



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Committee on the Elimination of Discrimination
against Women**
Thirty-fourth session

Summary record of the 704th meeting

Held at Headquarters, New York, on Wednesday, 18 January 2006, at 3 p.m.

Chairperson: Ms. Manalo

later: Ms. Pimentel (Vice-Chairperson)

later: Ms. Manalo (Chairperson)

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention *(continued)*

Combined initial, second, third, fourth and fifth periodic report of Togo (continued)
(CEDAW/C/TGO/1-5; CEDAW/C/TGO/Q/1-5 and CEDAW/C/TGO/Q/1-5/Add.1)

1. *At the invitation of the Chairperson, the Members of the delegation of Togo took places at the Committee table.*

Articles 7 and 8 (continued)

2. **Ms. Sokpoh-Diallo** (Togo) said that although women's level of participation in political and public life continued to be low, there had been some progress since 1994, in both quantitative and qualitative terms. For example, a number of women had been appointed to ministerial positions, women were well represented on village development committees throughout the country, and a woman had been appointed as director of a bank for the first time.

3. There was no discrimination with respect to voting rights and eligibility for public office. Husbands did not vote on behalf of their wives, but women were generally less engaged in political life and thus tended to vote less often. Although Togo had not held local elections for many years, women did participate very strongly in local politics through the country's extensive network of women's groups. Lastly, the Government intended to conduct a thorough review of the country's microcredit system, which was ill-adapted to women's needs.

4. **Ms. Akakpo** (Togo) said that the fundamental obstacles to women's participation in political and public life were lack of education and lack of self-confidence. However, the Government was taking steps to address the problem, notably by raising awareness of the gender issue.

5. **Mr. Tchagnao** (Togo) said that the Government's comprehensive study of gender disparities had been the result of its reflections on the progress made by Togo in the decade since the Fourth World Conference on Women in 1995. The study had addressed four main areas: the production sector, production support services, social services and, lastly, governance, which

was considered under three headings: power decision-making, law and citizenship, and violence against women. As a result of the study, it had been decided to develop a national strategy to integrate the gender issue into development policies. The strategy was based on the following elements: the need to take gender into account in development policies and programmes, the need to take action on the main problems identified by the study, strategic directions and expected results, the matrix for intervention, implementation of the strategy and the role of the various institutions involved, the conditions for implementing the strategy, and mechanisms for follow-up and evaluation.

Article 9

6. **Mr. D'Almeida** (Togo) said that the Nationality Code had not been harmonized with the Togolese Constitution with respect to children's entitlement to Togolese nationality. However, the draft children's code did take into account the Constitution, in stating that a child born to a Togolese mother or father was entitled to Togolese nationality. The draft children's code had not yet been adopted, but it had been validated at a workshop attended by representatives of civil society and the Government, and it would likely be adopted during the first three months of 2006.

7. There were no difficulties for foreign nationals wishing to acquire Togolese nationality through marriage to a Togolese woman, as article 12 of the Nationality Code provided that they could do so through naturalization. In accordance with the Nationality Code, a foreign woman who acquired Togolese nationality through marriage would lose her Togolese nationality in the event of a divorce. A Togolese woman who married a foreign national could retain her Togolese nationality in principle, but might acquire another nationality through her marriage. Lastly, although for security reasons married women must present their marriage certification when applying for a passport, they did not require their husband's consent to travel.

8. **Ms. Sokpoh-Diallo** (Togo) said that previously, under the Nationality Code, a child born of a Togolese mother and a foreign father could acquire Togolese nationality only if the father failed to recognize the child. However, that situation had been regulated by the Constitution and by the draft children's code.

Article 10

9. **Ms. Tavares da Silva** said that Togo clearly regarded equal access to education as a basic right, yet she had noted in its combined periodic report that women's participation in higher education was extremely low. Moreover, although the report repeatedly referred to measures which should be taken to address the problem, there was little evidence that such measures had actually been taken. She therefore wished to know whether Togo had developed a consistent policy on gender equity in the education system at all levels.

