

Women's rights protection instruments ratified by Togo:

- **CEDAW**: ratified in 1983
- **CEDAW Protocol**: not signed
- **Maputo Protocol**: ratified in 2005

Ratify! Although Togo ratified the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) in 1983 and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol) in 2005, it has not ratified the Optional Protocol to CEDAW.

Respect! The Coalition of the Campaign is particularly concerned by the following continued violations of women's rights in Togo: the persistence of discriminatory laws; harmful traditional practices, including forced and early marriages and feminine genital mutilation; limited access property, education, employment and health.

/ Some positive developments...

The Coalition of the Campaign acknowledges some positive developments for women's rights in Togo over recent years, including:

- The ratification of the Maputo Protocol in October 2005.
- The adoption of a law on sexual and reproductive health in 2007. This law prohibits rape, female genital mutilation (FGM), early and forced marriage, exploitation and sexual harassment.
- The adoption of measures to promote the access of girls and women to education and employment, including lower tuition fees for girls and the establishment of quotas in sectors that are traditionally reserved to men (police, water services, forestry and the army). Text books have been revised to remove discriminatory portrayals of women.
- The adoption in 2009 of a law on legal aid.

/ But discrimination and violence persist

IN LAW

Several discriminatory laws persist, in particular within the Family code, adopted in 1980, including:

Polygamy (art. 42): is authorised, even if monogamy was chosen when the marriage was contracted, in the case of a medically confirmed and definitive sterility of the wife (art 51)

Legal age for marriage (art. 43): the legal minimum age for marriage is 20 years for men and 17 years for women. The court can waive the minimum requirement for serious reasons.

Remarriage (art. 53): a widow must wait for a period of 300 days before remarriage.

Levirate (art. 54): is implicitly authorised by article 54 when the husband dies since this article only prohibits it if the marriage has “ended by a divorce”.

Parental authority: “the husband is the head of the family” (art. 101) and as such, he is in charge of choosing the place of residence of the family and can object to his wife exercising a profession separate from his own (art. 109).

Inheritance: Although national law provides for equal access to inheritance (art. 402), section 391 provides that it applies only to those who have waived customary rules in matters of succession.

IN PRACTICE

Traditional harmful practices remain deeply rooted, such as forced or early marriage, female genital mutilation (FGM), levirate and repudiation.

• Violence

Domestic violence, including marital rape, is widespread in Togo. Women’s lack of information and knowledge regarding their rights and the mechanisms that exist to protect them, coupled with extremely stigmatising perceptions of rape victims, are major obstacles to the denunciation by women of violence. Sexual harassment has been prohibited by Presidential Decree but remains prevalent.

Togolese women were victims of targeted political violence during the last elections. An international fact-finding mission of the United Nations mandated to establish responsibility for violations committed during the presidential election of May 2005, found that torture, rape and other sexual violence had been perpetrated against Togolese women.

Despite the adoption in 1998 and 2007 of two laws explicitly prohibiting female genital mutilation (FGM), they remain widely practised, and according to 2006 statistics affect 12% of girls in Togo. Circumcision is mostly practised in the North, the percentage of circumcised women is the highest in the Central region (33.4%) followed by the Savannah region (23.1%), the Kara region (14.1%), the Plateaux region (10.6%) and the Maritime region (1.4%).

• Obstacles to access to education

Women’s illiteracy rate is extremely high (60.5% in rural areas and 27.6% in urban areas in 1998). Furthermore, while 72% of girls are enrolled in primary education, they are only 14% in secondary education (2003-2008). One of the causes of this record drop-out rate is the high number of early pregnancies and marriages and a circular (N°8478/MEN-RS) impeding pregnant girls from attending school presents a further obstacle.

• Obstacles to access to health

Access to adequate health care including pre and post-natal care is deficient in Togo, especially in rural areas. The maternal mortality rate is alarmingly high (480 per 100 000) due, notably, to haemorrhage, eclampsia and sepsis demonstrating the disastrous combination of the lack of obstetric services and the consequences of induced abortions and teenage pregnancies. Sex education is non-existent, as is the use of contraceptives (17% for 2003-2008) and family planning. As a result, the prevalence of HIV / AIDS is increasing, affecting 2.4% of the women aged 15-24

(2007), against 0.8% for men of the same age, and reaching a national prevalence rate estimated at 3.2% (2007).

• **Under-representation in political life**

Notwithstanding the provisions of the Global Political Agreement (adopted in August 2006), the roadmap for an inter-Togolese dialogue, no law in favour of quotas to ensure women's representation in politics has been adopted and the number of women in decision-making positions in public and political life remains low. In the parliamentary elections (2007), only 10% (7 seats) of the 81 deputies elected were women. The only action taken by the government to increase women's representation in politics has been to reduce the deposit required from women candidates for parliamentary elections to 75% of the sum required from men. In the field of employment, women face serious discrimination, as evidenced by recruitment procedures, unequal wages and occupational segregation.

The Coalition of the Campaign calls on the authorities of Togo to:

- **Repeal or reform all discriminatory legislation** in conformity with CEDAW and the Maputo Protocol.
- **Strengthen laws and policies to protect women from violence and support victims**, including by: adopting a law prohibiting marital rape, sexual harassment and all forms of sexual abuses; allocating additional financial resources to fight violence against women; creating more shelters for victims; and implementing campaigns to increase public awareness.
- **Adopt measures aimed at eliminating obstacles to the education of girls and women**, notably by: repealing the circular that prohibits access to schools for pregnant pupils; retaining girls within the education system; and setting up courses for adults aimed at reducing high levels of illiteracy among women.
- **Take measures to encourage women's access to employment and their participation in public and political life**, including: the adoption of temporary special measures, such as a system of quotas, to increase representation of women in the civil service, magistracy, diplomatic bodies and all decision-making positions; and the number of women candidates in parliamentary elections.
- **Take measures to ensure that all women have access to quality healthcare**, including obstetrics and family planning, notably by: ensuring access to contraception; raising awareness on the harmful effects of early pregnancies, particularly in rural areas; adopting a policy to fight the spread of HIV/AIDS and ensuring better care of people infected with HIV/AIDS, especially women.
- **Take all necessary measures to ensure women's access to justice and fight against impunity**, including by: ensuring the criminal prosecution of perpetrators of violence against women; developing awareness campaigns for the general population and training for those responsible for implementing the laws that protect women.
- **Ratify the Optional Protocol to CEDAW.**
- **Implement all recommendations issued by the CEDAW Committee** in January 2006.

• Obstacles to access to justice

Obstacles to justice include women's lack of information on the laws that protect them, the cost of procedures and corruption of the legal system. Lack of training of police and legal personnel to deal with women's specific problems and their lack of knowledge of the laws aimed at protecting women's rights, also discourage victims from seeking justice.

PRINCIPAL SOURCES

- Focal Points: LTDH, WILDAF-Togo
- CEDAW Committee Recommendations, February 2006
- Togo, Monitoring the Declaration of Commitment on HIV: Report on core indicators, 2008
- UNHCR, www.unhcr.org
- UNICEF, www.unicef.org

For more information on women's rights and the actions of the campaign in Togo, see: www.africa4womensrights.org

THE CAMPAIGN FOCAL POINT IN TOGO

Ligue Togolaise des Droits de l'Homme (LTDH)

LTDH was established in July 1990 in Lomé. It was the first NGO in Togo with the mission of promoting and protecting all human rights. IT represented across the country by local chapters and counts over 4200 members.
www.ltdhtogo.com

WILDAF-Togo

WILDAF-Togo is a member of the Pan African network WILDAF.
www.wildaf-ao.org