



**Convention on the Rights  
of Persons with Disabilities**

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**Committee on the Rights of Persons with Disabilities**

**Initial report submitted by Togo under article 35  
of the Convention, due in 2013\***

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## Introduction

1. Togo became a party to the Convention on the Rights of Persons with Disabilities on 1 March 2011. Pursuant to article 35 of the Convention, each State party is required to submit to the Committee on the Rights of Persons with Disabilities a comprehensive report on measures taken to give effect to its obligations under the Convention and on the progress made in that regard, within two years after the entry into force of the Convention for the State party concerned.
2. Difficulties related to data collection have prevented Togo from honouring that commitment within the prescribed time limit.
3. The present report, which was drafted in accordance with the harmonized guidelines on reporting to the treaty bodies, contains information on the implementation of the Convention in Togo and on the country's policies, programmes, legislation and regulations for the promotion and protection of the rights of persons with disabilities. While acknowledging the challenges facing the country, the report also highlights the difficulties encountered and the shortcomings identified in giving effect to the provisions of the Convention and the strategies currently in place or under way to bridge the existing gaps.
4. Part 1 of the report contains background information on Togo, part 2 provides an overview of the general framework for the protection of human rights and part 3 outlines the legislative, administrative and other measures taken to give effect to the Convention.

## Part 1 Background information on Togo

5. This section provides a brief overview of the geography, political and administrative organization and the economy of Togo.

### A. Geographical information

6. Located on the southern edge of West Africa, Togo has a surface area of 56,600 square kilometres and is bordered by Burkina Faso to the north, the Gulf of Guinea to the south, Benin to the east and Ghana to the west. It lies between 6° and 11° latitude north and 0° and 2° longitude, stretches 600 kilometres from south to north and varies in width from 50 kilometres on the coast to 150 kilometres between 7° and 8° latitude north. Its geographical location and deep-water port make it a major trade hub for countries in the subregion.
7. Togo is well known for the sheer diversity of its landscape, with a sandy coastline in the south, verdant valleys and small mountains in the centre, and arid plains and vast savannahs dotted with baobab trees in the north. It has a wide variety of landforms due to its low-lying but relatively contrasting geological composition. The most notable feature of this landscape is the Togo mountain range, the highest peak of which is Mont Agou at 986 metres. It forms part of the Atakora range that cuts across Togo from Benin in the north-east to Ghana in the south-west.
8. In general, Togo enjoys an intertropical climate due to its latitude, although weather conditions vary markedly between the southern and northern regions. The length of the Togolese territory heavily influences its climate, which is often described as the tropical Guinean climate in the south and the tropical Sudanese climate in the north. This hot and humid climate is a breeding ground for vectors of disease and is partly responsible for the national epidemiological profile, which is dominated by infectious and parasitic diseases.
9. The Togolese river system comprises the following three main basins:
  - The Volta basin in the north, which is drained by the Oti – including its tributaries Kéran, Koumongou and Kara – Sansargou and Mô rivers;

- The Mono basin in the centre and south-east, with the River Mono and its tributaries Anié, Amou and Ogou;
- The Lake Togo basin in the south, with the coastal Zio and Haho rivers.

## **B. Political and administrative information**

10. The current political and administrative organization of Togo is a legacy of its colonial past. Following German colonization, Togo lived under British rule and under French mandate. Having been a German protectorate since 1884, Togo was split into two territories after the Peace Treaty of Versailles, and placed under a League of Nations mandate, then under the trusteeship of the United Nations, which entrusted it to Great Britain and France. In 1956, British Togoland (33,800 km<sup>2</sup>) was attached to the Gold Coast, which became the independent State of Ghana. The remaining 56,600 km<sup>2</sup> of territory gained independence in 1960 and became the Togolese Republic.

11. Since 1960, Togo has had four republics. The first republic was established on 14 November 1960 with a presidential system of government, the second on 11 May 1963 with a semi-presidential system, and the third on 9 January 1980 with a presidential system. The fourth, and most recent, came into existence on 14 October 1992 with a semi-presidential system and a multiparty National Assembly.

12. The democratization process that began in Togo in the 1990s was disrupted by unrest, triggering a sociopolitical crisis that came to a head in April 2005 during the presidential elections. One consequence of the sociopolitical situation was the suspension of aid provided by the country's traditional partners, such as the European Union, the International Monetary Fund and the World Bank, between 1993 and 2008.

13. To end the deadlock, the Togolese Government put in place a series of measures to improve democratic governance. These measures have helped to strengthen social cohesion and to create a favourable political and social climate for the implementation of development policies. In addition, they led to the resumption of international cooperation in 2008; the opening of new diplomatic missions, namely of Japan, India, Kuwait and Switzerland; and the strengthening of former Togolese missions abroad.

14. At the administrative level, the country is divided into five administrative regions, which are further split into 35 prefectures, and the municipality of Lomé, which is subdivided into five districts. The five administrative regions are, from south to north, the Maritime, Plateaux, Centrale, Kara and Savanes regions. The prefectures are divided into cantons, and the cantons into villages. For several years, the Togolese Government has shown its determination to move towards genuine and effective decentralization, including by drafting and implementing the National Programme to Consolidate Decentralization.

