


AFRICAN UNION		UNION AFRICAINE
الاتحاد الأفريقي African Commission on Human & Peoples' Rights		UNIÃO AFRICANA Commission Africaine des Droits de l'Homme & des Peuples
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31st Extraordinary Session

13 to 25 February 2021

Concluding Observations and Recommendations on the Combined Periodic Report of the Republic of Togo on the implementation of the African Charter on Human and Peoples' Rights (2011 - 2016) and the Initial Report on the Maputo Protocol (2005 - 2016)

I. INTRODUCTION

1. The Republic of Togo is a State Party to the African Charter on Human and Peoples' Rights (the African Charter), which it ratified on 5 November 1982.
2. The Republic of Togo presented its Combined (6th, 7th and 8th) Periodic Reports under Article 62 of the African Charter and the Initial Report under Article 26 of the Maputo Protocol during the 63rd Ordinary Session of the African Commission on Human and Peoples' Rights (the Commission), held from 24 October to 13 November 2018 in Banjul, Republic of The Gambia.
3. The Delegation of the Republic of Togo (the Delegation) was led by Honourable Kokouvi Agbetomey, Keeper of the Seals, Minister of Justice and Relations with Institutions of the Republic.
4. The Delegation comprised:
 - i. Mrs Nakpa Polo, Secretary of State at the Ministry of Justice and Relations with the Institutions of the Republic;
 - ii. Mr Komlan A. Narteh-Messan, Chief of Staff of the Secretary of State in charge of Human Rights;
 - iii. Mrs Marcelline S. Mensah-Pierucci, Director-General for Democracy Consolidation at the Department of State in charge of Human Rights;
 - iv. Mrs Badabossia Azambo-Aquiteme, Director-General for Child Protection at the Ministry of Social Welfare, Women's Empowerment and Literacy,

- member of the Inter-Ministerial Committee responsible for drafting reports and monitoring the implementation of recommendations on human rights;
- v. Commandant Kpatcha Melou, Adviser to the Minister of Security and Civil Protection, member of the Inter-Ministerial Committee responsible for drafting reports and monitoring the implementation of recommendations on human rights;
 - vi. Mrs Akossiwa Kafoyui Adzonyoh, Technical Adviser to the Deputy Minister in charge of Technical and Vocational Training at the Ministry of Primary and Secondary Education, member of the Inter-Ministerial Committee responsible for drafting reports and monitoring the implementation of recommendations; and
 - vii. Mrs Yawa Akontom, Human Resources Manager, in charge of training at the Ministry of Health and Social Welfare, member of the Inter-Ministerial Committee responsible for drafting reports and monitoring the implementation of recommendations on human rights.
5. The Report underscores progress made by the Republic of Togo in the area of human and peoples' rights as well as legislative, administrative and other measures taken to implement provisions of the African Charter, since Togo presented its Combined (3rd to 5th) Periodic Report at the 50th Ordinary Session held from 24 October to 5 November 2011 in Banjul, The Gambia.
 6. The present Concluding Observations highlight the positive aspects, factors restricting the effective enjoyment of human rights and areas of concern regarding observance of human rights in the country in relation to the African Charter and the Maputo Protocol. The Commission further provides recommendations to the Government of Togo aimed at enhancing the enjoyment of human rights by the Togolese population.
 7. The Commission commends the Delegation of the Republic of Togo for the open and constructive dialogue which prevailed during the presentation of the Combined Periodic Report and for the quality of the information provided in response to the concerns of the members of the Commission.
 8. These Concluding Observations are divided into two parts. The first section relates to the African Charter on Human and People's Rights followed by recommendations, and the second part covers the Maputo Protocol followed also by recommendations.

PART ONE: AFRICAN CHARTER ON HUMAN AND PEOPLES' RIGHTS

I. POSITIVE ASPECTS

Obligation to submit reports to and cooperate with the Commission

9. The Commission:

- i. Takes note of the presentation by Togo of its Combined Periodic Reports;
- ii. Notes with satisfaction the inclusive and participatory approach in the preparation of the Report, in particular, the establishment of an inter-ministerial committee responsible for drafting reports and monitoring the implementation of human rights-related recommendations, with the involvement of the National Human Rights Commission, other institutions of the Republic and representatives of human rights organizations;
- iii. Commends the Republic of Togo for its Report which includes detailed statistics and relevant analyses of the current human rights situation as well as challenges; and
- iv. Welcomes measures taken to implement recommendations made by the Commission following review of its Combined Periodic Report (3rd to 5th) at the 50th Ordinary Session held from 24 October to 5 November 2011 in Banjul, The Gambia.

Ratification of regional and international human rights instruments

10. The Commission commends the Republic of Togo for having ratified the following instruments since the presentation of the previous Report:

A. At the regional level

- i. African Charter on Democracy, Elections and Governance (ratified in 2012);
- ii. African Union Convention for the protection and assistance of internally displaced persons in Africa (Kampala Convention) (ratified in 2011); and
- iii. African Youth Charter (ratified in 2009).

B. At the international level

- i. Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty (ratified in 2016);
- ii. Arms Trade Treaty (ratified in 2015);
- iii. International Convention for the Protection of All Persons from Enforced Disappearance (ratified in 2014);
- iv. UNESCO Convention against Discrimination in Education (ratified in 2012);

- v. Convention relating to the Status of Stateless Persons (ratified in 2012);
- vi. Convention on the Rights of Persons with Disabilities ratified in (2011);
- vii. Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption (ratified in 2010); and
- viii. Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (ratified in 2010).

Measures adopted under Article 1 of the Charter

11. The Commission takes note of the following:

- i. The adoption of the various pieces of legislation between 2010 and 2017:
 - Act No. 2017-005 of 19 June 2017 on policy guidelines for higher education and research;
 - Act No. 2016-027 of 11 October 2016 amending Act No. 2015-010 of 24 November 2015 on the new Criminal Code;
 - Act No. 2016-021 of 24 August 2016 on the status of refugees in Togo;
 - Act No. 2016-006 of 30 March 2016 on freedom of access to information and public documents;
 - Act No. 2016-008 of 21 April 2016 on the Code of Military Justice;
 - Act No. 2015-006 of 28 July 2015 establishing the High Authority for the Prevention of Corruption and Related Offences;
 - Act No. 2015-005 of 28 July 2015 on the special status of police officers;
 - Act No. 2014-014 of 22 October 2014 on the modernization of State economic activities;
 - Act No. 2014-009 of 11 June 2014 on the Public Finances Management Transparency Code;
 - Act No. 2014-019 of 17 November 2014 amending Act No. 2012-014 of 6 July 2012 on the Individual and Family Act;
 - Act No. 2014-003 of 28 April 2014 on the Customs Act;
 - Organic Law No. 2013-016 of 8 July 2013 on the High Authority on Broadcasting and Communication (HAAC);
 - Organic Law No. 2013-007 of 25 February 2013 amending Organic Law No. 96-11 of 21 August 1996 establishing the status of judges;
 - Act No. 2013-010 of 27 May 2013 on legal aid;
 - Act No. 2013-015 of 13 June 2013 on the status of the Opposition;
 - Act No. 2013-002 of 21 January 2013 on General Civil Service Regulations;
 - Act No. 2012-001 of 20 January 2012 on the Investment Code of the Republic of Togo;
 - Act No. 2011-006 of 21 February 2011 on the Social Security Act;
 - Act No. 2011-010 of 16 May 2011 laying down the conditions for the exercise of the freedom of peaceful public assembly and demonstration;
- and

- Act No. 2010-018 of 31 December 2010 amending Act No. 2005-012 of 14 December 2005 on the protection of people living with HIV/AIDS.

CIVIL AND POLITICAL RIGHTS

Death penalty

12. The Commission commends the State for having abolished the death penalty by Act No. 2009-011 of 24 June 2009 and for ratifying, on 14 September 2016, the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty.

Prohibition of torture and other cruel, inhuman or degrading treatment

13. The Commission commends the Republic of Togo for the following:
 - i. The adoption of the new Criminal Code, which defines and criminalizes torture and other cruel, inhuman or degrading treatment or punishment and makes the crime of torture imprescriptible;
 - ii. The adoption of the “Notsé Declaration” on 16 June 2013 on the occasion of celebrations to mark the Day of the African Child, the implementation of which led to the removal from voodoo convents of 118 children between 2014 and 2016;
 - iii. The organization of two regional training of trainers’ workshops in September 2014, attended by 120 participants from the five administrative regions and Lomé Commune, to strengthen the capacities of judicial police officers and staff of the Bureau of Corrections and Rehabilitation in combating the practice of torture;
 - iv. The implementation of the Atlas of Torture Project, initiated by Mr Manfred NOWAK, former United Nations Special Rapporteur on Torture, with the support of the European Union during the period 2012-2013;
 - v. Amendment of the Organic Law on the composition, organization and functioning of the National Human Rights Commission (NHRC) so as to enable it to host the National Mechanism for the Prevention of Torture;
 - vi. The hosting of a visit by the Subcommittee on Prevention of Torture in December 2014;
 - vii. Awareness-raising and in-service training of judicial police officers (OPJs) on the fundamental rights of people during arrest and police custody, and the application of sanctions on officers in the event of non-compliance with procedures;
 - viii. The ongoing process of drafting a new regulation on discipline within the Togolese Armed Forces;

- ix. The application of harsher disciplinary sanctions in cases of misconduct by police officers pursuant to Act No. 2015-005 of 28 July 2015 on the Special Status of the National Police;
- x. The adoption of the new Code of Military Justice by Act No. 2016-008 of 21 April 2016 in order to ensure that no member of the military can evade criminal prosecution; and
- xi. The recording of 3 proven cases of torture and 4 cases of cruel, inhuman or degrading treatment by the National Human Rights Commission (between 2014 and 2016) and for which the recommendations made were taken into account by the Government.

Administration of criminal justice

14. The Commission takes note of the following:

- i. The adoption of Act No. 2013-010 of 27 May 2013 on legal aid;
- ii. The introduction of judges in charge of bail and custodial procedures and judges in charge of overseeing the execution of judgments and court orders;
- iii. The statute of limitations for misdemeanours and crimes under the Criminal Procedure Code: five (5) years for a misdemeanour if no trial is commenced and no inquiry opened (extended by six (6) months if an investigation has been opened). Ten (10) years for a crime, (extended by one (1) year if an investigation has been opened); however, crimes against humanity, war crimes and crimes of torture are imprescriptible;
- iv. The adoption of Act No. 2016-027 of 11 October 2016, amending Act No. 2015-010 of 24 November 2015 on the new Criminal Code, which guarantees the principle that offences and penalties must be defined by law;
- v. The establishment of two mechanisms providing for one visit by the Public Prosecutor and his/her deputies and another visit by the General Inspectorate of Security Services, to ensure compliance with investigation time limits;
- vi. The authorization granted to human rights institutions, including the International Committee of the Red Cross (ICRC) and the National Human Rights Institution (NHRI), to visit police custody facilities and places of detention; and
- vii. The recruitment of women into the Police from 2005 (350 in total, 8% of the workforce).