10. **Ms. Shin** said that the situation of women and girls in education was very discouraging: it was marked by such factors as high illiteracy and dropout rates among girls, significant enrolment gaps between boys and girls, the reluctance of parents to send girls to school, and poor classroom facilities. She therefore wished to know whether Togo was focusing on strategies for the education of girls in line with the relevant Millennium Development Goals, and whether it had developed concrete plans in that regard.

11. **Ms. Saiga** said that Togo's responses to the Committee's list of issues and questions did not address question 17 on the policy prohibiting pregnant women and girls from attending school. In paragraph 16 of its responses it stated that the government circular prohibiting pregnant schoolgirls or students from attending school until they gave birth was not strictly enforced. She would therefore recommend that the State party clarify its policy on that question. With regard to the Committee's question 16, on steps to combat gender stereotyping through the revision of school textbooks, she wished to know what steps had actually been taken. Lastly, she also wished to know for which age groups education was mandatory.

12. **Ms. Sokpoh-Diallo** (Togo) said that the right to education was a fundamental right, and her Government was committed to ensuring equal education for girls. Positive discrimination measures (affirmative action) had been taken to promote education for women, such as the lowering of school fees for girls and an additional fee reduction for girls in rural areas. Although economic difficulties had meant that education bursaries were no longer available, all students continued to be eligible for basic education assistance benefits. The previous month the Cabinet had adopted a national education plan under which

development partners would fund up to 97 per cent of the cost of the education system nationwide.

13. Although the illiteracy rate was very high, she pointed out that most of the illiterate were adults and 90 per cent of children were in fact attending school at the primary level; accordingly, the Millennium Development Goal of 100 per cent by 2015 should certainly be achievable thanks to the national education plan and international assistance. Tremendous efforts were being made to promote literacy, for women in particular. In September 2005, thanks to the support of La Francophonie, new textbooks for literacy had been made available which promote the use of French rather than local languages. Those texts also contributed to raising women's general level of education. Furthermore, her Ministry was developing a policy on women's literacy under the auspices of the General Directorate for the Advancement of Women with a view to making equal educational opportunity for young girls a reality.

14. **Mr. Johnson** (Togo) said that the old primary textbooks, which promoted sexual stereotypes, had been replaced in 2002 with new textbooks which stressed equality between men and women. Teachers had also received training in how to use the new textbooks and stress the importance of women's role in the family and their equality with men. The situation was therefore changing for the better.

15. **Ms. Sokpoh-Diallo** (Togo) said that pregnant schoolgirls were less and less likely to be prevented from attending school and were encouraged to return to school after giving birth. Her Ministry nevertheless intended to ensure that circular No. 8478/MEN-RS, which prohibited pregnant girls from attending school, would be amended.

Article 11

16. **Ms. Arocha Dominguez** requested more information on any measures or programmes aimed at eliminating poverty, especially among women. In recent years the European Union had contributed significant assistance for programmes developed in cooperation with non-governmental organizations, which included a gender perspective. She wondered how the State party guaranteed that the benefits of cooperation, especially State cooperation, contributed in practice to the advancement of women.

17. She expressed concern at the low legal marriage age and the fact that marriages occurred even before the legal age. She also asked whether it was true that a wife needed the consent of her spouse in order to seek employment and whether there were any concrete programmes to prevent discriminatory hiring, especially for minorities and migrant workers.

18. **Ms. Khan** wondered to what extent women's theoretical rights to employment, benefits and social security were actually implemented. The Government was a major employer, and more information would be welcome on the percentage of women employees and on their representation at various levels of responsibility, including at the decision-making level.

19. According to the State party's report, the law made no provision for redress for men or women who had been subjected to discriminatory hiring practices (p. 81). She asked whether changes to the law were planned in order to protect pregnant women, ensure women equal pay for equal work, in particular in the private sector, and end occupational segregation. It was clear that women's overrepresentation in the least desirable jobs was due to their low self-esteem.

