

5 August 2005

Original: English

**Committee on the Elimination of Discrimination
against Women
Pre-session working group
Thirty-fourth session
16 January-3 February 2006**

**List of issues and questions with regard to the consideration of
reports**

Togo

Introduction

1. The pre-session working group examined the combined initial, second, third, fourth and fifth periodic report of Togo (CEDAW/C/TGO/1-5).¹

Articles 1 and 2

2. In the absence of an explicit definition of discrimination in the Togolese Constitution, coupled with the limited application of the Convention, what measures are envisaged to enhance compliance with the Convention? The report spells out that “harmonization of domestic legislation and the Convention would be a worthwhile endeavour” (p. 35). What priority is being given by the State party for the process of harmonization of domestic legislation with the Convention, especially in the light of the obligations under articles 2 and 16 of the Convention?

3. Please provide information on what measures are in place to enhance access to justice for women, including what is being done to encourage women, especially rural women, to use the courts to enforce their rights under the Constitution, other legislation, and the Convention. This should include details on any court cases in which women have challenged discriminatory laws, efforts to decentralize the judiciary, legal aid given to women by the State and measures in place to raise awareness among women of their rights under existing legislation.

4. Please indicate what is being done to raise awareness and sensitize judges, lawyers, law enforcement officers and administrators — at all levels and in all branches of Government — to prevailing legal standards and the State party’s obligations under the Convention to achieve gender equality.

Article 3

5. In addition to the National Beijing Follow-up Committee established under Executive Order Number 0001/98/MPFS, does the Government envisage the establishment of national machinery that will have the responsibility of enhancing the implementation of the Convention?

6. Has a national policy for the advancement of women been adopted by the Government? If so, has its impact been evaluated?

Article 4

7. In its general recommendation 25, the Committee emphasizes that temporary special measures are part of a necessary strategy to accelerate the achievement of women's de facto equality and should be distinguished from permanent, general social policies to improve the situation of women and girls. In the light of this clarification by the Committee, what temporary special measures are in place or are envisaged to accelerate women's de facto equality?

Article 5

8. The report notes the pervasive impact of entrenched cultural stereotypes on the enjoyment by women of their rights protected under the Convention. Please provide specific information on the concrete measures that have been taken to address discriminatory practices and stereotypes and on their impact.

Violence against women

9. The Special Rapporteur on violence against women noted that domestic violence, including battering and marital rape, is a serious problem in Togo (E/CN.4/2003/75/Add.1, para. 598) and expressed concern that Togo neither recognizes marital rape as a crime nor has specific legislation for the prevention and punishment of domestic violence. Please provide detailed information on the forms and extent of violence against women in the family and in the community at large, including statistical data and information on legislative provisions, remedies, social support services and awareness-raising activities.

10. In its concluding comments, the Committee on the Rights of the Child expressed concern that despite the promulgation of legislation that prohibits female genital mutilation, the practice persists, as do other violent cultural practices. Please inform the Committee about the extent to which female genital mutilation is practiced, as well as the implementation of the law and steps taken to disseminate it further.

Article 6

11. Both the Committee on Economic, Social and Cultural Rights and the Committee on the Rights of the Child have raised concerns over the extent of trafficking in women and children for the purpose of forced prostitution and non-consensual labour. Please describe what is being done to counter rising levels of trafficking, including

information on targeted legislation, sensitization programmes for case workers and law enforcement officials and the availability of social assistance programmes for victims.

12. The report notes that prostitutes are increasingly vulnerable to health risks, and in particular are disproportionately exposed to the HIV/AIDS virus. Please indicate what policies are in place to ensure that prostitutes receive adequate health care and information on prevention of sexually transmitted infections and HIV/AIDS. Include an assessment of the impact of these programmes and the results achieved.

Articles 7 and 8

13. Given the gross underrepresentation of women in decision-making positions in public and political life and in international activities, what concrete measures are envisaged to achieve women's full and equal participation and representation at all levels of Government, taking into account the Committee's general recommendation 25, on article 4, paragraph 1, of the Convention, and general recommendation 23, on women in public life? What awareness-raising and capacity-building programmes or policies are in place or are envisaged to encourage and facilitate Togolese women's entrance into public and political life?

Article 9

14. Has the Nationality Code of 1978 been amended to conform with the provision of the Constitution of the Fourth Republic of 1992 which grants Togolese citizenship to every child born to a Togolese father or mother? Is there an explicit legal provision whereby a foreign man married to a Togolese woman may acquire Togolese citizenship through marriage?