Conditions of detention

15. The Commission commends the Republic of Togo for the following:

- i. Efforts deployed to respect the rights of persons in police custody and, above all, of detainees, with the establishment of inspection services within the Police, the Gendarmerie and correctional facilities;

- ii. The preparation of a draft legislation on the Criminal Procedure Code to reinforce the guarantees of citizens before the police and judicial authorities;
- iii. The particular emphasis placed on criminal law and criminal procedure aspects during initial and in-service training at police and gendarmerie academies; and
- iv. Increased checks by the hierarchy within Judicial Police units in order to avoid lapses.

Freedom of expression and access to information

16. The Commission takes note of the following:
 - i. The existence of a Media Support Fund governed by Decree No. 2009-065/PR of 30 March 2009;
 - ii. The institutional grant to the Togolese Media Observatory (OTM), the *Maison de la presse*, the National Council of Media Owners (CONAPP) and the Union of Independent Journalists of Togo (UJIT) (2013-2014); and
 - iii. The organization of various training courses for journalists and media professionals by the High Authority for Broadcasting and Communication (HAAC).

ECONOMIC AND SOCIAL RIGHTS

Right to employment

17. The Commission commends the following:
 - i. The guarantee of equal opportunity with regard to the recruitment, career advancement and retirement of civil servants enshrined in Act No. 2006-010 of 13 December 2006 on the Labour Code, Act No. 2013-002 of 21 January 2013 on the General Statutes of the Civil Service and Decree No. 2015-120 of 15 December 2015 on the terms and conditions for the application of the General Statutes of the Civil Service;
 - ii. The adoption of Act No. 2011-018 of 24 June 2011 on the status of industrial free zones in Togo (Article 30), which makes it mandatory for accredited companies to comply with the provisions of the Labour Code;
 - iii. The opening of a single window that enables the setting up of a business in just 24 hours. Such a measure has provided many women with the opportunity to leave the informal sector and set up their own formal businesses;
 - iv. The establishment of innovative volunteer and entrepreneurship programmes, which provide employability, employment and business creation opportunities for thousands of young girls; and

- v. Establishment of the National Fund for Inclusive Finance (FNFI), which gives the poor access to financial services (APSEF), along with two other specialized financial products for young people (AJISEF) and farmers (AGRISEF). AJISEF targets young people who have reached the end of their apprenticeship or are unemployed graduates, and AGRISEF grants loans to professional farmers.

Right to education

18. The Commission commends the following:

- i. The adoption of the Education Sector Plan (PSE), in 2010 and revised in 2013 for the period 2014-2025, with a Medium-Term Expenditure Framework (MTEF), a three-year budgeted action plan (PTAB), and sector programme budgets (BPS);
- ii. The increase in the number of children attending pre-school from 42,890 in 2009/2010 to 96,957 in 2013/2014, representing an average annual growth rate (AAGR) of 23%;
- iii. The elimination of tuition fees in public primary education since 2008/2009, which led to an increase in student enrolment from 1,054,549 in 2007/2008 to 1,413,203 in 2013/2014, i.e. an AAGR of 2.4% over the period;
- iv. An increase in school enrolment rates in all regions, 2.9% for girls and 1.9% for boys;
- v. The organization of pre-service remedial training for over 6,000 auxiliary teachers from 2011 to 2012, and the pre-service training of 5,000 volunteer teachers in 2013;
- vi. The establishment of the Basic and Middle School Reform Support Project (PAREC) with the assistance of the French Development Agency (AFD), to improve the quality of teaching at the lower secondary level, with several actions such as: the training of headmasters, French and experimental science (life and earth sciences, and physics) teachers, the construction of classrooms in maritime and plateau regions, the equipping of classrooms, etc.;
- vii. The periodic organization of refresher courses for teachers in the various school districts according to the needs identified by school inspectors;
- viii. The increase in the salaries of teachers between 2005 and 2015 by 79% to 200% through a revision of their administrative status;
- ix. The adjustment of the salary scale for all civil servants, which also benefited teachers, and the ongoing development of the special rules and regulations governing teachers;
- x. The modernization of the G1 (administrative techniques) curriculum which is now taught using computers since the 2015/2016 school year;

- xi. The finalization of a comprehensive curriculum reform programme undertaken in 2015 by the Department of Pedagogy and Technical Education and Vocational Training Programmes, and which is to be implemented; and
- xii. The adoption of a public/private partnership charter with a view to improving the quality of training and ensuring balance between training programmes and the needs of the economy.

Right to health

19. The Commission commends the following:

- i. The existence of a National Health Policy (PNS) based on five (5) objectives, including:
 - Reducing maternal and neonatal mortality and strengthening family planning;
 - Reducing mortality among children under the age of five (5);
 - Combating HIV/AIDS, malaria, tuberculosis and other diseases including non-communicable diseases, diseases with epidemic potential and neglected tropical diseases;
 - Promoting health in a healthier environment; and
 - Improving the organization, management and delivery of health services.
- ii. The adoption of the National Pharmaceutical Policy in 2012 which aims to help improve the health status of the population by ensuring access to quality products used in a rational manner, through:
 - Strengthening the national pharmaceutical regulatory system;
 - Improving the quality management of health commodities;
 - Increasing access to essential generic medicines and basic healthcare facilities throughout the country;
 - Improving financial access to essential health products throughout the country;
 - Promoting the rational use of health products;
 - Strengthening the capacities of qualified human resources in the pharmaceutical field;
 - Promoting research in the field of pharmaceuticals; and
 - Strengthening the fight against pharmaceutical crimes.

HIV/AIDS

20. The Commission notes with satisfaction the following:

- i. The development and adoption of the National HIV/AIDS Response Policy and Strategy (2016-2020), which identifies four guidelines, namely:
 - Ensuring equity and equality in access to prevention, care, treatment and support services for the population;

- Combating discrimination and stigma in the Togolese society;
 - Strengthening laws and policies for the protection of people living with HIV/AIDS; and
 - Protecting marginalised groups and sexual minorities including LGBTI people.
- ii. The establishment of institutions such as the National AIDS Control Programme and the National Council for the Fight against HIV/AIDS;
 - iii. The implementation of the National Policy for Prevention and Comprehensive Care of Key Populations since 2013, including the following:
 - The conduct of a study to estimate the size and map the sites of key populations in order to adopt appropriate strategies in terms of their access to preventive health services, monitoring and care;
 - Provision of healthcare coverage for key populations as part of efforts to ensure a continuum of care through diagnosis, screening and treatment of STI cases and provision of antiretroviral treatment; and
 - Biological monitoring through free tests; and
 - iv. The decline in HIV prevalence from 3.2% in 2006 to 2.5% in 2014 and in the infection rate from 14.7% in 2012 to 6.5% in 2016.

Right to water

21. The Commission commends the Republic of Togo for the following:

- i. *Adoption of the following Acts:*
 - Act No. 2010-004 of 14 June 2010 on the Water Code; and
 - Act No. 2010-006 of 18 June 2010 on the organization of public services in charge of the water supply system and domestic wastewater treatment.
- ii. *Adoption of the following measures:*
 - The creation in 2010 of the Ministry of Water, Sanitation and Village Water Supply (MEAHV), specifically in charge of dealing with the issues of drinking water supply and liquid waste;
 - The reform of the water sector with the development and adoption of a National Water Policy and an Act on the Water Code for the implementation of this policy;
 - The formulation of a National Integrated Water Resources Management Plan (PANGIRE) and a National Action Plan for the Water and Sanitation Sector (PANSEA);
 - The construction of drinking water supply infrastructures, from 2007 to April 2012; two thousand five hundred and four (2,504) structures have been built throughout the country, increasing the national coverage rate from 30 to 47.33%;

- The intensification of village water supply works in 2010 and 2011 with respectively 770 and 815 manually-powered pumps (PMH) installed, compared to 212 and 650 in 2008 and 2009 respectively;
 - The increase in the rate of use of drinking water by households from 50.6% to 56.1% (results of the 2006 and 2011 QUIBB surveys); the target for 2015 is 75%;
 - The implementation of measures and strategies to mobilize financial resources and strengthen institutional capacities, in order to effectively undertake investments and provide beneficiary populations with support to maintain and manage the structures made available to them. Strategies and measures include:
 - The organization and training of the populations benefiting from drinking water supply infrastructures, which led to a reduction in the rate of breakdowns in rural areas from 25% in 2006 to 15% in 2014;
 - The use of participatory approaches such as: Community-Led Total Sanitation (CLTS) for behavioural change in household and environmental health with a view to ending open defecation;
 - The development of results-based PPBME tools to increase effectiveness and efficiency in the sector; and
 - The development of a strategy for mobilizing financial resources for the sector (currently being implemented) to accelerate access to water and sanitation in Togo;
- iii. *The development and adoption of the following national policies:*
- The National Policy on Drinking Water Supply and Sanitation in Rural and Semi-Urban Areas, adopted in 2006;
 - The National Policy and strategies for integrated water resources management in Togo, adopted in 2006; the PANSEA, adopted in 2010;
 - The National Water Policy, adopted in 2010; and
 - The development, by the Ministry of Agriculture, Livestock and Hydraulics (MAEH), of a guide on the drilling of boreholes and on national drinking water quality standards in 2015, in order to put an end to uncontrolled water abstraction and construction of hydraulic structures, which have a negative impact on the health of the population due to the poor water quality.

Right to property

22. The Commission takes note of the following:

- i. The Individual and Family Act (CPF) takes into consideration the issue of right to land and property;
- ii. The development of a Draft Private and State-owned Land Act;

- iii. The development of a national land policy that includes the necessary measures and mechanisms (plans or programmes) to promote access to land for vulnerable populations (especially young people and women); and
- iv. The adoption of the National Housing Strategy in 2009 and the National Housing Policy validated in October 2014.

