

International Disability Alliance (IDA)

Member Organisations:

Disabled Peoples' International, Down Syndrome International, Inclusion International,
International Federation of Hard of Hearing People,
World Blind Union, World Federation of the Deaf,
World Federation of the DeafBlind,
World Network of Users and Survivors of Psychiatry,
Arab Organization of Disabled People, European Disability Forum,
Red Latinoamericana de Organizaciones no Gubernamentales de Personas con
Discapacidad y sus familias (RIADIS), Pacific Disability Forum

Suggestions for disability-relevant recommendations to be included in the Concluding Observations Human Rights Committee 101st Session (14 March – 1 April 2011)

The International Disability Alliance (IDA) has prepared the following suggestions for the Concluding Observations, based on references to persons with disabilities to be found in the State Report.

TOGO

Togo has signed but not ratified the CRPD nor its Optional Protocol.

State Report

Select references to persons with disabilities in the State report:

51. In accordance with article 11 of the Togolese Constitution, the Children's Code states in article 5 that "discrimination based on race, ethnic origin, colour, sex, language, political or other opinions, national or social origin, wealth, birth, **disability**, state of health or any other status shall be prohibited ". This general rule, as stated, is taken into account in all matters, particularly concerning the age of marriage and the child's nationality.

62. The status of women is not only officially recognized by the Constitution of 14 October 1992 but also governed by legislative and regulatory texts that are constantly aimed at the promotion and protection of women's rights. These include:

- Act No. 2006-010 of 13 December 2006 containing the Labour Code;
- Act No. 2007-005 of 10 January 2007 on reproductive health;
- Act No. 2004-005 of 23 April 2004 on the social protection of **disabled persons**
- Act No. 2005-010 of 14 December 2005 on the protection of persons with regard to HIV/AIDS
- Act No. 98-16 of 17 November 1998 prohibiting female genital mutilation;
- Act No. 2007-017 of 6 July 2007 containing the Children's Code.

328. The Children's Code prohibits any discrimination based on race, ethnicity, colour, sex, language, religion, political or other opinions, national and social origin, wealth, birth, **disability**, state of health or any other status (art.5).

Recommendations from IDA :

- To take measures to ensure the elimination of discrimination of persons with disabilities in the field of employment, both in private and public sectors, and to ensure

that workers with disabilities in all forms of employment, including sheltered employment, enjoy rights under fair wage and labour laws on an equal basis with other workers.

- To take steps to ensure that the concept of reasonable accommodation is recognised in the law and that failure to provide reasonable accommodation amounts to discrimination.
- To adopt measures to ensure that all health care and services, provided to persons with disabilities, including all mental health care and services, are based on the free and informed consent of the individual concerned, and that involuntary treatment and confinement are not permitted by law in accordance with the CRPD.
- To incorporate into the law the abolition of violent and discriminatory practices against children and adults with disabilities in the medical setting, including deprivation of liberty, the use of restraint and the enforced administration of intrusive and irreversible treatments such as neuroleptic drugs and electroshock, recognized as forms of torture and ill-treatment, in conformity with recommendations of the Special Rapporteur on Torture.
- To ensure reform of the law in accordance with the principles and provisions of the Convention on the Rights of Persons with Disabilities, in particular Article 12 of the CRPD on equal recognition before the law; including the adoption of measures to ensure that having a disability does not directly or indirectly disqualify any person from exercising his or her legal capacity autonomously, and to ensure that persons with disabilities have access to support that they may need to exercise legal capacity on an equal basis with others, respecting the will and preferences of the person concerned.
- To guarantee in the law that persons with disabilities exercise their right to vote and to participate in public affairs on an equal basis with others in accordance with Article 29 of the CRPD which comprises the latest international standards with respect to participation in political and public life (and superseding former instruments, including General Comment no 25 of the Human Rights Committee).