20. She noted that article 37 of the Constitution recognized every citizen's right to work. Yet, pursuant to article 109 of the Personal and Family Code, the husband could object in the family's interest to his wife engaging in an occupation independent of her husband's. She wondered which legal provision in fact took precedence. The fact that a married woman's wages were taxed at the same rate regardless of whether she had children or not, because children were deemed to be the husband's dependants, was a form of discrimination and must be addressed. It was also important to ensure that women had equal access with men to job training, which was not currently the case.

21. **Ms. Patten** noted that the delegation's written reply to question 18 of the Committee's list of issues indicated that civil servants who had been victims of gender-based discrimination could in theory seek redress before the administrative courts. However, those administrative courts were still not operational. She therefore enquired whether the reform of the justice system would include mechanisms for redress in cases of employment discrimination, including legal aid, whether labour courts would be available in rural areas and whether efforts would be made to apprise women of their rights under the labour laws. She also

asked whether legislation was planned to address the issue of sexual harassment in the workplace.

22. The real situation of women in the State party appeared bleak. Women's economic and professional opportunities were limited by both customary and legal barriers, which affected their ability to own land, obtain credit and enjoy equal remuneration with men. She stressed that if women's skills were better utilized, they could make a tremendous contribution to the political, civil and social transformation currently under way in the country. To that end, the National Education and Training Policy should incorporate a gender perspective, and the Labour Code must be amended to eliminate gender-based discrimination and guarantee women, including vulnerable women such as older women, equal opportunity, working conditions, benefits and wages. Women should also play a greater role at the decision-taking level of business and government and be encouraged to train and work in non-traditional areas, such as science and technology. Finally, the Personal and Family Code must also be amended to eliminate its discriminatory provisions.

23. **Ms. Sokpoh-Diallo** (Togo) said the fact that Togo was at the middle level of human development indicators relative to other African countries showed that progress was being made. With regard to the issue of a wife requiring her husband's permission to work pursuant to article 37 of the Personal and Family Code, she said that in practice husbands rarely refused their wife permission to work. In any event her Government intends to revise the Code to bring it into conformity with the provisions of the Convention, including the elimination of article 37.

24. She recognized that it was not easy for women to obtain credit and suggested that it was because most women were involved in agriculture and needed to borrow money at the beginning of the growing season but had no real income to repay the loan until harvest-time, whereas most microcredit systems expected repayment to begin almost immediately. Her Ministry was currently studying, in cooperation with the Food and Agriculture Organization of the United Nations (FAO), measures to facilitate women's access to credit at reasonable rates of interest.

25. Although the Government was a major employer, the informal sector of the economy was very significant, which posed a problem for the Government in its endeavours to bring informal economic activities

into the formal sector. Togolese women were very entrepreneurial and did not wait for Government programmes or assistance to create jobs for themselves and others. She was sure that in the future, the Government's share of the labour market would continue to fall.

26. Although efforts were in fact being made to hire more women at the management level in the public and private sectors, women continued to be underrepresented; even in her own Ministry only some 30 per cent of managers were women. Despite legal guarantees of equal pay for equal work, and equal treatment, men continued to enjoy privileges; for example, under the Personal and Family Code the man, as head of household, paid lower taxes. With regard to the lack of women in scientific and technological fields, she said that while women were certainly underrepresented, lack of interest in science and technology was a general problem, as evidenced by the shortage of maths and science teachers.

27. **Mr. D'Almeida** (Togo), with regard to the issue of redress before the courts for cases of gender discrimination, said in the Togolese justice system all courts had jurisdiction to hear administrative, civil or criminal matters. The Court of Appeal and Supreme Court did, however, have special chambers for administrative issues, and the administrative judges of the Supreme Court received special training in administrative law. The Court of Appeal was responsible for claims relating to violations of the rights of civil servants by the State. The process for administrative claims was, however, very slow and there was a significant backlog. Priority No. 6 of the justice system modernization programme for 2005-2010 was the gradual creation of specific administrative jurisdictions which would be responsible for administrative claims, including those involving gender discrimination. Article 19 of the Constitution would, however, need to be amended as part of that process.

28. Modernization of the justice system would also entail the establishment of labour tribunals to deal with labour issues, including in the civil service and in rural areas. Currently only one labour tribunal existed in the capital, Lomé. There were no laws dealing with sexual harassment but the modernization of the justice system would include provisions to deal with that problem.