Extractive industries, environment and human rights

23. The Commission notes with appreciation the following:

- i. Existence of a department in charge of the environment and forest resources, comprising:
 - The Inspection Services;
 - The Environmental Police; and
 - The Forest Resources Inspection Services.
- ii. Obligation for local mining companies to contribute to the local development of mining areas, pursuant to the Act adopted on 5 May 2011 on the Contribution of mining companies to local and regional development;
- iii. Existence of a Project for the Promotion of Sustainable Development and Resilience to Climate Change and a Programme to Combat Climate Change in Togo (AMCC+);
- iv. Organization of a public consultation session to take into account the concerns of the populations in the Environmental Impact Study Report and participation of the populations in the validation of the Environmental and Social Impact Study Reports in mining areas;
- v. Gender mainstreaming to ensure effective participation in decision-making processes in the extractive industries, including in the implementation of the Mining Development and Governance Project (PDGM);
- vi. Existence of an association of women working in the mining sector (Association of women in the mining sector or business in Togo (AFEMET));
- vii. Awareness-raising among parents working in the mining sector on the importance of schooling for their children and the creation of community-based nursery schools for young children likely to accompany their parents to the quarries;
- viii. Conduct of frequent inspections by the State so as to continually monitor mining companies and their activities; and
- ix. Consultation of populations affected by mining activities in terms of resettlement and compensation.

Rights of older persons

24. The Commission commends the following:

- i. Development and validation of the National Policy for the Protection of Older Persons and its strategic plan, which is currently being adopted;

- ii. Drafting and validation of the draft bill on the protection and improvement of the living conditions of older persons;
- iii. Gradual establishment of recreational centres for older persons in major cities throughout the country;
- iv. Awareness-raising campaigns, since 2012, on the protection of older persons and intergenerational solidarity as part of activities to celebrate the International Day of Older Persons;
- v. Development and implementation, since 2014, of the Programme on protecting and harnessing the potential of older persons (2014-2018), which led to a study in 2015 on volunteering of older persons and the establishment of a database on older persons; and
- vi. Operationalization of the National Fund for Inclusive Finance enabling vulnerable populations to have access to financing (January 2014).

Rights of persons with disabilities

25. The Commission notes with appreciation the following:
- i. The establishment of a National Orthopaedic Fitting Centre with offices in the five regions;
 - ii. The creation of two Vocational Training Centres;
 - iii. The introduction in the training curricula of the National Social Assistance Training School and that of Medical Auxiliaries of themes relating to child protection and disabilities;
 - iv. Validation in March 2013 of the National Strategy for the Protection and Promotion of Persons with Disabilities in Togo and its operational plan covering the 2013-2015 period;
 - v. The validation of a paper on inclusive labour market access on 23 January 2014;
 - vi. Implementation in the prefectures of Sotouboua, Tchamba and Moyen Mono of the community-based rehabilitation project for children with disabilities, enabling 3,000 of them, including 1,300 girls, to be identified and provided with socio-educational support in terms of sign language and motor skills;
 - vii. The construction of 5 community-based rehabilitation centres;
 - viii. Training of 34 RBC agents on sign language and 32 children's clubs on child participation;
 - ix. Training on Inclusive Education for pools of national trainers, including 3 on sign language and 3 on Braille, who in turn are in charge of training trainers at the regional level;
 - x. The grant awarded in 2012 to NGOs and associations, in particular the Togolese Federation of Associations of Persons with Disabilities (FETAPH), to conduct awareness-raising campaigns on the rights of persons with disabilities;
 - xi. Specialized training for teachers to improve the management and integration of children with disabilities in all regions;

- xii. Subsidies to special-needs schools amounting to 20 million per year since 2012;
- xiii. Inclusive education, currently in the experimental phase with the support of the NGO Handicap International and FETAPH, in the Savanes and Kara regions; and
- xiv. The training of 243 teachers and 1,200 student teachers on inclusive education (69 on Braille; 102 on sign language; 38 on cognitive impairments) in the Savanes and Kara regions.

Refugees, asylum seekers, internally displaced persons and migrants

26. The Commission notes with satisfaction the following:
- i. The adoption of strategies to facilitate local integration and the granting of residence permits as a solution for long-term refugees;
 - ii. The ratification, pursuant to Act No. 2010-00 of 23 June 2010, of the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime;
 - iii. The construction of a centre for internally displaced persons in Lomé to accommodate displaced persons when necessary; and
 - iv. The creation and operationalization of the National Agency for Civil Protection in 2017, which is in charge of matters relating to IDPs.

II. FACTORS RESTRICTING THE ENJOYMENT OF HUMAN RIGHTS GUARANTEED IN THE AFRICAN CHARTER ON HUMAN AND PEOPLES' RIGHTS

27. Limited financial resources for the effective implementation of State programmes, for the realization of a number of rights, and for human rights institutions and organizations;
28. Poverty among the populations;
29. Lack of knowledge of populations about their rights and human rights culture; and
30. The weight of sociological and cultural factors, the persistence of harmful traditional practices, as well as deep-rooted biases in society.

III. AREAS OF CONCERN

Reporting obligations and cooperation with the Commission

31. Although the Commission positively appreciates the Republic of Togo's responses to the various recommendations relating to its Combined Periodic Report (6th, 7th and 8th), the Commission notes however that the Report does not provide precise and detailed answers to certain concerns, in particular:

Ratification of regional/international human rights instruments

- i. The non-ratification of the following human rights instruments:
 - Protocol on the Statute of the African Court of Justice and Human Rights;
 - Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons; and
 - The absence of a declaration under Article 34(6) of the Protocol establishing the African Court on Human and Peoples' Rights.

Civil and political rights

- i. Lack of information regarding the participation and representation of youth in the management of the country's public affairs.

Prohibition of torture and cruel, inhuman and degrading treatment or punishment

- i. Absence of a new criminal procedure code which renders ineffective the definition, criminalisation and non-applicability of statutory limitations to torture contained in the Criminal Code;
- ii. Ill-treatment of persons arbitrarily arrested during demonstrations;
- iii. Attacks and other human rights violations against members of civil society; and
- iv. Violence and other forms of ill-treatment against some people on the basis of their real or perceived sexual identity or orientation.

Administration of criminal justice

- i. The often excessive amounts set by judges for court bonds in criminal proceedings in which one party is claiming damages or in private prosecution proceedings, as this is likely to discourage certain litigants who do not have the means;
- ii. Long delays in the trial of persons who have committed misdemeanours or crimes due to the insufficient number of magistrates as well as the mismatch between the resources made available to judges and their caseloads;
- iii. Lack of information on the number of magistrates in the entire judicial system;
- iv. Lack of alternatives to imprisonment; and
- v. The persistence of long pre-trial detentions.

Conditions of detention and policing

- i. The dilapidated state of prisons;
- ii. Prison overcrowding and the quasi-systematic use of pre-trial detention;
- iii. Lack of disaggregated statistics on the number of detainees: women, men, minors, non-nationals and pregnant women;
- iv. Lack of figures on the percentage of prisoners in pre-trial detention;
- v. Lack of information on the treatment of vulnerable groups in prisons, in particular persons with disabilities;
- vi. Lack of information on health care and medical assistance;
- vii. Failure to disseminate the Luanda Guidelines; and
- viii. The low number of prison facilities and prison officers.

Freedom of expression and access to information

- i. Reintroduction of the criminalization of press offences in the new Criminal Code of 2015 (Article 497 punishes any publication, dissemination or reproduction of false information with imprisonment from six months to two years, and a fine of CFAF 500,000 to 2 million);
- ii. Criminalization of the “propagation” of information, of false information on social networks, or information likely to disturb the public peace; and
- iii. Absence of a national law on access to information and restrictions on citizens’ access to the internet for security reasons.

Freedom of association, assembly and demonstration

- i. The insecurity in which human rights defenders conduct their activities, particularly those working for specialized organizations (women’s reproductive and sexual rights and others);
- ii. The plan to revise the 1901 Act or adopt a new Act on freedom of association, which would, among other things, allow the government to dissolve an Association in Cabinet Meeting without going through the courts, to interfere in the life of an Association, and even to refuse to grant a registration permit to certain Associations; and
- iii. Restriction of the freedom to demonstrate with the adoption in August 2019 of a new law regulating the right to demonstrate: prohibition of demonstrations before 11 a.m. and after 6 p.m., prohibition of protests on all national highways or in areas of intense economic activity, near the institutions of the Republic, chancelleries, residences of representatives of international organizations and military camps.¹

¹ Although it occurred after the consideration of the Report, it seems relevant to mention it because the State will have to report on this in its next report.

Law on the Protection of Human Rights Defenders

- i. The absence of a specific law for the protection of human rights defenders.

Extractive Industries, Environment and Human Rights

- i. The absence of a licence or mining register that can be consulted online;
- ii. The absence of an online register of the beneficial owners of companies bidding for, operating or investing in extractive assets, including the identity of their beneficial owner(s), the extent of their participation, and the arrangements for exercising such participation or control;
- iii. The details of the Government's participation in extractive companies;
- iv. Lack of information on major mining exploration activities in Togo;
- v. Lack of information on production in the extractive sector per region, tax-related data per company and the percentage invested in local and regional development; and
- vi. Lack of information on revenue from transport in the mining sector and its distribution among the population.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Access to drinking water

- i. The poor results achieved following efforts made in this sector, which fall short of Millennium Development Goals (MDGs) and Sustainable Development Goals (SDGs).

Right to housing

- ii. The non-existence of a policy on the construction of social housing for the most disadvantaged; and
- iii. The need to revise and control the policy on the private rental market, where some landlords sometimes require up to 12 months' deposit.

Right to education

- i. The mismatch between the training provided and the needs of the labour market as well as with constantly evolving technologies;
- ii. The need to revise curricula;
- iii. Inadequate pre-service training for trainers to prepare them for entry into the teaching profession;

- iv. Insufficient in-service training for trainers during their careers;
- v. The need to accelerate inclusive education; and
- vi. Shortcomings in facilities for children with disabilities, including accessibility in classrooms.

Right to health

- i. The low percentage of the budget earmarked for the health sector (less than 6%). This does not meet the requirement under the Abuja Declaration for States to allocate at least 15% of their budget to health.

HIV/AIDS

- i. The high prevalence rate among key populations (Men who have sex with men: 21.98%, Sex Workers: 13.20%, Injecting Drug Users: 3.60% and Prisoners: 5.40%); and
- ii. The lack of nutrition programmes in addition to the ARV distribution programme to support people living with HIV.

Rights of persons with disabilities

- i. Lack of statistics on the number of children with disabilities;
- ii. Difficulty of access to care for all children with disabilities; and
- iii. Persisting difficulties in terms of accessibility in public infrastructures and buildings and employment.

V - RECOMMENDATIONS

Reporting obligation

32. The Republic of Togo should continue to respect its obligations under Article 62 of the African Charter by implementing these recommendations.