## **C. Economic and social information**

15. The national economic context has been marked by continuous efforts to maintain macroeconomic stability and improve the business environment. Despite the impact of the global recession, the Government's efforts have seen an increase in economic growth over the past few years, owing to favourable climatic conditions and the results of government policies, such as support for agriculture and increased public investment expenditure.

16. This economic recovery has been characterized by a growth in real gross domestic product (GDP), from 4.0 per cent in 2010 to 4.8 per cent in 2011 and 5.9 per cent in 2012. An analysis of the different sectors contributing to real GDP reveals that, until 2011, the primary sector remained dominant with an average share of 36.8 per cent, followed by the tertiary market sector with 26 per cent and the secondary sector with 17.4 per cent. In addition, agriculture stands out as the sector with the greatest potential for accelerating growth, ensuring food security, creating jobs, increasing the income levels of the poor and contributing to the balance of trade and the development of agro-industry.

17. The economic situation has also been characterized by lower inflation, with an inflation rate of 2.5 per cent in 2012 and 3.6 per cent in 2011, down from 8.7 per cent in 2008.

18. The overall economic performance shows that the macroeconomic framework in Togo has somewhat stabilized, with a significant decrease in external debt and a notable improvement in budgetary revenues and control of public expenditure. However, the overall rate of investment – although increasing – is still relatively low for stimulating strong growth. The chronic underspending of budgetary appropriations appears to be a serious obstacle to ensuring the full implementation of public policies and maximizing their impact.

19. Notwithstanding the encouraging macroeconomic performance of the past several years, this renewed growth remains weak owing to its sources, lack of pace and low job creation. There are also structural barriers in the form of low total factor productivity, high production costs, a lack of economic diversification and an underdeveloped process of industrialization, which reflects a weak private sector and limited market opportunities.

20. The population of Togo is growing rapidly. The total number of inhabitants increased from 2,719,567 in 1981 to 6,191,155 in 2010, making for an average annual growth rate of 2.84 per cent – equivalent to a doubling of the population every 25 years. Women constitute the majority of the population, at 51.4 per cent, which is also characterized by its extreme youth. Persons with disabilities represent 1.6 per cent of this population. Under-15s account for 42 per cent and under-25s for 61 per cent of the total population, while persons aged 60 years and over represent just 5.5 per cent and under-5s account for 15 per cent (general population and housing census, 2010).

21. The Togolese population is largely rural (62 per cent of the total). However, there is seen to be a trend towards rapid urbanization, fuelled by a massive rural exodus of people migrating from the countryside to the cities – and abroad – in pursuit of economic opportunities. Urbanization has mainly benefited the city of Lomé, where 23.9 per cent of the country's population lives. The phenomenon is relatively uncontrolled and lacks supportive measures in terms of urban management and the environment; consequently, there are serious problems with regard to access to housing and basic social infrastructure and amenities.

22. At the cultural level, Togo is a cosmopolitan country and a mosaic of ethnic groups with highly diverse customs and traditions. There are around 40 ethnic groups, structured around five main groups on the basis of shared similarities, namely: the Adja-Ewé-Mina, Kabyè/Tem, Akposso-Akébou, Ana-Ifè and Para-Gourma/Akan. Of these, three large ethnic groups – the Adja-Ewé-Mina, Kabyè/Tem and Para-Gourma/Akan – account for almost 80 per cent of the Togolese population.

## **Part 2**

### **Legal and institutional framework for the protection and promotion of human rights**

#### **A. Legal framework**

23. The legal framework for the protection of human rights is based on the principle of the rule of law. The sources of law in Togo are the Constitution of 14 October 1992, duly ratified international instruments and laws, regulations and custom.

24. The procedures for exercising the various rights enunciated in the Constitution are established through a series of laws passed by the National Assembly and decrees issued by the Government. The most important pieces of legislation include:

- Organic Act No. 96-10 of 21 August 1996, amended by Organic Act No. 2004-021 of 15 December 2004 relating to the Audiovisual Media and Communications Authority, amended by Organic Act No. 2009-029 of 22 December 2009, amended by Organic Act No. 2013-016 of 8 July 2013;