29. **Ms. Akakpo** (Togo) added that, in collaboration with civil society, efforts were being made to increase awareness of the issue of sexual harassment in the schools and in the workplace. There was also movement to improve women's access to land ownership, capital and employment. While a difficult process, there had been positive results and women had increased access to credits for economic activities and the new Family Code gave women the right to inherit land and to undertake revenue-producing activities. Collaborative efforts were under way with the Togolese Development Bank to promote women's role in the economy.

Article 12

30. **Ms. Khan** pointed out that, while the report reflected progress with respect to the health of Togolese women, Togo's maternal mortality and fertility rates remained among the highest in the world. She enquired whether the Government had a specific action plan aimed at addressing those issues within a specific time frame, particularly in order to meet the related target and goal under the Millennium Development Goals. The report indicated that Togo had a law banning child marriage but did not say how it was implemented. She would welcome more information on the mechanisms for preventing under-age marriage, which led to early pregnancy, an acknowledged risk factor for maternal mortality. She would also like to know what the contraceptive prevalence rate was and whether Togolese women, particularly rural women, had ready access to affordable contraceptive methods. In addition, she wondered whether the delegation could provide any information on the extent to which abortion was being used as a family planning method, something which often occurred in areas where affordable family planning methods were not available.

31. Regarding HIV/AIDS, the report indicated that the infection rate was higher among women than among men. She wondered what accounted for that difference. The report also outlined the actions that were being taken to address the pandemic, but none of them seemed specifically targeted to women. She would like to have further information on the measures and strategies being employed to address women's particular vulnerabilities with respect to HIV/AIDS. Lastly, she wished to know what percentage of the total

health budget was allocated specifically to population activities and to primary health care.

32. **Ms. Dairiam**, noting that the report acknowledged the prevalence of adolescent pregnancy and its contribution to high maternal mortality, asked whether the Government had a comprehensive plan to address adolescent health issues, including systematic and organized counselling on reproductive health for adolescent girls and programmes for the prevention of HIV infection and other sexually transmitted diseases among young people. She would also like to know what kind of assistance Togo was seeking from international agencies to conduct such programmes.

33. **Ms. Pimentel** observed that the Government's response to the request by the Committee for additional information on women's health indicators (CEDAW/C/TGO/Q/1-5, question 21) highlighted the risks associated with unwanted pregnancy. It also cited unsafe abortion as a factor that aggravated maternal mortality. She would be grateful for more details on the activities being carried out under the health development plan for 2002-2006 to reduce maternal mortality caused specifically by unsafe abortion. She would also like more information on the measures and strategies being employed to increase access to contraceptive methods for both women and men in both urban and rural areas.

34. The report indicated that Togolese law protected adolescent girls from early pregnancy by prescribing fines and/or imprisonment for men who impregnated schoolgirls or girls attending training institutions. She wondered what legal protections were available to girls who were not in school. Noting that the new draft health code permitted only therapeutic abortion, she asked whether the Government and the Parliament of Togo would be open to extending the number of reasons that could justify the interruption of pregnancy.

35. **Ms. Sokpoh-Diallo** (Togo) said that the reason for the higher prevalence of HIV/AIDS among women was purely medical: women frequently suffered microtrauma and infections that weakened the barrier provided by the vaginal mucus membranes, which made them more susceptible to HIV infection. That was true not only of Togolese women but of all women. With respect to the Committee's questions on abortion, access to contraception and other women's health issues, she pointed out that, for the first time in its history, Togo now had a health code, which would

improve women's access to health services and enhance the quality of those services. In addition, a draft law currently under consideration would afford protection to people living with HIV/AIDS, especially women. That law would help address many of the problems associated with AIDS among women.