Ratifications of regional/international human rights instruments

33. The Republic of Togo should:
- i. Take steps to ratify the following human rights instruments:
 - African Charter on Democracy, Elections and Governance;
 - Protocol on the Statute of the African Court of Justice and Human Rights;
 - Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons;
 - Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa; and

- Make the declaration under Article 34(6) of the Protocol Establishing the African Court on Human and Peoples' Rights.

Civil and Political Rights

34. The Republic of Togo should mainstream the youth dimension in the realization of the right to take part in the conduct of the country's public affairs.

Prohibition of torture and cruel, inhuman and degrading treatment or punishment

35. The Republic of Togo should:

- i. Adopt a new criminal procedure code to render effective the definition, criminalisation and non-applicability of a statute of limitations for acts of torture contained in the Criminal Code;
- ii. Take the necessary measures to prevent and put an end to the ill-treatment of persons arbitrarily arrested during demonstrations;
- iii. Put an end to attacks and other human rights violations against members of civil society; and
- iv. Ensure that no one is subjected to violence and other forms of ill-treatment on the basis of their real or perceived sexual identity or orientation.

Administration of justice

36. The Republic of Togo should:

- i. Strive to improve access to justice by reviewing the amounts for court bonds;
- ii. Improve the implementation of the recruitment policy for magistrates, introduced by the Government in 1993;
- iii. Equip courts with the human, technical and financial resources enabling them to carry out their functions in complete independence;
- iv. Take the necessary measures to increase the number of women working in the judicial system;
- v. Adopt policies to ensure that women effectively hold decision-making positions in the police force;
- vi. Provide for alternatives to imprisonment by, inter alia, applying the Principles on the Decriminalisation of Petty Offences in Africa; and
- vii. Take the necessary measures to put an end to long-term pre-trial detention.

Conditions of detention

37. The Republic of Togo should:

- i. Rehabilitate and build new prisons;
- ii. Ensure that freedom remains the rule and detention the exception, in order to avoid prison overcrowding;

- iii. Address the growing issue of pre-trial detention through application of the Guidelines on the Conditions of Arrest, Police Custody and Pre-trial Detention in Africa;
- iv. Improve conditions in all detention centres by developing and implementing a strategy to end overcrowding in prisons, including by limiting the use of pre-trial detention and developing alternative forms of punishment;
- v. Build new prison or other detention facilities;
- vi. Bring detention facilities up to international standards;
- vii. Have disaggregated data on the number of detainees (women, men, minors and foreign nationals) and the percentage of prisoners in pre-trial detention;
- viii. Ensure the proper treatment of vulnerable groups in prisons, in particular persons with disabilities;
- ix. Ensure that prisons have good medical facilities and provide prisoners with good medical care; and
- x. Make use of the Luanda Guidelines on the Conditions of Arrest, Police Custody and Pre-trial Detention in Africa and relevant international instruments, while conducting training for police officers and reviewing laws and policies relating to arrest, police custody and pre-trial detention.

Freedom of expression and access to information

38. The State should:

- i. Adopt an Access to Information Act based on the Model Law on Access to Information for Africa developed and adopted by the African Commission on Human and Peoples' Rights and ensure that access to the Internet is free and open to citizens;
- ii. Amend the Law on reintroducing the criminalization of press offences in the new Criminal Code of 2015; and
- iii. Comply with the 2019 Declaration of Freedom of Expression.

Freedom of association and assembly

39. The Commission recommends that the State:

- i. Ensure a safe working environment for human rights defenders by amending legislation that denies legal registration to certain specialized organizations, including those working on women's reproductive and sexual rights and others;
- ii. Ensure that any amendment to the 1901 Law or the adoption of a new law on freedom of association complies with international and regional standards in this area and in particular with the Guidelines on Freedom of Association and Assembly of the African Commission on Human and Peoples' Rights; and
- iii. Guarantee the right to peaceful assembly without space and time restrictions that render this right meaningless.

Law on the Protection of Human Rights Defenders

- i. Adoption of a specific law on the protection of human rights defenders.

Extractive Industries, Environment and Human Rights

40. The State should:
 - i. Establish a licence or mining register that can be consulted online;
 - ii. Make available an online register of the beneficial owners of companies bidding for, operating or investing in extractive assets, including the identity of their beneficial owner(s), the extent of their participation, and the arrangements for exercising such participation or control;
 - iii. Disclose the details of State ownership in extractive companies;
 - iv. Provide information on major mining exploration activities in Togo;
 - v. Provide information on production in the extractive sector per region, tax-related data per company and the percentage invested in local and regional development; and
 - vi. Provide information on revenue from transport in the mining sector and its distribution among the population.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Access to drinking water

41. The Republic of Togo should strengthen and continue the efforts undertaken in the water sector in order to achieve the Millennium Development Goals (MDGs).

Right to housing

42. The State should:
 - i. Implement a social housing policy for the most disadvantaged; and
 - ii. Take the necessary steps to revise the policy and control the private rental market to avoid abuses.

Right to education

43. The Togolese State should:
 - i. Training programmes meet the needs of the labour market and are in line with constantly evolving technologies;
 - ii. Revise the curricula;

- iii. Reinforce pre-service training for trainers to prepare them for entry into the teaching profession;
- iv. Strengthen and increase the number of in-service training of trainers;
- v. Strengthen efforts to promote inclusive education, including through regional initiatives; and
- vi. Ensure that children with disabilities can, inter alia, access classrooms by building ramps or adopting other measures to facilitate their movement, and take the necessary measures to ensure more facilities for persons with disabilities.

Right to health

44. Togo should take the necessary steps to comply with the requirements of the Abuja Declaration that at least 15 per cent of the national budget be allocated to health.

HIV/AIDS

45. The Republic of Togo should:
- i. Intensify efforts and continue advocacy to improve the environment and reduce the high prevalence rate among target populations; and
 - ii. Strengthen psychological, social and nutritional support activities for PLHIVs.

Rights of persons with disabilities

46. The State should:
- i. Produce statistics on the number of children with disabilities;
 - ii. Adopt policies and programmes to promote access to health services for all children with disabilities; and
 - iii. Take adequate measures to make public infrastructure and buildings accessible to persons with disabilities as well as employment.

PART TWO: MAPUTO PROTOCOL

I- POSITIVE ASPECTS

Reporting obligations and cooperation with the Commission

47. The Commission positively appreciates the presentation of the first Report in accordance with the provisions of Article 26 of the Maputo Protocol.

Legal framework relating to women's rights in the Republic of Togo

48. The Commission notes with satisfaction the existence of a legal framework for the protection of women's rights through the adoption of laws and ordinances:

i. Laws:

- Act No. 2016-027 of 11 October 2016 amending Act No. 2015-010 of 24 November 2015 on the new Criminal Code, which contains a paragraph on punishment of gender-based violence;
- Act No. 2014-019 of 17 November 2014 amending certain Articles of the Act of 6 July 2012 on the Individual and Family Code with the aim of reducing gender-based discrimination in marriage and inheritance matters, ensuring constitutional equality and reinforcing compliance with the international conventions ratified by the country, in particular the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW);
- Act No. 2013-010 of 27 May 2013 on legal aid for the most disadvantaged groups, including women;
- Act No. 2013-008 of 22 March 2013 on the Electoral Code, which integrates parity and reduces by half the deposit for female candidates in legislative elections. The aim of these provisions is to achieve parity between men and women in elected office;
- Act No. 2013-002 of 21 January 2013 on the general regulations governing the Togolese civil service, which advocates equitable access to the civil service;
- Act No. 2012-014 of 6 July 2012 on the Individual and Family Code, which, inter alia, grants each spouse the freedom to pursue a profession of his or her choice (Article 107) and enshrines equality of men and women in matters of inheritance (Articles 411, 412 and 414);
- Act No. 2010-018 of 31 December 2010 amending the 2005 Act on the protection of persons with regard to HIV/AIDS, which devotes a section to the protection of women;

- Act No. 2009-007 of 15 May 2009 on the Public Health Code, which regulates, in a protective manner, the rights of women and men with regard to reproductive health;
- Act No. 2007-005 of 10 January 2007 on reproductive health;
- Act No. 2007-017 of 6 July 2007 on the Children’s Code, which sets the age of majority for marriage, for boys and girls, at 18 years;
- Act No. 2006-010 of 13 December 2006 on the Labour Code, which advocates equal access to and equal pay for all jobs and the protection of women against sexual harassment in the workplace (Article 40);
- Act No. 2004-005 of 23 April 2004 on the social protection of persons with disabilities, Section IV of which is devoted to the specific case of women with disabilities; and
- Act No. 98-016 of 17 November 1998 prohibiting female genital mutilation.

ii. *Other measures*

- Adoption in 2011 of the National Policy for Gender Equity and Equality (PNEEG) and its action plan. This Policy is the reference framework for all actions initiated for the advancement of women and aims to create an institutional, socio-cultural, legal and economic environment conducive to the achievement of gender equity and equality and to ensure effective gender mainstreaming in development interventions in all areas of economic and social life.
- Implementation of the Strategy for Accelerated Growth and Employment Promotion (SCAPE) (2013-2017) with a view to accelerating growth to reduce poverty and inequality, and create jobs, with multiplier effects on the income level and quality of life of Togolese people and to promote the equal participation of women and men as decision-makers in the formulation of sustainable development policies and to ensure the empowerment of women and their effective participation in decision-making at all levels of the development process.
- The institutionalization of the Togolese National Women’s Forum by Decree No. 2011-159/PR of 18 November 2011, which is a platform for consultation, exchange and sharing of experiences to reposition issues relating to women’s rights in national policies.
- Togo’s endorsement of the African Union’s African Women’s Decade theme, “Gender Equality and Women’s Empowerment: A Bottom-Up Approach”, and the establishment of a steering committee as well as a committee to coordinate and implement activities organized around the ten sub-themes of the Decade, including:
 - The launch and implementation of the Campaign for Accelerated Reduction of Maternal Mortality (CARMMA);
 - Obstetrical fistula repair;

- Information and awareness-raising campaigns on the Decade in the various regions;
 - Forums organized in the prefectures with women and stakeholders involved in women's empowerment;
 - The identification of women's needs and their translation into projects submitted to technical and financial partners and the Government;
 - The setting up of lobby groups on each theme;
 - Resource mobilization and advocacy for funding of projects; and
 - The implementation of projects that have received funding from the AU and other organizations or partners.
- Enhanced framework for monitoring the application of the principle of gender equality with the preparation of a document on the African Gender and Development Indicator (AGDI) and the gradual introduction of a reliable digital information and communication system in order to efficiently draw lessons from sector-based initiatives.
 - Establishment of a monitoring & evaluation, information and communication system for enhanced data collection, accurate reporting and greater visibility of the actions of the Ministry for Women's Empowerment since September 2014.