- Organic Act No. 2003-021 of 9 December 2003 establishing the powers of the Office of the Ombudsman and its composition, organization and functioning;
  - Organic Act No. 2004-015 of 27 August 2004, amending Act No. 2002-026 of 25 September 2002, amending Act No. 2000-06 of 23 February 2003, amending Act No. 98-004 of 11 February 1998 on the Press and Broadcasting Code;
  - Act No. 2004-005 of 23 April 2004 on the social protection of persons with disabilities, currently being revised;
  - Organic Act No. 2005-004 of 9 February 2005 amending and supplementing Organic Act No. 96-12 of 11 December 1996 on the composition, organization and functioning of the National Human Rights Commission;
  - Act No. 2006-010 of 13 December 2006 on the Labour Code;
  - Act No. 2007-017 of 6 July 2007 on the Children's Code;
  - Act No. 2008-005 of 30 May 2008 on the framework law on the environment;
  - Act No. 2008-009 of 19 June 2008 on the Forestry Code;
  - Act No. 2009-007 of 15 May 2009 on the Public Health Code;
  - Act No. 003-2011 establishing a health insurance scheme for State officials;
  - Act No. 2009-010 of 11 June 2009 on the organization of the civil registry system;
  - Act No. 2010-018 of 31 December 2010 amending Act No. 2005-012 of 14 December 2005, the HIV/AIDS Protection Act;
  - Act No. 2011-006 of 21 February 2011 on the Social Security Code;
  - Act No. 2011-010 of 16 May 2011 establishing the conditions for the exercise of the right to freedom of peaceful assembly;
  - Act No. 2012-014 of 6 July 2012 on the Individuals and Family Code, amended by Act No. 2014-019 of 17 November 2014;
  - Act No. 2013-002 of 21 January 2013 on the General Civil Service Regulations;
  - Act No. 2013-010 of 27 May 2013 on legal aid;
  - Act on the new Criminal Code;
  - Act No. 83-1 of 3 March 1983 establishing the Code of Criminal Procedure;
  - Act No. 2009-001 of 6 January 2009 on biosafety;
  - Act No. 2010-004 of 14 June 2010 on the Water Code;
  - Act No. 2010-006 of 18 June 2010 on the organization of public services for drinking water supply and community sanitation services to treat domestic sewage;
  - Act No. 2009-011 of 24 June 2009 abolishing the death penalty.
25. Togo has ratified or acceded to the following conventions:
- International Covenant on Civil and Political Rights, on 24 May 1984;
  - International Covenant on Economic, Social and Cultural Rights, on 24 May 1984;
  - Convention on the Rights of the Child, on 1 August 1990;
  - Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, on 2 July 2004;
  - Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, on 14 November 2008;
  - Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption, on 14 November 2010;

- Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, on 28 November 2005;
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, on 18 November 1987, and its Optional Protocol, on 20 July 2010;
- Convention on the Rights of Persons with Disabilities, on 1 March 2011;
- Convention on the Elimination of All Forms of Discrimination against Women, on 26 September 1983;
- International Convention for the Protection of All Persons from Enforced Disappearance, on 21 July 2014.

26. These different texts provide for the legal protection of citizens and enable them to demand that their rights are respected.

27. Article 50 of the Togolese Constitution of 14 October 1992 states that “the rights and duties enshrined in the Universal Declaration of Human Rights and in the international human rights instruments ratified by Togo shall be an integral part of this Constitution”.

## **B. Institutional framework**

28. The institutional framework is composed of the executive, legislative and judicial branches of power as well as regulatory institutions and the system of checks and balances.

### **Executive branch**

29. The Constitution of 1992 entrusted the executive branch of power to the following institutions:

- The President of the Republic, as Head of State, who is elected by direct universal suffrage in a single round of voting and is granted specific powers by the Constitution (arts. 59 and 60);
- The Prime Minister, as Head of Government, who is appointed by the President to lead and coordinate the Government’s activities (art. 78).

### **Legislative branch**

30. The legislature enacts laws and monitors the Government’s activities. The Senate (Constitution, art. 52 (6)) is currently suspended and its powers are temporarily being exercised by the National Assembly.

31. The parliament is composed of the National Assembly and the Senate (art. 51), although the Senate is not yet operational. The National Assembly is made up of 91 members, who are elected by direct universal suffrage for a five-year term, representing six political parties – Union pour la République (UNIR), Alliance Nationale pour le Changement (ANC), Union des Forces du Changement (UFC), Comité d’Action pour le Renouveau (CAR), Alliance pour la Démocratie et le Développement Intégral (ADDI), and Sursaut Togo – and independents.

### **Judicial branch**

32. Article 1 of the Constitution establishes the principle of the rule of law. Justice is administered on behalf of the people by the courts and tribunals. It also sets forth the principles of a fair trial, including the right to a public hearing, the rights of the defence and the obligation to give reasons for decisions.

33. Responding to the need for speedy justice, Togo has been modernizing its justice system and recruiting at least 20 judges and as many court registrars every year since 2005. To this end, a Justice Training Centre was established in 2010 to provide both initial and in-service training to professionals of the courts system.

34. The independence of the judiciary is guaranteed by the Constitution (art. 113) and enshrined in law by Organic Act No. 96-11 of 21 August 1996 on the special status of judges, amended by Act No. 2013-007 of 25 February 2013.

#### **The Constitutional Court**

35. Article 99 of the Constitution provides that “the Constitutional Court is the highest court of the State in constitutional matters. It rules on the constitutionality of legislation, upholds fundamental human rights and freedoms and regulates the operations of institutions and the activities of the public authorities”.

36. It announces the results of presidential and parliamentary elections and referendums, settling any disputes that may have arisen, and has very wide-ranging powers of ex ante and ex post control. Its organization and functioning are governed by Organic Act No. 2004-004 of 1 March 2004.

#### **The National Human Rights Commission**

37. The National Human Rights Commission, which was established by Act No. 87-09 of 9 June 1987 and recognized in the Constitution (art. 152) in 1992, was restructured pursuant to Organic Act No. 96-12 of 11 December 1996, as amended and supplemented by Organic Act No. 2005-004 of 9 February 2005 on the composition, organization and functioning of the National Human Rights Commission. It is an independent body with legal personality and is subject to the Constitution and the law. Its members benefit from immunity during, and for one year after, their term of office. The Commission is accredited with category A status by the Global Alliance of National Human Rights Institutions.

38. Its mission is to ensure the protection and defence of human rights; promote human rights by all possible means, including by examining and recommending to the authorities for adoption any proposed legislation related to human rights; issue opinions in the field of human rights; organize conferences and seminars on human rights; and investigate reported human rights violations. It produces annual reports on its activities and makes recommendations to the State.