36. Numerous factors contributed to the high rate of maternal mortality. A particular problem was access to antenatal and obstetric care for rural women, who often lived very far from health-care facilities and had no means of transport. Consequently, 40 per cent of women in Togo gave birth without medical assistance. That was not because they were unaware of its importance; the Ministry of Health had devoted considerable effort to sensitizing women to the need for antenatal care and skilled attendance at birth, and Togolese women had shown great willingness to avail themselves of those services. However, health service coverage was still insufficient. She wished to assure the Committee that the Government was keenly aware of the problem and was taking steps to remedy it. Again, the adoption of the new health code would, she believed, increase access to services, which in turn would help bring about a progressive reduction in the maternal death rate.

37. With respect to the availability of contraceptives, Togo had made great progress. Eighty per cent of health centres in Togo now offered family planning services and 15 per cent of those centres were open seven days a week.

38. **Mr. D'Almeida** (Togo), responding to the question on legal protections against early pregnancy for girls not enrolled in school, said that the prohibition of non-therapeutic abortion under the new health code was one way of protecting young women. He noted that therapeutic abortion was, however, permitted.

39. **Ms. Sokpoh-Diallo** (Togo) said she wished to clarify that, under the new health code, only therapeutic abortion was allowed. Hence, women could not legally have an abortion unless there were medical reasons for it.

Article 14

40. **Ms. Tan** asked what progress was being made to put in place the necessary infrastructure, particularly water supply infrastructure, to ease the domestic burden of rural women and to fulfil Togo's obligation under the Convention to ensure that they enjoyed

adequate living conditions. Specifically, what measures were being taken to overcome the problems associated with lack of access to drinking water in rural areas mentioned in the report (CEDAW/C/TGO/1-5, p. 119)?

41. With respect to land ownership, the report indicated that there were numerous obstacles to the advancement of women under customary law, particularly in relation to inheritance (*ibid.*, p. 43). She wondered what the Government was doing to abolish social and customary practices that compromised women's right to inherit and own land. She would also like to know how the Government intended to follow up on whatever initiatives might be under way in that regard in order to bring about a sea change in discriminatory attitudes and ensure that women and men were treated equally in terms of the right to acquire land.

42. **Ms. Zou** noted that the delegation had indicated that an education campaign had been carried out to inform women in Togo about their rights and entitlements in relation to domestic violence. She would like to know what specific measures had been taken during that campaign and what its impact had been. For example, were more women now coming forward to report cases of abuse?

43. The report mentioned that the Convention remained little known and even less implemented in rural areas. She wondered how the State party was planning to address that problem. For example, was the Government planning to carry out an education campaign on the Convention specifically targeting rural populations?

44. She was pleased to see that Togo had made the elimination of poverty a top priority and would be interested in hearing details about specific projects and plans to combat poverty in rural areas. She would also like to know whether the Government had data on how many women had benefited from the poverty elimination plans and projects carried out to date, and how many had been lifted out of poverty as a result.

45. **Ms. Simms** welcomed Togo's efforts to improve rural women's access to the justice system and to credit. The efforts to increase access to water in rural areas were also commendable. However, 59 per cent of rural women in Togo still had no formal education and 72 per cent were illiterate. They were also very restricted by traditional customs that affected both their physical and psychological health. She wondered

whether Ms. Sokpoh-Diallo, in her capacity as the Minister responsible for those issues, was able to have input into the national budget in order to ensure that initiatives to address them were well resourced. She was fully aware that Togo faced economic constraints, but if the Committee was to see any real difference in the lives of Togolese women during the next reporting period, women's issues had to become priorities in terms of resources.

46. **Ms. Schöpp-Schilling** hoped that Togo's next report would present a more concrete picture of the results of all the efforts undertaken to improve the lives of rural women, including hard facts and data on how many women had been reached by the various initiatives and what their impact had been. Regarding the improvement of infrastructure in rural areas, she asked to what extent the Government was negotiating with bilateral and international donors to apply modern technology, which had the potential to ease the domestic burden of rural women considerably. The use of solar energy, for example, could largely eliminate the need for rural women to gather firewood. As to the high rate of illiteracy among rural women, she wondered whether any thought had been given to developing a new format for educational programmes and campaigns that would be better suited to the situation of those women and to the time constraints they faced because of their heavy domestic burden.