State institutions dealing with matters relating to women's rights

49. The Commission notes with appreciation the establishment of the following institutions:
- i. The General Directorate for Gender and Women's Empowerment within the Ministry of Social Welfare, Women's Empowerment and Literacy; and
 - ii. Gender Focal Points in all ministerial departments and the strengthening of their capacities to ensure gender mainstreaming in sectoral policies.

Budgetary efforts for the promotion of women's rights

50. The Commission notes the following:
- i. Increase in the share of the national budget allocated to the Ministry in charge of gender issues from 0.02% to 0.07% (between 2009 and 2014);
 - ii. Strengthening of the capacities of national stakeholders in gender-sensitive planning and budgeting and gender mainstreaming in development policies, programmes and projects, awareness-raising, advocacy, support for the schooling of girls and support for women's economic activities; and
 - iii. The development of a Medium-Term Expenditure Framework (MTEF) by several ministerial departments, including the department in charge of women's empowerment, for greater effectiveness and efficiency in budget management within the framework of the results-based management (RBM) approach.

Elimination of discrimination (Article 2)

51. The Commission notes:

- The inclusion of the principle of equality between men and women in the Constitution of the country, which is in application in all areas of national, economic, political, social and cultural life;
- The introduction of quotas in favour of women for recruitment in certain areas, particularly among prison guards and trainee teachers, and the recruitment, since 2007, of women into the army (580 girls recruited, i.e. 5% of recruits, and 350 girls recruited into the police force, i.e. 8% of recruits);
- The adoption of various provisions in different Codes and other legislative instruments to prevent discrimination, in particular:
 - Articles 3, 39 and 40 of the Labour Code prohibit direct and indirect discrimination in respect of employment and occupation, and provide for equal opportunity in recruitment as well as the protection of women against sexual harassment in the workplace;
 - The General Staff Regulations of the Civil Service ensure equal opportunity with regard to the recruitment, career and retirement of civil servants;
 - The Individual and Family Code, adopted in 2012 and revised in 2014, ensures joint household management by the husband and wife, and:
 - Reaffirms the woman’s autonomy;
 - Promotes better protection for children and the surviving spouse in the event of the death of one of the spouses;
 - Ensure tax fairness (tax reductions for both spouses and not only for the husband as was previously the case);
- The new Criminal Code takes into account the definition of discrimination as enshrined in Article 1 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

Physical integrity and dignity, including sexual abuse, trafficking in women and medical and scientific experiments (Articles 3 and 4)

52. The Commission commends the State for its efforts to protect the physical integrity and dignity of women and girls through:

- i. The obligation of the State to guarantee the physical and mental integrity, life and security of every person living on the national territory (Article 13 of the Constitution);
- ii. The punishment of attacks on the physical integrity of persons without distinction of sex by Chapter IV of the new Criminal Code: “Anyone who subjects an individual to cruel and inhuman treatment or punishment shall be punished by a sentence of ten (10) to twenty (20) years’ imprisonment and a

- fine of twenty-five million (25,000,000) to one hundred million (100,000,000) CFA francs” (Article 202). Similarly, “any person who subjects an individual to degrading treatment shall be punished by a sentence of five (5) to ten (10) years' imprisonment and a fine of five million (5,000,000) to twenty-five million (25,000,000) CFA francs (Article 204);
- iii. The Criminal Code criminalizes all barbaric acts against women (Article 209), sexual offences such as rape and female genital mutilation are punishable (Articles 211-222), as well as trafficking in persons and smuggling of migrants by land, air and sea (Articles 317-334); and
 - iv. The protection of the law against mourning rites that are degrading or likely to violate the dignity, bodily integrity, morals, psychology or delicacy of women (Article 411 of the Individual and Family Code).

Protection from domestic violence: Article 4 (2) (a))

53. The Commission notes with appreciation the following:

- i. *At the general level*
 - Awareness-raising activities aimed at specific audiences on the rights of domestic workers and the penalties incurred in the event of non-compliance with these rights, both by the Government and by civil society;
 - Togo’s signing of ILO Convention 189 (6 June 2011) on domestic work to better understand the phenomenon through its implementation;
 - Support for victims of violence, including medical treatment and psychological support (Article 5(c));
 - The establishment of an early warning system through a hotline “ALLO 1011” to report violence against children;
 - The establishment of listening, counselling and care centres for victims of gender-based violence, as well as psychological support centres;
 - The establishment of a coalition between government departments and civil society to combat violence against women and girls, with a view to ensuring synergy of actions so as to better address challenges that are beyond the capacity of individual entities or organizations;
 - The ongoing establishment of a legal unit providing victims with legal assistance and facilitating access to justice;
 - The ongoing construction of women’s centres (2 already in operation) for a comprehensive management of gender issues;
 - Capacity building of NGOs, paralegals, call centre facilitators and media professionals on how to integrate GBV into their community action programmes;
 - Capacity-building for actors involved in combating violence against children, especially girls (health professionals, social workers, judicial police officers, community child protection officers);

- Violence against women is taken into account in several provisions of the 2012 Individual and Family Code (Articles 53, 82, 98 and 411; revised in 2014);
 - The establishment of a National Advisory Council for Children to promote the participation of children in combating violence against them, including trafficking; and
 - The conduct of a study on gender-based violence carried out in 2010, which provides an overview of the extent of the phenomenon in communities.
- ii. At the strategic and programmatic level:*
- The revision and adoption, in June 2012, of the National Strategy to combat GBV, which takes into account new data such as the recommendations of some studies (2008 study on FGM, 2010 study on GBV, 2012 evaluation of FGM);
 - The development and implementation of a multisectoral national action plan for the prevention of GBV and the establishment of a GBV monitoring framework;
 - Development and implementation of the national programme to combat violence against women and girls;
 - Development and implementation of the national programme to combat early pregnancy and early marriage of girls;
 - The development of school and training curricula incorporating issues regarding violence against girls and women;
 - Developing, consolidating, validating and taking ownership of traditional and religious arguments to combat GBV; and
 - The establishment of an integrated national child protection system that includes hotline services, referrals, guidance and support centres for children in difficult situations.
- iii. Actions on the ground (Government, CSOs with the support of development partners)*
- The organization of public campaigns on combatting violence and trafficking in women and girls;
 - The organization of discussion sessions with practitioners of traditional customs on the consequences of such practices, including FGM;
 - Dissemination of the National Policy for Gender Equity and Equality (PNEEG), the study on GBV and the recommendations resulting from the presentation of the 6th and 7th periodic reports on the implementation of the CEDAW;
 - Mass sensitization of religious and community leaders and other development stakeholders on GBV;
 - Institution of an annual 16-day campaigning and activism movement to combat violence throughout the country as well as days dedicated to women, girls and children;

- Production, for the benefit of women, girls and adolescents, of post-literacy booklets in local languages and basic French on family planning, combating HIV, female genital mutilation (FGM), safe motherhood and women's rights; and
- The implementation of communication strategies (production and dissemination of posters, documentary films and radio and television programmes on GBV).

Protection from stereotyping of women - Article 4 (2) (c)

54. The Commission notes with appreciation the growing public awareness of women's added value to development as a result of awareness-raising activities to combat the phenomenon in the context of national capacity-building programmes on gender and women's rights, as well as through the activities of civil society organizations working in this field.

Protection from sexual harassment

55. The Commission notes the following:

- i. The protection of women in the workplace pursuant to Article 40 of the Labour Code, which stipulates that: "No employee may be punished or dismissed for having suffered or refused to suffer harassment from an employer, their representative or any other person who, abusing the authority derived from their duties, has given orders, made threats, imposed constraints or exerted pressure of any kind on that employee for the purpose of obtaining favours of a sexual nature for his benefit or for the benefit of a third party"; and
- ii. Increased protection of the child against sexual harassment, sexual exploitation, sexual abuse, rape and other sexual or moral violence through the Children's Code (Articles 387 to 403).

Protection from harmful practices inflicted on women, including female genital mutilation (Article 5)

56. The Commission takes note of the legal measures and other actions taken by the State to address this issue:

- i. *Legal measures*
 - Prohibition, by the Individual and Family Code, of practices such as levirate, sororate and inhuman and degrading confinement (Article 411, paragraph 3);
 - The Criminal Code criminalizes female genital mutilation, which is qualified as a sexual offence (Arts. 217-222); and

- The prohibition of all forms of female genital mutilation, “any partial or total removal of the external genital organs of girls under 18 years of age or any other procedure concerning these organs”, by the Children’s Code (Article 360).
- ii. Other actions*
- Conduct of the study on harmful traditional practices followed by the adoption of the Notsé Declaration in 2013, in which traditional and religious leaders commit themselves to end practices harmful to children. This Declaration earned Togo an award for the best initiative in the fight against harmful social and cultural practices during a forum which brought together representatives of children’s organizations from West and Central Africa in Accra, Ghana, from 31 August to 6 September 2013; and
 - Conduct of the national study entitled “Situational analysis of practices of infanticide, early marriage, placement of children in convents and the phenomenon of so-called witch children”, supported by a communication and awareness-raising strategy targeting traditional and religious leaders.

Rights relating to marriage

57. The Commission commends the State for the reform of the Individual and Family Code in 2014 with a view to ensuring better protection for women.

A. On marriage and its effects on property, nationality, name (Article 6(e) to (j))

i. On property

- Protection of the property of a woman during her marriage in accordance with the matrimonial regime chosen (community of property (Article 368), separation as to property (Article 100) and sharing of assets acquired after marriage (Article 397)); and
- The right of a married woman to administer and freely dispose of the property she has acquired in the practice of her profession (Article 373). Moreover, each spouse retains full ownership of his or her own property and has the right to the administration and enjoyment of such property.

ii. On nationality

- Granting of nationality to any foreign woman who marries a Togolese man, provided that she does not decline the offer in order to retain her nationality of origin (Articles 5 and 6) of Ordinance No. 78-34 of 7 September 1978 on the Togolese Nationality Code; and
- Protection of nationality acquired by marriage in the event of divorce (Article 149 of the Individual and Family Code).

iii. On the name

- The right for a married woman to keep her name, although she acquires the right to use her husband’s name during the marriage and while she remains a widow.

B. On the minimum age for marriage (Article 6 (b))

- The setting of the minimum age for marriage at 18 years for both sexes by the Individual and Family Code (Article 43) and the Children’s Code (Article 267).

C. Registration of marriages (Article 6 (d))

- Obligation for marriages to be celebrated by a civil registrar and recorded in accordance with prevailing provisions (Article 73 of the Individual and Family Code) and verification by the State of compliance with the conditions of validity of the marriage; and
- Protection of women against forced marriage afforded by the possibility to denounce any forced union before the individual officiating.

