revised Penal Code provisions prohibiting polygamy, pre-marriage, forced and early-marriage, widowhood practices, levirate, sororate, bondage, female genital mutilation and denial of inheritance rights to women, and provide adequate sanctions”: The State party mentioned that the Penal Code is currently being revised and is now at the draft stage. It added that the draft Penal Code provides for appropriate sanctions for any form of violence against women and girls. The Committee notes that the draft Penal Code provides for appropriate sanctions for any form of violence against women and girls. However, it considers that the State party did not indicate whether the draft Penal Code includes provisions prohibiting polygamy, pre-marriage, forced and early-marriage, widowhood practices, levirate, sororate, bondage, female genital mutilation and denial of inheritance rights to women, and whether it provides adequate sanctions. The Committee considers that it **did not receive sufficient information** to assess whether the recommendation has been implemented.

Regarding the recommendation that the State party “undertake an assessment of the impact of those measures in order to identify shortcomings and improve them accordingly within a clear time frame”: The State party indicated that the implementation of various programmes have led to a significant decrease in violence against women and girls, in particular female genital mutilation. It also mentioned the positive impact of the Notsè declaration on the incidence of certain harmful practices affecting children, especially girls. The Committee notes that the implementation of various programmes and initiatives lead to a decrease in the incidence of violence against women and harmful practices. However, the Committee notes that the State party did not conduct a comprehensive assessment of the impact of the measures taken in order to identify shortcomings and improve them accordingly within a clear time frame. It considers that the recommendation **has not been implemented**.

The Committee recommends that, in relation to paragraph 21 of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to:

- 1) Put in place, without delay and in collaboration with civil society, the school system, the media and traditional leaders, a comprehensive strategy with a results-oriented approach, in conformity with articles 2 (f) and 5 (a) of the Convention, to eliminate stereotypes and harmful practices that discriminate against women, such as polygamy, pre-marriage, forced and early marriage, widowhood practices, levirate, sororate, female genital mutilation, denial of inheritance rights to women, bondage of young girls in voodoo convents and violence against children or old women believed to be witches, and to educate and raise awareness about this subject, targeting women and men at all levels of society;
- 2) Include in the revised Penal Code provisions prohibiting polygamy, pre-marriage, forced and early-marriage, widowhood practices, levirate, sororate, bondage, female genital mutilation and denial of inheritance rights to women, and provide adequate sanctions; and
- 3) Undertake an assessment of the impact of those measures in order to identify shortcomings and improve them accordingly within a clear time frame.



The Committee looks forward to pursuing its constructive dialogue with the authorities of Togo on the implementation of the Convention.

Please accept, Excellency, the assurances of my highest consideration.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Xiaoqiao Zou'.

Xiaoqiao Zou  
Rapporteur on follow-up  
Committee on the Elimination of Discrimination against Women