39. In 2011, the Commission was appointed by the Government to undertake the functions of the national preventive mechanism for the prevention of torture and other cruel, inhuman or degrading treatment or punishment following ratification of the Optional Protocol to the Convention against Torture on 20 July 2010.

#### **The Audiovisual Media and Communications Authority**

40. The Audiovisual Media and Communications Authority is a constitutional body responsible for monitoring and safeguarding freedom of expression, opinion and the press. It was established by Organic Act No. 96-10 of 21 August 1996, which was amended and supplemented by Organic Act No. 2004-021 of 15 December 2004, amended by Organic Act No. 2009-029 of 22 December 2009, amended by Organic Act No. 2013-016 of 8 July 2013.

#### **The Office of the Ombudsman**

41. Established pursuant to article 154 of the Constitution, the Office of the Ombudsman is an independent administrative authority appointed by the President for a period of three years, with responsibility for investigating appeals and complaints from citizens concerning functional shortcomings in the State administration, local authorities, public bodies or any public agency, with a view to achieving an amicable settlement. The institution’s organization and functioning are governed by Organic Act No. 2003-021 of 9 December 2003.



## Part 3

### Measures taken at the national level to give effect to the rights enshrined in the Convention on the Rights of Persons with Disabilities

#### A. Background

##### Articles 1 to 4

##### General principles of the Convention

42. Togo's legal definition of persons with disabilities is contained in Act No. 2004-005 of 23 April 2004 on the social protection of persons with disabilities and Act No. 2009-007 of 15 May 2007 on the Public Health Code. Article 1 of Act No. 2004-005 of 23 April 2004 defines a person with disabilities as any person who, as a result of a congenital or acquired motor, sensory or mental impairment, is unable to ensure by himself or herself, wholly or partly, the necessities of a normal individual and/or social life and is prevented or limited in his or her opportunities to enjoy the same rights and meet the same obligations as other citizens of the same sex or age.

43. Act No. 2009-007 of 15 May 2007 on the Public Health Code incorporates the definition contained in the Convention.

44. Under Article 1 of the Convention, "persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments *which in interaction with various barriers* may hinder their full and effective participation in society on an equal basis with others".

45. The definition of persons with disabilities in Togolese legislation is not in line with the Convention on the Rights of Persons with Disabilities, which was adopted on 13 December 2006. After ratifying the Convention on 1 March 2011, Togo embarked on a process to revise the law on the social protection of persons with disabilities with the aim of aligning it with the Convention. A bill on protecting the rights of persons with disabilities is currently being drafted.

##### Definition of reasonable accommodation

46. Article 23 of Act No. 2004-005 of 23 April 2004 provides that roads, housing units and all facilities that are open to the public must be designed or adapted in a way that meets architectural standards, with a view to making them accessible to persons with disabilities, such as, for example, through the use of access ramps in certain public buildings (schools, hospitals, town halls and prefectures) and talking lifts.

47. Articles 10, 11, 28 and 33 of the 1992 Constitution contain provisions guaranteeing to persons with disabilities the rights set forth in articles 3 and 4 of the Convention:

- Article 10 provides that every individual has inalienable and imprescriptible rights, the safeguarding of which is the purpose of humankind;
- Article 11 states that all citizens are equal: "All human beings are equal in dignity and in rights. Men and women are equal before the law. No person shall be favoured or disadvantaged as a result of his or her family background, ethnic or regional origin, social or economic status, or political, religious, philosophical or other convictions.";
- Article 28 establishes that every citizen has the right to have his or her privacy, honour, dignity and image respected;
- Article 33 specifies that the State shall take, or cause to be taken, measures to protect persons with disabilities and older persons from social injustice.

48. Article 3 of Act No. 2006-010 of 13 December 2006 on the Labour Code states that: "Any form of direct or indirect discrimination in employment and occupation is prohibited. Discrimination means any distinction, exclusion or preference made on the basis of sex,

race, colour, religion, ethnicity, political or philosophical opinion, social background, legal status, national extraction, state of health or disability, which has the effect of reducing or impairing equality of opportunity or treatment in employment or occupation.”

49. Inclusive development is a major concern of the Government. The Togolese Federation of Associations of Persons with Disabilities – an umbrella organization of associations for the promotion and protection of the rights of persons with disabilities – is therefore consulted on the drafting, implementation and evaluation of legislation, policies and programmes intended to give effect to the Convention.

50. In 2014, with the technical and financial support of the Office of the United Nations High Commissioner for Human Rights and in cooperation with the Ministry of Social Action, Advancement of Women and Literacy, the Federation conducted a project to review the law on the social protection of persons with disabilities with the aim of aligning it with the Convention. A comparative study of the legal instruments adopted by Togo was also conducted to evaluate the extent to which children with disabilities are taken into account.

51. To foster the participation of persons with disabilities, in particular boys and girls, in decision-making processes that affect them, the National Children’s Advisory Council – a children’s organization involving children with disabilities themselves – was established. In addition to the role it plays in combating violence against children, the Council is often consulted on matters related to the protection of children and conducts advocacy with decision makers on various issues.