D. Protection of women in polygamous marriages (Article 6 (c))

- The guarantee of equal treatment of every wife enshrined in the Individual and Family Code (Article 97, paragraph 2).

E. Protection of women during separation, divorce, annulment of marriage (Article 7)

- Protection of the rights of women who are legally separated or divorced by the Individual and Family Code (Articles 148, 151, 153 and 155).

F. Protection of children within the family (Article 6 (i) & (j))

- The guarantee of equality between spouses by the Individual and Family Code, so that they may jointly assume moral and material responsibility in the common interest of the household and children (Article 99) (the husband is no longer the sole head of the family); and
- Recognition of the right to exercise parental authority to both the mother and the father. In the event of the death of the father or the mother, the exercise of parental authority is granted in full to the other (Article 236).

Access to justice, including legal aid and law enforcement training (Article 8).

58. The Commission notes the following:

- i. The adoption of Act No. 2013-010 of 27 May 2013 on legal aid, which provides an opportunity for vulnerable groups, the majority of whom are women, to avail themselves of their rights under the law;
- ii. The launch of a partnership initiative between the administration, civil society and the private sector for a pilot project to set up a legal assistance fund for women and girls victims of violence;
- iii. The training of magistrates, judicial officers (notaries, bailiffs), defence and security forces, in particular the police and gendarmerie, on gender issues and women's rights; and
- iv. The soon-to-be established legal unit to inform women about their rights under the law, provide them with training on legal proceedings for access to justice and help them in seeking legal assistance in partnership with the security services (police).

Political participation and decision-making (Article 9)

59. The Commission takes note of the measures adopted by the State to promote gender equality and increase the number of women in decision-making positions, including:
- i. The adoption in January 2011 of the National Policy for Gender Equity and Equality and its action plan, which aims to promote, in the medium and long term, gender equity and equality, women's empowerment and their effective participation in decision-making at all levels of Togo's development process;
 - ii. The declaration by the Head of State on 19 December 2012 on parity in elective positions;
 - iii. The amendment of the Electoral Code to establish the principle of gender parity in its Articles 220 and 225, which respectively require political parties, legally constituted groupings of political parties, and independent persons to ensure that parity between men and women is respected on the lists of candidates put forward for election, and reduce by half the deposit required of female candidates in parliamentary elections, in an effort to increase the number of women in parliament;
 - iv. Award of a financial incentive to political parties that include women on their list of candidates;
 - v. The establishment, within the National Assembly, of a caucus for the participation of women in political affairs;
 - vi. Increase in the number of seats held by women in the National Assembly from 11.11% to 17.58% between 2007 and 2013 and 20.68% in 2016;
 - vii. The appointment of two women as 2nd and 3rd Deputy Speakers of the National Assembly (2013);
 - viii. First female candidate in the 2010 presidential election;

- ix. The appointment of a woman as head of two institutions of the Republic (Ombudsman of the Republic and the Office of the High Commissioner for Reconciliation and Strengthening of National Unity (HCRRUN));
- x. The development of lines of argument in favour of gender parity in elective positions followed by advocacy with political parties for women to be well-positioned on the electoral lists for the 2013 legislative elections and subsequent elections;
- xi. Training of women on political leadership prior to legislative elections so as to increase the number of women voters;
- xii. The development and implementation by the Ministry of Social Welfare, Women's Empowerment and Literacy of a national programme for women's political leadership and a national programme for women's professional leadership;
- xiii. The establishment of the Professional Leadership Platform and a database of female experts to help decision-makers in their search for women with the appropriate skills for various positions, committees, boards and consultancies; and
- xiv. Conduct of awareness-raising and capacity-building activities for stakeholders (raising awareness among political parties on gender equality and women's participation in the decision-making process, training potential women candidates for elections in leadership and communication techniques).

The right to peace, security and protection of women in armed conflict (Article 10)

60. The Commission notes with appreciation the following:

A. On the inclusion of women in conflict prevention and peace-keeping processes (Article 10 (1)) and in all aspects of post-conflict reconstruction and rehabilitation (Article 10 (2) (e))

- i. The participation of women in peace-keeping operations in 2014 (31 female military personnel, 18 of whom are in the Republic of Côte d'Ivoire and 13 in Mali, and 4 women in the security forces, 2 of whom are in Mali and 2 in Darfur);
- ii. The involvement of women in several joint conflict resolution and peace-building institutions, such as the Permanent Framework for Dialogue and Consultation (36 members, including 7 women) and the Truth, Justice and Reconciliation Commission (CVJR), which had four (4) women among its eleven (11) members (11 members, including 4 women), the National Council for Social Dialogue, HCRRUN;
- iii. The establishment of a programme for the protection, assistance and training of refugee and other displaced women, which is being implemented in collaboration with UNHCR;

- iv. The establishment by CSOs of the Peace and Security Network for Women in the ECOWAS zone (REPSFECO/Togo) and a National Action Plan for the implementation of Resolutions 1325 and 1820 validated in October 2011 for the involvement of Togolese women in conflict prevention, resolution and peace-building;
- v. The organization of awareness-raising/communication, information and training activities aimed at the population to highlight the importance of peace and security within families and communities, as well as the need for and relevance of women's participation in the conflict mediation and management process; and
- vi. The development and implementation of the project for the establishment of peer educator clubs promoting women's political leadership, peace and development with a view to encouraging greater involvement of women in decision-making and conflict management in their communities, with the support of UNDP.

B. On the reduction of military spending in favour of social spending (Article 10(3))

- i. The implementation of humanitarian and social activities by defence and security forces, in particular, through their contribution in:
 - Disaster management and construction of infrastructure such as schools, feeder roads and tracks;
 - Construction of health centres and delivery of health care to the population; and
 - Participation in the fight against epidemics and endemic diseases (cholera, meningitis, yellow fever, Ebola, HIV/AIDS, etc.).

Protection of women in armed conflicts (Article 11)

61. The Commission notes the following:

A. On protective measures for displaced, returnee, refugee and asylum-seeking women and penalties for violation of these protections (Article 11 (1) - (3))

- i. Protection of these categories of women in the new Criminal Code, which criminalizes violence against women and all acts of violence against female persons that cause or may cause them physical, sexual, psychological or economic harm or suffering, including violence against women in situations of armed conflict or national unrest (Article 232, point 1);
- ii. Protection against the crimes of genocide, war crimes, crimes against humanity and the crime of apartheid, which are governed by Articles 143 to 164 of the Criminal Code; and
- iii. The punishment of rape, sexual slavery, prostitution, forced pregnancy, forced sterilization, or any other form of sexual violence by the Criminal Code (Article 146).

B. Ensure that no child, in particular girls, take part in hostilities and that no child is recruited as a soldier (Article 11(4))

- i. The Children's Code stipulates that no child may take part in hostilities or be recruited into the armed forces or incorporated into a militia or participate in any war effort (Article 426); and
- ii. The Criminal Code considers it a war crime to conscript or enlist children under 18 years of age into the national armed forces or armed groups or to make them participate actively in hostilities (Article 146).

Education (Article 12)

62. The Commission notes with satisfaction the introduction of several measures and actions to facilitate access to school for girls, in particular:

- i. *Practical measures*
 - Improvement of the school environment (separate latrines for girls and boys, sports facilities, etc.);
 - Establishment of school canteen programmes in rural schools, which help to improve school enrolment rates of children and girls in particular and reduce factors that exacerbate the issue of trafficking in girls;
 - Strengthening the capacities of community-based entities to manage schools and monitor the education of girls;
 - The establishment of girls' clubs and mothers' clubs to promote positive role models;
 - The establishment of excellence clubs with scholarships for the best girls, in partnership with the Peace Corps;
 - Continued organization of excellence camps for the top female students in national examinations (CEPD, BEPC, BAC1 and BAC2 - primary, middle and high school leaving certificates), the awarding of scholarships to the three top girls in the science field graduating from high school, as well as grants and excellence awards to female students from poor families;
 - The creation of new vocational training centres with the aim of making this sector accessible to all, especially girls, who find it much more difficult to travel and find accommodation;
 - The creation and delivery of new programmes (vocational training in domestic science, agriculture and livestock, tailoring, hairdressing ...) throughout the country so as to diversify and increase training opportunities for girls; and
 - Mentoring of girls at the higher education level, at the Faculty of Science and the School of Biological and Food Technology (ESTEBA), with the help of an association of women scientists.

ii. *Protection measures*

- Stepping up of the fight against violence in schools, including sexual harassment and rape, especially against girls;
- Capacity building of teachers for the elimination of discrimination against girls in school;
- Mobilization of imams and Koranic school teachers, traditional and opinion leaders in favour of girls' schooling;
- Early childhood management with a view to alleviating the burden on the school-age girl and the mother; and
- Combatting early and unwanted pregnancies in schools.

iii. *Other measures taken to promote the enrolment of girls in school:*

- The introduction of a special temporary measure for girls to pay only about 70 per cent of the amount paid by boys in secondary school fees pursuant to Inter-ministerial Order No. 123/MENR/MTP of 11 August 1998;
- Consideration of the gender criterion in the allocation of scholarships (Article 5 of Decree No. 2011-173/PR of 30 November 2011 on the reform of the scholarship, internship and school bursary programme) and setting up, within the Department of Scholarships and Internships, of a commission which ensures that the National Scholarship Commission allocates at least 30% of scholarships to girls or young women;
- The establishment of new vocational training centres with the aim of making them more accessible to all, especially girls, who find it much more difficult to travel and find accommodation; Thus, they will now be closer to the training institutions (a total of 14 new centres and establishments were created between 2010 and 2014);
- Temporary special measures for girls embarking on studies to obtain a Vocational Skills Certificate (CAP), Diploma of Vocational Studies (DEP) or in Grade 10 (fifth year of secondary school), and specifically, the minimum enrolment quota of 25 per cent for girls at the Glidji-Aného Technical High School, which is currently training in electrical engineering and computer maintenance;
- The creation and delivery of new programmes (CAP in domestic science, agriculture and livestock breeding, tailoring, hairdressing and beauty care, etc.) throughout the country so as to diversify training opportunities for girls and enable them to acquire skills and reach satisfactory levels of training for their empowerment;
- The development of a national strategy for literacy and non-formal education (AENF) validated in January 2014, which is to be implemented based on a "faire-faire" strategy (strategy of delegating tasks) over the period 2014-2025 and its procedures manual approved in February 2014. These two strategies stem from the national policy on literacy and non-

formal education, which places particular emphasis on illiterate girls and women, especially in rural areas;

- The revision, in April 2014, of literacy and post-literacy curricula taking into account the specific needs of target groups, especially women;
- The introduction of literacy programmes for women’s agricultural, agro-pastoral and craft groups;
- The specific support in 2014 of the Government in the form of a grant to ensure the functional literacy of 1,200 women throughout the country during the 2014-2015 campaign. Partnerships with NGOs working in the literacy field to implement activities under the functional literacy project for women;
- The organization of an awareness-raising campaign to highlight the importance of literacy for sustainable development and to encourage community solidarity in favour of women's literacy;
- The development of a functional literacy programme, structured around the various platforms, by the Ministry in charge of women’s empowerment in collaboration with the Ministry in charge of grassroots development;
- The extension to other localities in 2010 of the strategy referred to as “one literate woman, three girls in school” through the project on “Women’s literacy and increasing girls’ enrolment in schools”;
- Delivery of specific technical training programmes on simplified accounting and management of income-generating activities (IGA) for the benefit of newly literate women who are members of production groups;
- Training of about 150 supervisors and literacy workers on gender mainstreaming in literacy programmes; and
- The production of post-literacy materials for the benefit of literate women and girls.