47. With regard to political representation and participation by rural women, she noted that one third of the decision-making positions within the grass-roots development committees mentioned in the report had to be held by women. She would like to know whether the same was true of the local health management committees and agricultural producers' associations and whether the women involved in those leadership positions were becoming role models for other rural women. Finally, she asked whether the reporting State had a strategy designed to engage male village chiefs in the process of advancing women's rights and in changing attitudes towards women at the village level.

48. **Ms. Patten** noted that poverty, in terms of the absence of economic opportunities and the lack of access to economic resources, placed women in situations where they were most vulnerable to sexual exploitation. She wished to know whether Togo had a ministry for rural development, with responsibility for specific economic, social or agricultural policies in support of rural women, especially female-headed

households. Were there anti-poverty programmes in place, directed towards women with special needs, such as those living in rural areas, women with disabilities or older women?

49. Noting that Togolese women had been described as being very entrepreneurial, she wondered what marketing support was being given to rural women, how their microenterprises and small businesses were being promoted and strengthened, what technical assistance was available to them in terms of advisory services, and whether training was provided. Recalling that fewer than 1 per cent of rural women held administrative posts, she asked what measures were envisaged to facilitate their transition from informal to formal employment.

50. **The Chairperson**, speaking in her capacity as an expert, and recalling that the Group of Eight had recently annulled the debts of a number of least developed countries, asked whether Togo was one of them, and, if so, what percentage of the cancelled debt had been directed by the Government towards uplifting the women of Togo, whether through development programmes or through improvement of infrastructure.

51. **Ms. Sokpoh-Diallo** (Togo) replied that most of the questions had already been answered. For example, in response to the question on access to water, she had already explained that the Government included a minister with specific responsibility for water supply to the villages, who had prepared a plan under which all Togolese would have access to drinking water by 2025.

52. On the question of the rights of women to land ownership, she recalled that in the new Personal and Family Code all discriminatory provisions had been eliminated, with the result that women had the same right to land ownership as men. On the issue of raising women's awareness of their rights, much information had already been given. The Government was aware that more needed to be done, but it had conducted awareness-raising campaigns, had worked through the media, and had engaged legal specialists to explain to rural women their rights. In collaboration with the United Nations Population Fund, in the second quarter of 2006 the Government intended to publicize the relevant laws even more energetically to make women more thoroughly aware of their rights. With regard to the impact of the awareness-raising campaign, only very limited amounts of statistical data were currently

available, but efforts would be made to gather such data in the future.

53. The question about family violence had already been answered by Mr. D'Almeida. The question as to what the Government was doing to reduce poverty had also already been thoroughly discussed. The Government recognized that to some extent it had suffered a setback in its efforts to improve the lot of rural women, as the loans granted to women had not been fully suitable to their purpose. Now a new bank was in existence, the Regional Solidarity Bank, which would provide more resources to rural women. On Rural Women's Day, 15 October, representatives of the Government throughout the country had urged the creation of women's networks, which could make joint applications for credit. Some such applications had already reached the head of the Regional Solidarity Bank.

54. In response to the question on illiteracy put by Ms. Simms, she recalled that the Government had recently approved literacy teaching materials both in the indigenous language and in French, and had started a major literacy programme covering 5,000 women in the northern part of the country. The Government recognized that its literacy policy was not yet fully adequate and had set in motion the preparation of a literacy action plan. It was also intended to seek relevant technical support from other French-speaking countries.

55. Recalling what Ms. Simms had said about traditional customs, she explained that such customs now had very little impact in Togo, particularly by comparison with other countries. There were only a few pockets of resistance in which traditional customs, such as forced marriage, still held sway. Indeed, a visit to the rural parts of the country would reveal an astonishing level of awareness on the part of women and a determination in them to improve their situation. It was the women themselves who had called on the Government to provide maternal health facilities, and schools, and support for their efforts to increase production.

56. She had already described the gender focal points that had been established in every ministerial department, and had spoken of the workshop held to create a legal and institutional framework for those focal points. The gender aspect was being taken into account in all sectors having to do with the

development of Togo. With reference to the question about the Ministry of Rural Development, she clarified that that had been the original title of the current Ministry of Agriculture, Livestock Production and Fisheries.