52. In addition, the general principles and obligations are taken into account in legislation, policies and strategies, including the:

- Act on the social protection of persons with disabilities, which is currently being revised;
- Act No. 2011-017 of 16 June 2011 establishing the Sport and Physical Activities Charter of Togo;
- Act No. 2007-017 of 6 July 2007 on the Children’s Code;
- National Rehabilitation Policy, adopted in 2005;
- National Sports Policy and its plan of action, adopted in 2012;
- Policy on recreation and its attendant plan of action, approved in 2013;
- National Strategy for the Protection and Promotion of Persons with Disabilities, adopted in 2013;
- National Policy for Social Action, approved in May 2014;
- Accelerated Growth and Employment Creation Strategy, adopted by the Government in August 2013 for the period 2013–2017.

## **B. Specific rights**

### **Article 5**

#### **Equality and non-discrimination**

53. The principles of equality and non-discrimination are enshrined in article 11 of the Togolese Constitution of 14 October 1992 in the following terms: “All human beings are equal in dignity and rights. Men and women are equal before the law. No one shall be favoured or disadvantaged by reason of family, ethnic or regional origin, economic or social status, or political, religious, philosophical or other convictions.”

54. The new Criminal Code of Togo defines and penalizes discrimination in general, including in respect of employment and occupation, education, HIV and gender. Article 304 of the new Criminal Code provides that “the term ‘discrimination’ shall mean any distinction, exclusion, restriction or preference based on sex, gender, disability, race, colour, descent or family, ethnic or regional origin, economic or social status, political, religious,

philosophical or other convictions, or HIV status, which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise of human rights and fundamental freedoms in the political, economic, social or cultural spheres or any other field of public life.”

55. Articles 305 et seq. of the Criminal Code provide for criminal liability for discrimination. Article 305 provides that “any discriminatory act is punished by 6 months’ to 2 years’ imprisonment and a fine of CFAF 500,000 to CFAF 2 million or either one of those penalties”.

56. Article 5 of the Children’s Code stipulates that “all children enjoy all the rights and freedoms recognized and guaranteed by the Code. 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 is prohibited”.

57. Act No. 2004-005 of 23 April 2004 on the social protection of persons with disabilities states, in article 6, that “Persons with disabilities shall enjoy, either personally or through a third party, the rights recognized to all citizens by the Constitution. No discrimination of any kind may be made in respect of a person with a disability other than for reasons relating exclusively to the nature of an activity and the disability of the person in question.”

## **Article 8**

### **Awareness-raising**

58. In order to increase awareness of the Convention on the Rights of Persons with Disabilities among different sectors of the population, the following action has been taken:

- Sensitization of 71,269 persons on the Day of the African Child in June 2012 in regard to “the rights of children with disabilities: the right to protect, respect, promote and fulfil” (Plan Togo);
- Sensitization of 46,194 persons on the Day of the African Child in 2013 in regard to traditional practices that harm children, including children with disabilities (Plan Togo);
- Training of 141 Ministry of Social Action, Advancement of Women and Literacy social workers in 2013 and 2014 on techniques for the care of persons with disabilities, disability and inclusive development, gender and community-based rehabilitation (Ministry and the Togolese Federation of Associations for Persons with Disabilities (FETAPH));
- Training of 1,632 teachers in 2010 on mental impairment and inclusive education and sign language (Ministry of Primary and Secondary Education, Handicap International and FETAPH);
- Training of 59 parents of children with disabilities in sign language in 2010 (Handicap International);
- Training of members of the Audiovisual Media and Communications Authority, the National Assembly and the judiciary on disabilities and the rights of persons with disabilities through FETAPH in 2014;
- Schooling of 800 children by the National Children’s Advisory Council and regional and prefectural committees for children on children’s rights and traditional practices harmful to children, including children with disabilities (Plan Togo);
- Radio debates led by specialists in education and non-governmental organizations (NGOs) (Regional Directorate of Education and Handicap International) on Radio Kara in 2012–2013;
- A behaviour change communication in relation to persons with disabilities in 12 localities of the Centrale, Maritime and Plateaux regions with the association Action for the Promotion of Rural Children, which reached around 1,000 people in 2012;

- Sketches on persons who are deaf or hard of hearing in State and private media as part of the project “Job access and retention for deaf and hard-of-hearing people in West Africa”, implemented by Christoffel-Blindenmission and Handicap International in collaboration with the NGO Training and Rehabilitation Service for the Blind and other Persons with Disabilities (SEFRAH) and the Togolese Association to Assist Hard-of-Hearing and Deaf Children, from 2011 to 2014;
- Implementation of the project “Inclusion of children with disabilities through community-based rehabilitation”, with 8,611 persons informed about the rights of children with disabilities from 2009 to 2014 by Plan Togo.

