



Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

List of issues in relation to the initial report of Togo*

A. Purpose and general obligations (arts. 1–4)

1. Please provide information on:

(a) Measures taken to include in the Constitution the guarantee of equality and non-discrimination on the basis of disability;

(b) The harmonization of laws and policies with the Convention, and measures to ensure that the concept of disability used in the State party, particularly in Organic Act No. 2005-004, fully adheres to the human rights model of disability;

(c) The status of the proposed review of Act No. 2004-005 of 23 April 2004 on the social protection of persons with disabilities (CRPD/C/TGO/1, para. 24), and the way in which persons with disabilities, through their representative organizations, are involved in the review process;

(d) Mechanisms established and the human and financial resources available at all levels of government for meaningful consultation with persons with disabilities, through their representative organizations, regarding all legislation, policies and programmes.

B. Specific rights (arts. 5–30)

Equality and non-discrimination (art. 5)

2. Please provide information on the legal and other measures taken:

(a) To prohibit all forms of disability-based discrimination in accordance with the Convention in national legislation, including the Constitution, and to include the recognition of the denial of reasonable accommodation as a form of disability-based discrimination;

(b) To implement administrative and judicial remedies and provide redress to victims of disability-based discrimination who are affected by multiple and intersectional discrimination, such as women and girls with disabilities.

Women with disabilities (art. 6)

3. Please inform the Committee about:

(a) Measures taken to mainstream the rights of women and girls with disabilities into all stages of legislation and policy implementation, and to guarantee their inclusion in discourse at the national and local levels;

* Adopted by the pre-sessional working group at its fourteenth session (7–18 September 2020).



(b) Whether the draft law establishing quotas for women in elected and administrative positions includes women with disabilities;

(c) Steps taken to prevent and protect women and girls with disabilities against multiple and intersectional forms of discrimination.

Children with disabilities (art. 7)

4. Please provide information on:

(a) Measures taken to address all forms of discrimination, including prejudices against and stigmatization of children with disabilities, and strategies to modify or eliminate stereotypes and negative cultural approaches;

(b) Strategies adopted for the deinstitutionalization of children with disabilities, and steps taken to ensure their access to alternative care in a family setting.

Awareness-raising (art. 8)

5. Please provide information on:

(a) Measures taken to raise awareness throughout society regarding the rights of persons with disabilities, particularly among persons with disabilities, their parents and families, professional groups and government officials at all levels;

(b) The implementation and effectiveness of and budget allocations for national awareness-raising campaigns, such as mass media campaigns aimed at eliminating discrimination faced by persons with disabilities. Please indicate whether organizations of persons with disabilities are systematically involved in the planning and implementation of such programmes.

Accessibility (art. 9)

6. Please provide information on:

(a) Measures taken and the budget allocated to ensure the effective implementation of article 23 of Act No. 2004-005, the monitoring mechanisms available and the applicable remedies and sanctions in place;

(b) Strategies put in place to guarantee access to information and communications technology for persons with disabilities on an equal basis with others, through the provision of information in Braille, Easy Read, sign language and other alternative and augmentative modes and means of communication;

(c) Measures taken to ensure the accessibility, irrespective of impairment, of public and private infrastructure, goods and services in both urban and rural areas, including transport, media and banking services. Please indicate whether the measures take into consideration the age and gender of persons with disabilities.

Right to life (art. 10)

7. Please provide updated information on the steps taken to eliminate infanticide of children with disabilities in some communities, and measures taken to investigate cases of killings of children with disabilities and to bring to justice those responsible for such crimes.

Situations of risk and humanitarian emergencies (art. 11)

8. Please provide information on:

(a) The efforts made to align the Emergency Relief Organization Plan and the National Contingency Plan with the Convention and the Sendai Framework for Disaster Risk Reduction 2015–2030;

(b) Measures taken to establish a targeted, sustainable humanitarian emergency framework to ensure the protection of the rights of persons with disabilities, particularly women and older persons with disabilities, on an equal basis with others, and specifically in the context of the public health emergency resulting from the coronavirus disease (COVID-

19) pandemic. In particular, please inform the Committee about the measures taken to provide persons with disabilities with accessible information concerning the virus's scope and prevention of the virus; to ensure continuous access to support and mainstream community services, including in-home care and personal assistance; to provide equal access to health care, including life-saving measures; and to ensure that social benefits for persons with disabilities are guaranteed at all times.