Economic and welfare rights (Article 13)

63. The Commission notes with satisfaction the following measures and actions taken by the State:

i. Legal measures

- Equal access to different jobs and equal pay as men. Thus, between 2011 and 2014, the percentage of women holding Category A positions in the civil service significantly increased from 15.4% to 35.81%²;
- The decrease in female underemployment from 21.9% in 2006 to 20% in 2011 and the poverty rate of female-headed households from 56.5% to 54.3% over the same period; and

²Statistics from the IT Unit of the Civil Service Management Department (DGIPE), September 2014.

- Development of a National Microfinance Strategy (SNMF) 2008-2012 which includes provisions to guarantee financial security for women considered as “economic assets” and who are the main recipients of financial products afforded by the sector. With several projects such as:
 - The Project to support the economic activities of groups (PSAEG) (equipment support, capacity building and financing of women’s income-generating activities at subsidized rates);
 - The National Agricultural Investment and Food Security Programme (PNIASA), which includes a project to support agricultural development in Togo (PADAT), a project for agricultural productivity in West Africa (PPAAO-Togo) and a project to support the agricultural sector);
 - The Multifunctional Platform Development Programme (MFPD), supported by women’s groups with UNDP assistance, whose purpose is to help set up 50 multifunctional platforms in 50 vulnerable localities for 50 women’s groups: 9 in the maritime area, 10 in the plateaux, 9 in the central area, 10 in Kara and 12 in the Savanes;
 - The Support Programme for Community-Based Microprojects (PSMICO), which in 2011 implemented seventeen (17) infrastructure microprojects for the benefit of rural women in the areas where multifunctional platforms (MFPs) had been set up, including six (6) markets for prefectures, three (3) for counties and two (2) warehouses; and
 - The National Programme for Women’s Inclusive Entrepreneurship, developed with UNDP support and implemented in collaboration with the Ministry in charge of grassroots development and the Ministry of Agriculture, Livestock and Fisheries through the Togolese Institute for Agronomic Research (ITRA), which has made it possible to train leaders of women’s groups in product processing and marketing and exchange good entrepreneurial and management practices with other women entrepreneurs.
- ii. Other measures taken*
- The revitalization of the Delegation in charge of structuring the informal sector, which has contributed to the economic advancement and empowerment of women in this sector; and
 - The establishment of the Fund in support of the economic initiatives of young people (FAIEJ) and the implementation of the Community Development Programme in vulnerable neighbourhoods of Lomé (PDC-L), which enabled 929 women to benefit from low-interest loans in the total amount of 36 million and about 20 girls to receive hairdressing and sewing tool kits.

Reproductive health (Article 14)

64. The Commission commends the State for the various measures taken with regard to women's reproductive health, including:

A. *On access to health services (Article 14 (2) (a))*

i. *Legal measures*

- The adoption of Act No. 2007-005 of 10 January 2007 on reproductive health, which guarantees equality of all in the area of reproductive health, and also aims to protect women victims of sexual violence by authorizing abortion in cases of rape or incest or when the pregnancy is of such a nature as to endanger the life of the future child or the mother.

ii. *Measures to improve women's access to adequate healthcare services, including ante- and post-natal care*

- Capacity building of providers (ante-natal care (ANC), family planning (FP), emergency obstetric and neonatal care (EmONU), repairing of obstetric fistulas);
- The upgrading of hospitals through staff training and equipment of health facilities has helped to increase the coverage rate from 18% to 43.7% between 2012 and 2015, in partnership with MUSKOKA, COIA, UNFPA, WHO and UNICEF;
- The organization of advanced and mobile strategies (FP, ANC, post-natal care (PNC) visits and vaccination);
- The increase in the geographical coverage rate of health facilities from 62% to 63% between 2012 and 2015, owing to the construction of 32 new healthcare facilities (type 1 and 2) in rural areas out of 50 planned, the rehabilitation and extension of 11 specialized services and of 68 existing peripheral healthcare facilities (USPs);
- The launch in 2010 of the Campaign for an accelerated reduction of maternal and neonatal mortality (CARMMA);
- The introduction of an 80% subsidy for C-sections (increasing coverage for women from 7,353 in 2011 to 14,095 in 2015);
- Free intermittent preventive treatment for pregnant women;
- The organization of campaigns to repair obstetric fistula and to provide support to women who have been cured of this disease in terms of their social and professional reintegration (between 2011 and November 2015, approximately 300 women, aged 17 to 65, with obstetric fistula were operated on free of charge and about 40 of these women were helped to reintegrate society in December 2015);

- Coverage by the National Health Insurance Institute (INAM) of 80% of costs relating to pharmaceutical products and other treatment, 100% for childbirth and caesarean sections and 90% for hospitalization);
- Supply of health facilities with reproductive health (RH) products and commodities;
- The organization of campaigns for the free distribution of long-lasting insecticide-treated nets (LLINs). Approximately 4,905,864 nets were distributed between 2012 and 2014;
- Community-based distribution of certain contraceptive products (male and female condoms, supply of pills to women);
- Family planning services during mobile (implant and intrauterine device) and advanced (injectable and oral methods) outreach strategies in remote areas; and
- The provision of family planning equipment and the supply of contraceptive products to health facilities.

B. On sex education (Article 14 (1) (g))

i. Measures to raise awareness among women and girls on sexual and reproductive health and legal issues:

- Dissemination of the Law on Reproductive Health (RH) at national, regional and district levels through radio and television broadcasts and talk shows;
- Dissemination of policies, standards and protocols in reproductive health, family planning and STIs;
- Production for the benefit of women, girls and adolescents of post-literacy booklets in local languages and in basic French on family planning, the fight against HIV, female genital mutilation (FGM), safe motherhood and women’s rights. These booklets are available in literacy centres and village libraries;
- The establishment of the Education, Population, Development and Reproductive Health Programme (EPD/SR) implemented by the Ministry of Education; and
- Organization of a series of training sessions for members of women’s and mixed groups on HIV/AIDS, sexually transmitted infections (STIs), prevention of mother-to-child transmission of HIV, gender-based violence, the benefits of ante-natal care visits and family planning. At the end of the training, peer educators were equipped with image boxes on the different themes to carry out awareness raising within their respective institutions and communities.

ii. Measures to improve the use and availability of contraceptive methods and family planning information:

- The development of a plan to reposition family planning in Togo with:
 - The training of providers in clinical family planning;
 - The monitoring/supervision of trained providers;
 - The organization of radio and television programmes on the benefits of family planning;
- Training of Community Health Workers (CHWs) to promote family planning (supply of injectable methods through CHWs);
- The implementation of the Compulsory Health Education in Schools for AIDS and STI prevention (CSEPSI) programme; and
- The launch in October 2014 by UNFPA, in collaboration with the CNLS, of the condomize campaign (advice on practical prevention followed by the free distribution of condoms and femidoms).

C. On HIV/AIDS (Article 14 (1) (d))

i. At the legal level

- The protection of women against HIV/AIDS by Act No. 2010-018 of 31 December 2010 amending the 2005 Act on the protection of persons with regard to HIV/AIDS, which provides for prevention and care programmes (Article 45) and the right of women to refuse unprotected sex, even with their husbands (Article 46).

ii. At the policy level

- Validation of the National Health Policy (PNS) (2011); and
- Development of the National HIV and AIDS Policy: Vision 2020 (2012).

iii. At the level of strategies and programmes

- Validation of the National Health Development Plan (PNDS) 2012-2015, which is divided into five programmes, the first and third of which are devoted respectively to reducing maternal and neonatal mortality and to combating malaria, HIV/AIDS, tuberculosis and other communicable diseases;
- Validation of the National Strategic Plan to combat HIV and AIDS 2012-2015 (2012) with the aim of achieving a Togo free of new HIV infections and mitigating the impact of AIDS on the population and especially on highly vulnerable groups, including women;
- Development of the programme to combat HIV among women in Togo (2011 to 2015), facilitating the involvement of sectoral ministries in programmes providing support to vulnerable groups in terms of STIs and HIV/AIDS; and
- Development of the National Programme to combat HIV/AIDS among sex workers (2014) with a view to contributing to the realization of the objectives of universal access to prevention, care and treatment services

in prostitution settings. It also includes awareness-raising to combat the prostitution of minors.

- iv. *At the level of policy, programme and project implementation*
- Increased activities to prevent transmission of HIV from mother to child (PMTCT) in 2013 (165,809 pregnant women tested, 4,531 HIV-positive (2.73%)); and
 - Distribution of anti-retroviral (ARV) drugs to 4,478 HIV-positive women (98.83% of the 4,478 screened).

Economic and welfare rights (Article 13)

65. The Commission notes with satisfaction the following:

- i. Adoption of legal norms, measures and actions to ensure that women become development actors on an equal footing with men, including:
 - Equal opportunity in employment and the guarantee of fair and equitable remuneration for every worker (Article 37);
 - Significant increase in the percentage of women holding positions under Category A in the civil service from 15.4% to 35.81% between 2011 and 2014; and
 - Increase in the number of women entrepreneurs in so-called men's occupations, e.g. construction and public works.
- ii. Implementation of various national micro-finance programmes and measures such as:
 - The Project to support the economic activities of associations (PSAEG);
 - The National Agricultural Investment and Food Security Programme (PNIASA);
 - The Multifunctional Platform Development Programme (PTFM);
 - The Support Programme for Community Microprojects (PSMICO);
 - The National Programme for Inclusive Women's Entrepreneurship; and
 - The National Fund for Inclusive Finance (FNFI).