59. All these awareness-raising activities culminate in celebrations such as White Cane Day, International Week of the Deaf and the International Day of Persons with Disabilities, with messages to the nation, caravans, and radio and television programmes:

- Dissemination of information on the Convention on the Rights of Persons with Disabilities, the inclusive poverty reduction strategy paper, inclusive local development and inclusive education through awareness tours and radio broadcasts in communities and regions by the Tône Association of Motivated Persons with Disabilities, FETAPH and the Directorate for Persons with Disabilities, from 2012 to 2014;
- Poster distribution, radio discussions on inclusive education and reproductive health by community radio stations, FETAPH information bulletins, and Togolese Television programmes, from 2010 to 2014;
- From 13 to 17 December 2010, the training of 5 midwife school instructors, and from 21 to 25 March 2011, the training of 20 midwives on the reproductive health of women with disabilities by FETAPH in the regions of Savanes, Plateaux and Maritime;
- In 2014, during the global education campaign, the national “Education for All” coalition led several awareness-raising campaigns on the rights of persons with disabilities (right to education, health, employment, etc.) in collaboration with the Ministry of Primary and Secondary Education and the public media;
- Training of around 30 journalists on “disability and inclusive education” on 5 May 2014 (Togolese national “Education for All” coalition);
- Awareness-raising among teachers, researchers and university authorities on educating students with disabilities led by carers of the blind and the NGO “Visions Solidaires” in 2014;
- Organization of a training workshop for mentors of blind students by the association “Visions Solidaires” at the University of Kara in 2014;
- Awareness-raising from 2011 to 2014 among the heads of the regional centres for technical education and vocational training for Dapaong and the Maritime Region on the need not to stigmatize people with disabilities and to work towards their school enrolment through the NGO SEFRAH and the Togolese Association to Assist Hard-of-Hearing and Deaf Children;
- Training in September and November 2012 of around sixty public and private media journalists on the Convention on the Rights of Persons with Disabilities in collaboration with Christoffel-Blindenmission, Handicap International and Plan Togo;
- Awareness-raising of journalists on 7 and 8 April 2014 in Sokodé as part of a project entitled “Strengthening the right to protection of children with disabilities” (Plan Togo);
- Training of 25 journalists from all regions of Togo belonging to two networks – communicators for the dissemination of the rights of persons with disabilities and the network of journalists and communicators on disabilities in Togo (organized by the latter, through FETAPH, in 2013).

## Article 9 Accessibility

60. The concept of accessibility is defined in Togolese legislation (see paragraph 46).

61. Following several appeals from defenders of the rights of persons with disabilities, actions and measures are being carried out to improve accessibility. These include fitting access ramps in secondary and other schools and health centres and constructing school infrastructure accessible to all through the Educational and Institutional Strengthening (PERI) project.

62. The Ministry of Communication has taken steps to ensure that the new Togolese Television building currently under construction, which will house all the communication media, is accessible to persons with disabilities. To that end, specially adapted toilet facilities have been planned, as well as an elevator and a canteen accessible to persons with disabilities. However, similar measures to facilitate the access of persons with disabilities to the buildings of the cabinet and the Directorate of Administrative and Financial Affairs are yet to be planned.

63. The five planned vocational and technical training centres for which studies have already been undertaken by the Ministry of Technical Education and Vocational Training will be fitted with access ramps. The centres in question will be located in Bafilo, Bassar, Gando, Pagouda and Tchamba.

64. The modernization of the justice system has also led to the construction of ramps at the Lomé and Kara courts of appeal, the Aného and Atakpamé courts, and the court under construction in Sokodé.

### *Access to health facilities*

65. In the health sector, 44 facilities have been built with access systems (ramps) in the six health regions: 5 in Lomé, 8 in Maritime, 7 in Plateaux, 6 in Centrale, 9 in Kara and 9 in Savanes.<sup>1</sup> That figure is much too low given the number of facilities in the Togolese health system. In order to address this shortcoming, the Ministry of Health and Social Welfare has taken action, including the establishment and definition of health system standards by Order No. 168/2014/MS/CAB/SG of 2 December 2014, which takes into account the accessibility needs of persons with disabilities. Specifically, paragraph 4.1.1.3.7 of the health facilities standards document, volume 1, provides for “the protection of persons living with disabilities” through the construction of facilities equipped with ramps and/or elevators where necessary.

### *Access to care and prevention services*

66. It has been observed that there is a huge gap between the existing care services and the actual needs of persons with disabilities. Fifteen per cent of the population of Togo are considered to have disabilities, but only 2 per cent have health coverage. In addition, 80 per cent of the services available are institutional, located in cities, and not free of charge, which makes them inaccessible to most people with disabilities from rural areas and poor urban neighbourhoods.<sup>2</sup>

67. In order to reach these vulnerable groups that are deprived of existing services, some technical and financial partners working in the area of disabilities have chosen to make their services accessible by carrying out their activities directly in the community. This is the case with Plan International Togo, which, through community-based rehabilitation programmes, has been initiating projects for the promotion of the rights of children with disabilities since 2006, in collaboration with the Government and local NGOs. Community-based rehabilitation is a participatory development strategy that involves the community and persons with disabilities themselves in the carrying out of activities. The goal of the strategy is to provide, at the community level and at low cost, the essential services that

<sup>1</sup> Infrastructure Department, Ministry of Health and Social Welfare, 2015.

<sup>2</sup> Annual report of the National Orthopaedic Appliance Centre (CNAO).

persons with disabilities need for self-fulfilment, namely rehabilitation, equal opportunities and social integration.

68. Key interventions include training and awareness-raising. Training is provided to community workers with a view to equipping them, on the one hand, with the knowledge, skills and attitudes required for the prevention, detection and early care of disabilities and, on the other hand, with effective tools for raising awareness about disabilities. The awareness-raising is carried out in the community in order to promote a better understanding of disabilities, free from prejudice or taboo, as well as the need for early detection and treatment.