Equal recognition before the law (art. 12)

9. Please indicate the steps taken to replace the guardianship regime recognized under article 6 of Act No. 2004-005 with a supported decision-making regime in order to comply with the Convention, taking into account the Committee's general comment No. 1 (2014).

Access to justice (art. 13)

10. Please provide information on:

(a) The number of persons with disabilities who have benefited from the provision of legal aid, in accordance with Act No. 2013-010 of 27 May 2013 on legal aid and article 41 of Act No. 2004-005 regarding the provision of legal assistance for women with disabilities in relation to marriage disputes, and the outcomes of those cases;

(b) Measures taken to provide procedural and age-appropriate accommodation to ensure access to the judicial and administrative systems;

(c) Measures taken to ensure the equal rights of persons with disabilities to provide testimony and to act as witnesses in court;

(d) Steps taken to ensure the systematic and continuous training of personnel in the judicial system and law enforcement agencies to promote and ensure effective access to justice for persons with disabilities.

Liberty and security of the person (art. 14)

11. Please provide information on efforts made to revise and repeal laws and policies that allow for the involuntary detention and hospitalization of persons with disabilities, on the basis of perceived or actual impairment, including articles 130 and 131 of Act No. 2009-007.

Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15) and protecting the integrity of the person (art. 17)

12. Please provide updated information on measures taken to protect women with disabilities, in particular women with intellectual or psychosocial disabilities, from forced sterilization.

Freedom from exploitation, violence and abuse (art. 16)

13. Please provide information on:

(a) The prevalence of and trends concerning all forms of violence against persons with disabilities, including data, disaggregated by sex and age, on cases of violence and abuse committed in hospitals, particularly psychiatric hospitals, and places of detention;

(b) The channels available and accessible to protect and report discrimination against and abuse of children and women with disabilities;

(c) Whether the bill on the criminalization of trafficking in persons that is currently under consideration will specifically refer to the protection of women and girls with disabilities;

(d) Whether the National Human Rights Commission, as the national preventive mechanism for the prevention of torture, will be mandated to monitor all settings in which persons with disabilities are deprived of their liberty, including private and public rehabilitation centres.

Liberty of movement and nationality (art. 18)

14. Please provide information on measures taken to increase the number of birth registrations of children with disabilities immediately after birth, including in rural areas.

Living independently and being included in the community (art. 19)

15. In the light of the Committee's general comment No. 5 (2017), please specify whether the right to live independently living and be included in the community is expressly recognized by law and, if so, indicate the budgetary allocation to ensure its effective implementation, including the provision of personal assistance and community-based services.

Personal mobility (art. 20)

16. Please provide information on measures taken to guarantee the accessibility of mobility aids and assistive devices, and their affordability for persons with disabilities. Please provide information on the numbers of persons with disabilities who have received mobility aids and assistive devices distributed by the Government, especially in rural areas.

Freedom of expression and opinion, and access to information (art. 21)

17. Please indicate:

(a) Measures taken to facilitate access to public information in accessible formats, including sign language, captioning, Braille, Easy Read, plain language and other augmentative and alternative means and modes of communication;

(b) Steps taken to officially recognize the sign language of Togo;

(c) Steps taken to resume the news broadcast for deaf and hard-of-hearing persons.

Respect for home and the family (art. 23)

18. Please provide information on measures taken:

(a) To prohibit forced marriages of persons with disabilities, and to raise awareness of such violations and the remedies available;

(b) To protect children from being involuntarily separated from their parents on the basis of the disability of the child or of one or both of the parents, including measures taken to amend article 39 of Act No. 2004-005 to ensure that mothers with disabilities do not lose custody unnecessarily of their children owing to their disability;

(c) To provide support to children with disabilities and their parents and to parents with disabilities in exercising their parental rights and responsibilities.