57. **Mr. Menan** (Togo) clarified that Togo was not one of the 18 countries whose debt had been forgiven following the Gleneagles meeting of the Group of Eight.

Article 15

58. **Ms. Tan** said that, while it was gratifying to hear for the first time that customary law was no longer very much adhered to in Togo, the report appeared to indicate that the inheritance rights of widows were indeed seriously compromised by customary law. Where such law was applied, it often barred a woman from inheriting land and frequently prevented her from having any share in her late husband's estate, with his property being deemed to belong to his original family. According to the report, a woman could be the beneficiary of a modern system of inheritance only if her husband expressly renounced the customary form. That provision was in itself discriminatory, since it gave the husband the right to choose the inheritance regime to be applied, and it consequently was in contravention of the Convention and in conflict with general recommendation No. 23. She wished to know whether the proposed reform of the Personal and Family Code would correct that inequality between spouses.

59. Noting that the report also stated that a woman who refused to submit to widowhood rites on the ground that they were physically dangerous or offensive could not be held to have committed a breach of decorum sufficient to warrant her exclusion from her late husband's succession (p. 129), she asked whether that prohibition could be enforced effectively in Togo, where widowhood rites were still observed regularly. If not, what were the State party's plans to remove any impediments that allowed widowhood rites to jeopardize the inheritance rights of widows?

60. **Ms. Sokpoh-Diallo** (Togo) replied that, since the report had been written, much progress had been made. Women had taken the initiative, refusing to observe widowhood rites even before the Government had reformed the Code. Many women now even refused to wear black or else removed it immediately after the

burial. The revision of the Personal and Family Code had eliminated 24 discriminatory articles, covering widowhood, inheritance, the choice of the family domicile, and so on.

Article 16

61. **Ms. Gaspard**, noting that many years had passed since Togo's ratification of the Convention, asked whether there was a timetable for parliamentary review of the reform of the Personal and Family Code. In any event, even the revised Code would not be in conformity with article 16 of the Convention, as it maintained the legality of polygamy. She wished to know whether the Government was undertaking campaigns to discourage polygamy, since as the report itself stated, the idea of equal treatment between wives in a polygamous marriage was probably seldom attained.

62. *Ms. Pimentel took the Chair.*

63. **Ms. Coker-Appiah** expressed concern at the long delay in the revision of the Personal and Family Code. With regard to polygamy, and given that the State party's report had acknowledged that Togolese women were largely ignorant of their rights, she asked what the Government was doing to ensure that women knew about the proposed amendment to the Code that would allow spouses to accept monogamy or polygamy when they first contracted marriage.

64. Noting that according to the revised Code, the minimum age for marriage could be reduced from 18 to 16 under special circumstances, for example in the case of pregnancy, she pointed out that marriage at such a young age would mean the end of schooling for a girl and would rob her of the chance to improve the conditions of her life in the future. She suggested that the inclusion of that provision should be reconsidered, especially since the report itself stated that one of the reasons for the high educational dropout rate was pregnancy and that early childbirth was a factor in the high maternal mortality rate.

65. *Ms. Manalo resumed the Chair.*

66. **Ms. Belmihoub-Zerdani**, noting that the revised Personal and Family Code had not yet been adopted by Parliament, asked whether it excluded all practices that in the past had been regulated by customary law or religious law, and what exactly was meant by religious law. She believed that increasing the age of marriage to

20 for women would do much to reduce the high birth rate in Togo. Lastly, recalling the commitment by the developed countries to devote 0.7 per cent of their GDP to development assistance, she stressed that a poor country like Togo was fully entitled to claim what was due to it.

67. **Ms. Sokpoh-Diallo** (Togo) clarified that polygamy was so thoroughly rooted in Togolese society that it could only be eliminated gradually. She pointed out that even in developed countries illegal polygamy existed, with married men having a second family separate from their official household. Although the Government was not yet in a position to launch a campaign against polygamy, the revised Personal and Family Code did state that the preferred form of marriage was monogamy.