69. The following results were achieved between 2013 and 2014:

- 15 administrators, 210 community workers and 105 health workers were trained in community-based rehabilitation;
- 72 villages in 22 prefectures implemented community-based rehabilitation;
- 18,430 persons with disabilities were monitored;
- 22,588 persons, including 13,126 women, were informed about the prevention, detection and early treatment of disabilities;
- 4,205 persons with disabilities were identified within communities and referred to rehabilitation services and centres.

#### **Article 10** **Right to life**

70. The right to life is a fundamental right guaranteed by article 13 (2) of the Constitution in the following terms: “No one may be arbitrarily deprived of their liberty or life.” The new Togolese Criminal Code of 24 November 2015 prescribes penalties for offences against the life of the person through crimes such as intentional homicide (murder and manslaughter, arts. 165 ff.), poisoning and the administration of harmful substances (arts. 173 ff.), manslaughter (arts. 178 ff.) and endangerment of the person (art. 181).

71. Act No. 2004-005 of 23 April 2004 on the social protection of persons with disabilities stipulates in article 3 that “a person with a disability has the same right to life and fulfilment as any other person”.

72. Article 359 of Act No. 2007-017 of 6 July 2007 on the Children’s Code establishes criminal liability for infanticide as follows: “infanticide is classified as the murder of a child under 15 years of age. A parent who commits, as principal or accomplice, the infanticide of his or her child shall be sentenced to 5 to 20 years’ imprisonment; this provision shall not benefit the co-perpetrator or accomplice”.

73. In Togo, there is no legal provision that allows anyone to take the life of a child with disabilities. However, it is important to note that this practice is followed in some parts of the country, in accordance with traditions and customs.

74. In order to effectively combat this phenomenon, which is rooted in community practices, the Togolese Government has undertaken a series of actions with the support of its partners, in particular UNICEF, the most recent of which are the 2012 study on the phenomenon of infanticide, accompanied by a communications strategy on the practice, and discussions held with traditional and religious leaders on cultural practices harmful to children. These discussions culminated in a declaration by those leaders in which they pledged to combat community practices that have a negative impact on children.

#### **Article 11** **Situations of risk and humanitarian emergencies**

75. In order to better address the risk of disasters and respond effectively to the challenges faced by victims, especially persons with disabilities, the State has established the Emergency Relief Organization Plan and the National Contingency Plan as two disaster prevention and management tools. Both documents were revised in 2015, with the support

of the Integrated Disaster and Land Management Project, so as to take adequate account of vulnerable groups, including children, women and persons with disabilities.

76. In addition, by Order No. 0012/MERF of 17 April 2006, the Government established the National Platform for Disaster Risk Reduction, which involves all ministries. Moreover, the national strategy for disaster risk reduction was adopted in 2009 and revised in 2012.

77. The Emergency Relief Organization Plan defines the procedures for managing disasters and caring for victims with a view to limiting damage by establishing effective and suitable coordination in advance. The National Contingency Plan serves as a tool not only for management but also for disaster prevention. One of its aims is to provide disaster relief assistance to vulnerable and affected populations in the most expedient manner possible and thereby avoid time-wasting, duplication of efforts, omissions, and even injustices.

78. In the humanitarian assistance procedure for victims of disasters, special attention is paid to vulnerable groups, including persons with disabilities. During the distribution of food and other supplies, persons with disabilities, children, women and older persons are the first to be served.

79. In order to guarantee disabled persons' mobility, the Ministry of Social Action stocks wheelchairs at reception sites for disaster victims.

80. Through the Ministry of Social Action, Advancement of Women and Literacy, the Government provides lodgings for victims at sites where the accommodation and toilet facilities are accessible to persons with disabilities. At the Logopé site, ramps are being constructed to facilitate access to the accommodation and toilet facilities.

81. The Ministry of Environment and Forestry, through its Integrated Disaster and Land Management Project, is mindful of persons with disabilities and carries out activities on their behalf in cooperation with the Ministry of Social Action, Advancement of Women and Literacy and the Ministry of Security and Civil Protection. These actions relate solely to prevention and to management of humanitarian aid and emergencies.

82. Integrated Disaster and Land Management Project activities for the protection and safety of persons with disabilities are particularly focused on awareness-raising campaigns, hence their preventive nature. In order to push for greater consideration to be given to persons with disabilities, the 2013 International Day for Natural Disaster Reduction was themed "Living with a disability is a disaster".

83. In high-risk situations such as armed conflict, humanitarian emergencies and natural disasters, the Government implements measures, through various agencies working in this field, to ensure the protection and safety of persons with disabilities. In anticipation of such situations, awareness-raising activities on the early warning system are organized for populations that have persons with disabilities. The following toll-free numbers are available: 112 for the gendarmerie, 117 for the police, 118 for firefighters, 115 for the emergency services, Allo 1011 for the protection of children, and 111 for Ebola.

84. In response to the International Day recommendations, the Integrated Disaster and Land Management Project has assisted the Ministry of Social Action to acquire 60 tricycles and 60 wheelchairs for persons with disabilities living in at-risk areas. It has also trained 25 emergency team officers in caring for persons with disabilities in flood situations.

85. In July 2015, through the Ministry of Agriculture, Livestock and Hydraulics, Togo developed a resilience plan to address food insecurity caused by natural disasters and various types of conflict.

86. The targeting strategy used was based on the harmonized framework of vulnerability analysis, based, in turn, on the combined impact of three indicators (prevalence of food shortages, critical food poverty and diet composition), as well as socioeconomic, geographical and gender criteria.