Education (art. 24)

19. Please provide information on the specific legal and policy measures taken to promote the inclusive education of children and other students with disabilities, in accordance with article 24 of the Convention and the Committee's general comment No. 4 (2016) and as reflected in Sustainable Development Goal 4, and the timeline for their implementation, including human, technical and financial resources. Please also indicate:

(a) The number of teaching and support staff who have been trained in Braille, sign language and accessible modes of teaching;

(b) Efforts made to provide accessible materials, adaptive learning environments and sufficient individualized accommodation for students with disabilities at all levels.

Health (art. 25)

20. Please provide information on:

(a) Measures taken to ensure that the free and informed consent of persons with disabilities, including persons with psychosocial or intellectual disabilities, is obtained for any form of medical, surgical, invasive or psychiatric treatment or procedure;

(b) Measures taken to make comprehensive health care affordable to persons with disabilities, including access to health insurance. Please provide further information on steps taken to ensure that sexual and reproductive education and services are available, accessible and affordable to women and girls with disabilities;

(c) Measures taken to address the existing gaps in equality of access by persons with disabilities to health care, as has been brought to the fore by the COVID-19 pandemic, such as the provision of accessible information concerning the virus's scope and prevention of the virus, access to life-saving measures, and continuity of access to other health-care services, including in-home care.

Work and employment (art. 27)

21. Please provide information on:

(a) Measures taken to effectively enforce the right of all citizens to work, under article 37 of the Constitution, and steps taken to prohibit discrimination during recruitment processes and through the demotion or dismissal of persons with disabilities;

(b) Whether the denial of reasonable accommodation in the workplace constitutes a form of disability-based discrimination and, if so, what remedies are available to victims;

(c) The outcomes of the Accelerated Growth and Employment Creation Strategy and its effects on the employment situation of persons with disabilities, particularly women with disabilities;

(d) Measures taken to sustain the Fund to Support Young People's Economic Initiatives and to improve opportunities regarding access to work for persons with disabilities, particularly women with disabilities. Please indicate how persons with disabilities and their representative organizations are included in the planning, allocation, monitoring and evaluation of the Fund;

(e) Data on persons with disabilities who are employed in the public and private sectors;

(f) Incentives provided to private sector employers to promote the employment of persons with disabilities, particularly women with disabilities.

Adequate standard of living and social protection (art. 28)

22. Please indicate the measures taken to ensure that all persons with disabilities have access on an equal basis with others to social protection programmes and support services for the reduction of poverty, and access to specific programmes and services for persons with disabilities living in situations of poverty to enable them to meet the additional cost of disability-related expenses.

Participation in political and public life (art. 29)

23. Please provide information on:

(a) Measures taken to ensure the physical accessibility of all polling stations and the use of accessible formats, including Braille, in electoral material, and to ensure that all persons with disabilities are guaranteed secrecy in the voting process;

(b) Efforts made to prohibit discrimination on the basis of disability in the context of participation in political and public life, particularly the right to vote and to stand for elections, and measures taken to increase the number of persons with disabilities, particularly women with disabilities, in political and public life.

Participation in cultural life, recreation, leisure and sport (art. 30)

24. Please inform the Committee about any steps taken:

(a) To ensure access for persons with disabilities to cultural life, particularly through their inclusion in the culture policy of March 2011 and the adoption of a current policy;

(b) To ratify the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled.

C. Specific obligations (arts. 31–33)

Statistics and data collection (art. 31)

25. Please provide information on efforts made to establish a system for collecting data on the situation of persons with disabilities, and to increase the systematic collection of and reporting on disaggregated data and coordination between all public bodies and State agencies, to give effect to the Convention. Please state whether the Washington Group short set of questions on disability and the related methodology are used.

International cooperation (art. 32)

26. Please provide information on how persons with disabilities, through their representative organizations, are included in international cooperation on disability-specific and other policies, with the aim of mainstreaming the human rights model of disability into policies.

National implementation and monitoring (art. 33)

27. Please provide information on the national body designated as the focal point for the implementation of the Convention and whether the coordinating mechanism to monitor the implementation of the Convention has been established. Please also provide information on the measures taken to address the recommendations made in 2019 by the Subcommittee on Accreditation of the Global Alliance of National Human Rights Institutions and to ensure that the National Human Rights Commission is able to discharge its mandate in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).