68. **Mr. Tchagnao** (Togo) clarified that, while the age for marriage had formerly been 20 for men and 17 for women, when Togo had ratified the Convention on the Rights of the Child the age had been harmonized at 18 for both sexes. Marriage could be contracted at the age of 16 only under exceptional circumstances, with express authorization by a judge. Describing other discriminatory provisions that had been eliminated from the Code, he noted that whereas in the former version the man had been described as the head of the family, in the revised version husband and wife were joint heads of the family. Similarly, in the revised version, husband and wife chose the family domicile by mutual agreement, and a woman no longer needed the authorization of her husband in order to undertake revenue-generating activities. With regard to inheritance rights of widows, the revised version of the Code no longer stated that the provisions of customary law would pertain unless the husband specifically renounced them.

69. Describing the consultative process that had been adopted for drafting the proposed revisions to the Code, he noted that even the former version of the Code had granted equal inheritance rights to men and women; the difficulty lay in enforcing that provision, in the face of the resistance of customary law. The strategy adopted had been to bring together a critical mass of persons within civil society who had modern and egalitarian views of women's rights. When some aspect of women's rights was infringed, that critical mass of like-minded people would move the issue before the courts and ensure that the right was enforced.

70. With regard to the timetable, he explained that, as part of the process of modernization of the justice system, a commission would be set up in the first quarter of 2006 to harmonize the provisions of several codes currently being revised, including the Personal and Family Code. It was probable that they would all be adopted by the National Assembly by the end of the year.

71. **The Chairperson**, speaking in her personal capacity, welcomed the steps taken by the Government of Togo to eliminate discrimination against women, notably the adoption of the Personal and Family Code. She commended the Government for taking into consideration the provisions of the Convention in drafting and reviewing the Code and other laws and regulations. The measures aimed at protecting women from all kinds of violence were especially welcome. She encouraged the Government to bear in mind the Committee's general recommendation No. 19 in reviewing those measures. The draft children's code was another important piece of legislation, and she urged the State party to put it into effect as soon as possible.

72. She would also appeal to the Government of Togo to ensure that the provisions of the Convention were fully integrated into domestic law. In regard to article 5 of the Convention, despite the measures taken to address discrimination against women and girls, discriminatory stereotypes and practices continued to exist in various areas of the law — notably with respect to women's inheritance rights — and in the social realm women remained subordinate to men. She encouraged the members of the delegation to do all in their power to ensure that the Government continued to take measures to eliminate all forms of discrimination against women. She urged them also to work with the media and with NGOs and civil society organizations to increase women's awareness of their rights.

73. The participation of women in decision-making in Togo seemed to be very low, as evidenced by the figures presented in the report on numbers and proportions of women in leadership positions. She recommended that the Government should take special measures in that regard. She would also suggest that the Government should take into consideration the views expressed by the various experts in the course of the present dialogue concerning the adoption of a quota system in Togo.

74. The delegation had stated that Togo was no longer influenced by customs, yet it was clear from the report that one of the difficulties for implementing positive law arose from the fact that customary law was still very much in effect. The delegation itself had cited a clear example in relation to polygamy and the difficulty of eradicating it from customary practice. She hoped that, in its next report, the Government would be able to show the Committee more concrete measures that were really helping to enforce positive law and protect the human rights of Togolese women.

75. It appeared from the report that, apart from the United Nations Development Programme, no United Nations subsidiary organs or specialized agencies were providing assistance in relation to the advancement of women in Togo. There was much to be gained by increasing and intensifying relations in that area both with the United Nations system and with bilateral and regional development cooperation agencies. The United Nations Development Fund for Women (UNIFEM), in particular, could be a valuable source of support for Togo.

76. On behalf of the Committee, she thanked the delegation for a constructive and forthright dialogue. The Committee would look forward to Togo's next report, which it hoped would provide more statistics and disaggregated data.

77. **Ms. Sokpoh-Diallo** (Togo) thanked the members of the Committee for their questions, which her delegation had found relevant and enriching. She assured the Committee that the delegation would inform the Prime Minister and other members of the Government of the Committee's comments and recommendations and that Togo would continue striving to improve its implementation of the Convention.

The meeting rose at 5.45 p.m.