Right to food security (Article 15)

66. The Commission notes the establishment of various programmes to ensure food security, including:

- i. The National Programme for Agricultural Investment and Food Security (PNIASA), in which gender is mainstreamed. This programme comprises three priority projects, which are:
 - The support project for agricultural development in Togo (PADAT). This project provided 26,076 women with agricultural kits, technical advice and support. 3,652 women took part in CEA/GIFS learning

- activities, 23 received training in entrepreneurship, and 4 in planning and monitoring & evaluation techniques;
- The West Africa Agricultural Productivity Project (WAAPP-Togo). This project helped 5,335 women producers to receive fertilizer kits and improved rice seeds, 171 women from ESOPs to benefit from financing and 129 women to receive jab-planters; and
 - The Agricultural Sector Support Project (PASA). The direct beneficiaries of the PASA include approximately 60,000 farmers, 13,000 livestock breeders, 1,600 fishermen and 500 fishmongers, 40% of whom are women and young people. In addition, about 650,000 households that breed poultry and/or small ruminants benefitted from vaccination campaigns for their livestock.
- ii. The planned Agricultural Development Area (ZAAP) project. These zones facilitate access to land for the most disadvantaged, namely women and young people, on the basis of a tripartite contract between the landowners, the State and the farmer. Twelve sites, covering a total area of 650 hectares, have been established throughout the country. On these sites, women represent 80% of the producers; and
 - iii. The “Root and Tuber Crops” (PRT) project, which started in 2009 for the benefit of women’s groups active in cassava production in 4 pilot prefectures (Zio, Haho, Blitta and Assoli).

Rights of groups of women enjoying special protection: widows, including inheritance rights (Articles 20 & 21), older women (Article 22), women with disabilities (Article 23), women in distress (Article 24)

67. The Commission commends the State for the following:
 - i. Adoption of appropriate legislative measures to ensure the protection of widows, in particular by protecting their inheritance rights through the Individual and Family Code (Article 427);
 - ii. Development of a strategy for social protection of vulnerable groups, supported by an action plan (2013);
 - iii. Development and implementation of the programme for the protection and harnessing of the potential of older persons (2014-2018), which led to the completion in 2015 of a study on senior volunteering and the establishment of a database on older persons;
 - iv. Development of a national strategy for the protection and promotion of persons with disabilities in Togo and its operational plan (2013-2015);
 - v. Validation of a document on inclusive access to the labour market for people with disabilities in 2014;
 - vi. Implementation, in the prefectures of Sotouboua, Tchamba and Moyen Mono, of the community-based rehabilitation project for children with disabilities, which will enable 3,000 children with disabilities, including 1,300

- girls, to be identified and given socio-educational support in sign language and motor skills;
- vii. Construction of five (5) community-based rehabilitation centres, training of 34 RBC agents on sign language, training in the Kara and Savanes regions of 243 teachers and 1,200 trainee teachers in inclusive education (69 in Braille; 102 in sign language; 38 in cognitive impairment); and
 - viii. Implementation of measures to improve access to justice, including legal aid, capacity building for access to productive resources including access to credit, which is extensively detailed in the section on economic, social and cultural rights, as well as actions relating to the protection of women against violence.

II. FACTORS RESTRICTING THE ENJOYMENT OF THE RIGHTS GUARANTEED IN THE MAPUTO PROTOCOL

68. The full enjoyment of the rights guaranteed in the Maputo Protocol is restricted by various factors including:
- i. Women's lack of awareness of their rights and of the content of legal texts relating to human rights in general and women's rights in particular;
 - ii. The persistence of socio-cultural obstacles that do not allow talents to be developed fully and women to be empowered;
 - iii. The feminization of poverty in both urban and rural areas; and
 - iv. The persistence of gaps between the two components of society (men and women).

V. AREAS OF CONCERN

69. Despite the Government's efforts to promote and protect women's rights, the Commission is concerned about the following:

Access to justice, including legal aid and training for law enforcement officials (Article 8).

- i. The difficulty for women to access justice despite existing programmes due to the feminization of poverty and, in most cases, failure to provide them with adequate access to the courts.

Political participation and decision-making (Article 9)

- ii. Low representation of women in decision-making bodies, despite the Declaration on Parity of 2013 (not more than 20% in the Parliament and less than 25% in the Executive branch); and

- iii. Low representation of women in chieftaincy positions (3 women are canton chiefs out of 387 and 3 women village chiefs out of 4,487).

Protection of women against violence (Article 4)

- i. Persistence of gender-based violence (41% of women in unions have been victims of physical violence, 91% of psychological abuse, 34% of economic violence, 33% of sexual violence and 20% of institutionalized violence);
- ii. Persistent tolerance of gender-based violence in society;
- iii. Absence of specific provisions relating to domestic violence in the Togolese Criminal Code;
- iv. Lack of data on reported cases of gender-based violence, on rates of prosecution and conviction relating to violence against women and on the number, capacity and resources of shelters as well as counselling and rehabilitation services; and
- v. Obstacles faced by women in bringing cases of gender-based violence to court because of cultural taboos.

Harassment

- i. Low rate of denunciation of violence suffered by domestic workers, for fear of losing their jobs or for lack of awareness of their rights;
- ii. Persistent rape of girls in schools; and
- iii. High proportion of sexual harassment cases and/or abuse by members of the foster families of women and young female domestic workers.

Abortion (Article 14 (2) (c))

- i. The criminalization of all abortion practices by Article 44 of the Criminal Code, which provides for the sentencing of anyone who has performed or undergone an abortion to an imprisonment term of five to fifteen years, with a fine of five hundred thousand (500,000) to one million five hundred thousand (1,500,000) CFA francs (this amount is doubled in the event of serious and permanent disability), and in case of death to an imprisonment term of five to ten years and a fine of one million (1,000,000) to three million (3,000,000) CFA francs; despite the fact that Togo has ratified the Maputo Protocol without reservations.

HIV/AIDS

- i. Feminization of the disease and the increasing rate of infection among young people.

Conditions of detention

- i. Absence of a prison specifically for women;
- ii. Specific health services for women in prison; and

- iii. Lack of a healthcare facility separate from that for men, and in particular of an ante-natal facility.

Education

- i. Low percentage of scholarships awarded to girls (for every 100 male scholarship recipients, there are 40 girls and young women);
- ii. The high number of girls forfeiting their international scholarships due to external pressures: reluctance of families to let their daughters move away from home, engagement, marriage or teenage mothers; and
- iii. The low number of girls and women in engineering and other scientific fields.

Protection of older women (Article 22)

- i. Difficulties in implementing policies and programmes aimed at improving the conditions of older women due to inadequate financial and material resources.

Protection of women with disabilities (Article 23)

- i. Difficulties to take into account the reproductive health of women with disabilities in the training of health personnel; and
- ii. Lack of information on policies in favour of women with disabilities and on assistance to families of children with disabilities.

V - RECOMMENDATIONS

Reporting obligation

70. The Republic of Togo should continue to respect its obligations under Article 26 of the Maputo Protocol and implement the recommendations of the Commission.

Harmonization of national texts with the Maputo Protocol

71. The State should take all measures for the domestication of the Maputo Protocol through the adoption of legislation and other administrative measures.

Access to justice

72. The State should:
- i. Strengthen legal aid for women; and
 - ii. Further raise awareness among women on the availability of legal aid.

Decision-making

73. The Commission recommends that the State should:
- i. Adopt a quota law to ensure greater participation and representation of women in decision-making bodies;
 - ii. Continue efforts to promote the role of women in decision-making and ensure equal opportunity;
 - iii. Continue to step up efforts in the area of gender equality and equity so as to achieve equality and non-discrimination; and
 - iv. Pursue awareness-raising efforts to improve the representation of women in traditional chieftaincy positions.

Protection of women against violence (Article 4)

74. The Commission recommends that the State should:
- i. Increase efforts to combat violence against women and girls and continue to fight against stereotypes;
 - ii. Raise public awareness on the illegality of gender-based violence;
 - iii. Take the necessary steps to criminalize domestic violence in the Togolese Criminal Code;
 - iv. Collect data on cases of gender-based violence, including the number of complaints, prosecutions and convictions, the penalties imposed on perpetrators of sexual and gender-based violence, and the number, capacity and resources of shelters as well as counselling and rehabilitation services;
 - v. Encourage women and girls who are victims of violence to report cases to the police, raise awareness on the criminal nature of such acts and ensure that victims are not stigmatized;
 - vi. Ensure that women have effective access to courts and tribunals and prosecute all acts of violence against women upon complaint by the victim or ex officio, and adequately punish the perpetrators; and
 - vii. Carry out awareness-raising campaigns to change behaviours that lead to domestic violence, including socio-cultural obstacles, customs and tradition.

Harassment

75. The State should:
- i. Thoroughly investigate and prosecute cases of sexual harassment and rape of girls in schools;
 - ii. Raise awareness on the negative consequences of sexual harassment on women's access to education, training and the labour market;
 - iii. Organize awareness-raising campaigns against sexual abuse within the family unit and in foster families and urge people to report cases; and
 - iv. Take support measures to help women who have been victims of harassment to return to working life.

Provisions for abortion (Article 14 (2) (c))

76. The Commission recommends that the State should:
- i. Take legislative measures to decriminalize abortion; and
 - ii. Ensure women have access to safe abortion in accordance with the provisions of the Maputo Protocol.

HIV/AIDS

77. The State should:
- i. Take appropriate measures to reduce the vulnerability of women to HIV/AIDS; and
 - ii. Carry out information and awareness campaigns targeting women on the different modes of transmission and protection against HIV/AIDS.

Conditions of detention

78. The Commission recommends Togo to:
- i. Ensure the availability of a detention centre solely for women; and
 - ii. Ensure the availability of a healthcare facility, including an ante-natal unit, specifically for women.

Education

79. The State should:
- i. Take measures to increase the percentage of girls and young women receiving scholarships;
 - ii. Adopt support measures to reduce the number of girls and young women forfeiting their international scholarships; and
 - iii. Take measures to encourage and facilitate access for girls and women to engineering and scientific occupations.

Protection of older women (Article 22)

80. The State should take measures for the effective implementation of policies and programmes aimed at improving the conditions of older women.

Protection of women with disabilities (Article 23)

81. The State should:
- i. Develop programmes and policies for increased support to women with disabilities in the area of reproductive health; and
 - ii. Provide information on support to persons with disabilities and, in particular, girls with disabilities.

Implementation

82. The State should provide, in the next periodic report, information on the effective implementation of recommendations contained in the present Concluding Observations.

Adopted by the African Commission on Human and Peoples' Rights at its 31st Extraordinary Session held from 13 to 25 February 2021.