Article 10

15. The report notes the continuing high illiteracy rates among women and girls despite the increase in budget allocation, the low enrolment and retention rates for girls, the unequal access to educational opportunities for girls, especially from rural areas, and the low level of qualifications of teachers. Are there any plans to update the 1998 National Education and Training Policy, and is particular emphasis placed on girls' and women's education?

16. The report indicates that the Ministry of National Education has taken steps to combat gender stereotyping in the education system through the revision of school textbooks. Please elaborate on the impact of these measures and indicate whether other comprehensive steps have been taken to combat gender stereotyping within the education system.

17. Please provide more information on the policy prohibiting pregnant women and girls from attending school. How many students are affected by this policy, and does the State party envisage plans to review and amend this policy?

Article 11

18. What efforts are being taken by the State party to implement laws against gender-based discrimination in the labour market and to eliminate discriminatory

practices by employers on the basis of women's reproductive roles and functions, including refusal of employment and dismissal of women due to pregnancy and family responsibilities? Please include information on the means of redress and access to justice in cases of non-compliance and measures to prohibit direct and indirect discrimination on the grounds of sex.

19. What concrete steps are being taken by the State party to address occupational segregation of women in the labour market? Please provide information on the existing gap between women's and men's pay and indicate what steps are being taken to implement the principle of equal remuneration for work of equal value.

20. Given the high percentage of Togolese women working in the informal sector and their precarious position, please indicate what outreach programmes are in place to inform low-income and poor women, particularly in rural areas, of opportunities to gain access to markets and technology. What policies are in place to support women's self-help groups in order to provide services to women entrepreneurs in rural and urban areas?

Article 12

21. The report contains comparatively little information on the situation of women's health. Please provide an assessment of trends over time using women's health indicators — most especially in the areas of infant mortality, low birth weight, maternal mortality, immunizations, prevalence of infectious and non-infectious diseases and overall life expectancy — with separate assessments for rural and urban women.

22. The report notes that young girls and women have a high awareness of methods of contraception, but rates of usage remain quite low. What programmes are in place or envisaged to provide women and men with access to modern contraceptives so that women do not have to resort to clandestine abortions and the rate of teenage pregnancy can be reduced?

23. The report indicates that prenatal care is widely provided in urban areas, and to a somewhat lesser extent in rural areas as well (p. 101). However, the report also notes that maternal mortality rates in Togo are extremely high. Please provide information on the nature, scope and impact of women's reproductive health initiatives in Togo and on what is being done to enhance the availability of prenatal programmes in both urban and rural settings.

24. Please report on the activities of the National AIDS Control Programme and provide an assessment of its success and challenges. In particular, please provide information on activities and programmes in relation to the three areas identified as the main obstacles to controlling HIV/AIDS — economic, sociocultural, and religious norms — and describe how programmes target women and girls or address gender dimensions.

Article 13

25. The report notes that married and single mothers are treated differently in terms of receiving family benefits and that often women do not receive family allowances because male members of the family assume control of them (p. 110). Please inform the Committee about measures being taken to improve the methods of disbursing

family benefits and steps to remove the provisions that discriminate between single and married mothers.

26. Although there are no explicitly discriminatory laws preventing women's access to bank loans and credit, the report states that in practice women have almost no access to credit because they rarely have title to the main form of security: property. What measures are being put in place to increase women's access to formal credit?

Article 14

27. Although the report provides information on the concentration of medical facilities by region, it omits any information on rural women's access to health care as compared with that of urban women. Please comment on the number of health centres in rural areas and on whether rural women and girls have adequate access to trained doctors and other medical personnel.

28. The report indicates that only 37 per cent of rural families have access to clean drinking water. Please indicate measures in place or envisaged to ensure access to safe and clean water facilities for rural people, keeping in mind that women most often bear the responsibility of collecting and storing water.

Articles 15 and 16

29. The Personal and Family Code still contains provisions that directly discriminate against women in the areas of minimum age of marriage, legality of polygamy, choice of matrimonial home, inheritance and freedom to work. Please indicate whether the review and amendment of the Personal and Family Code are envisaged so as to bring it in line with the Convention. Are measures envisaged to address the prevalence of informal unions?

30. The report notes that deeply entrenched customary law significantly impairs gender equality and leads to gender discrimination in the family, the community and the State. Please inform the Committee about what is being done to address entrenched customary laws and to publicize State legislation that protects the rights of women.

General

31. Please indicate any progress made with respect to accession to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

Notes

¹ Page numbers refer to the English version of the report.