87. Interventions in the context of the country's resilience plan priorities will mainly target vulnerable groups, including persons with disabilities.

**Article 12****Equal recognition before the law**

88. The legal personality of persons with disabilities and the enjoyment of that personality are recognized by Togolese legislation.

89. The principle of equality of all human beings in dignity and in law is enshrined in article 11 of the Constitution (see paragraph 47).

90. Act No. 2004-005 of 23 April 2004 on the social protection of persons with disabilities states that “Persons with disabilities shall enjoy, either personally or through a third party, the rights recognized to all citizens by the Constitution” (art. 6). This law also guarantees the right of persons with disabilities to own or inherit property.

91. Persons with disabilities have the right to be entered in civil-status records and to marry. In addition, the Children’s Code guarantees the equal rights of all children.

**Article 13****Access to justice**

92. Access to justice is guaranteed by article 19 of the Constitution as follows: “Every person shall have the right in any matter to have their case heard and decided equitably within a reasonable period by an independent and impartial court”.

93. In addition, the Code of Civil Procedure provides that “Proceedings may be initiated by anyone who has a legitimate interest in the success or failure of a claim, except where the right to bring proceedings is reserved to persons authorized by law to file or contest a claim or to defend a particular interest” (art. 3).

94. In order to facilitate access to justice, the Ministry of Justice, through the national programme for the modernization of justice, has set up a department for accessing the law and justice, which is responsible for disseminating all national and international texts related to human rights. A guide on accessing justice has also been published and is now available.

95. Legal assistance is also provided to vulnerable detainees, including persons with disabilities, in the framework of two projects entitled “Use of volunteers for legal support in prison settings” and “Supporting access to law and justice”, both initiated by the Ministry of Justice with the support of the United Nations Development Programme (UNDP).

96. A capacity-building process for judges has been initiated on the subject of disabilities with a view to ensuring respect for the rights of this vulnerable group. 102. Cf. para. 63.

97. The Government has adopted Act No. 2013-010 of 27 May 2013 on legal aid in Togo. This law protects vulnerable groups, including persons with disabilities, given that legal fees can be exorbitantly high.

**Article 14****Liberty and security of persons with disabilities**

98. The right to security is enshrined in article 13 of the Togolese Constitution of 14 October 1992, which specifies that “The State has the obligation to guarantee the physical and mental integrity, life and safety of every person living in the national territory. No one may be arbitrarily deprived of their liberty or life.”

99. Article 121 of Act No. 2009-007 of 15 May 2009 on the Health Code stipulates that “No one may, without his or her consent or, if applicable, the consent of his or her legal representative, be kept in hospital or hospitalized in an establishment for persons with mental health disorders, except in the cases provided for by articles 130 and 131 of this Act.”

100. Articles 10 to 26 and 33 of the 1992 Constitution, on the one hand, and article 6 of Act No. 2004-005 on the social protection of persons with disabilities, on the other hand, guarantee the freedoms and rights of persons with disabilities. Specifically, article 25 stipulates that “Every person shall have the right to freedom of thought, conscience, religion, worship, opinion and expression. These rights and freedoms shall be exercised



with due respect for the freedoms of others, and for public order and the norms established by the law and by regulations.”

101. In addition, article 6 of Act No. 2004-005 specifies that “Persons with disabilities shall enjoy, either personally or through a third party, the rights recognized to all citizens by the Constitution”.

#### **Articles 15 and 17**

#### **Freedom from torture or cruel, inhuman or degrading treatment or punishment and the right to physical integrity of the person**

102. Togolese legislation contains numerous provisions that protect all citizens against torture or other cruel, inhuman or degrading treatment or punishment.

103. The right to physical and mental integrity is enshrined in article 13 of the Constitution in the following terms: “The State has the obligation to guarantee the physical and mental integrity, life and safety of every person living in the national territory. No one may be arbitrarily deprived of their liberty or life.”

104. Article 21 of the Togolese Constitution states that “The human person is sacred and inviolable. No one may be subjected to torture or to cruel, inhuman or degrading treatment or punishment [...] Any individual or agent of the State shall be released from the duty to obey an order when such order constitutes a grave and manifest violation of respect for human rights and public freedoms.”

105. Togo has been party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment since 18 November 1987 and ratified the Optional Protocol to that Convention on 20 July 2010. In that connection, the National Human Rights Commission has been designated as the national preventive mechanism against torture.

106. The new Criminal Code of 24 November 2015 defines and criminalizes torture and other cruel, inhuman or degrading treatment or punishment. According to article 198 of the Code, the term “torture” refers to any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act that he or a third person committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any other reason based on discrimination of any kind.

107. According to the provisions of article 199 of the Code, “Any person guilty of torture shall be liable to a sentence of 20 to 30 years’ imprisonment and a fine of CFAF 25 million to CFAF 100 million.”

108. Article 200 of the Code provides that “if an act of torture is found to have taken place, any statements or confessions obtained by those means, and any convictions based on such statements or confessions, shall be null and void”.

109. Article 201 of the new Criminal Code defines the expression “cruel or inhuman treatment or punishment” as “any treatment or suffering voluntarily inflicted by any person which causes severe physical or mental suffering that cannot be justified”.

110. Under article 202 of the new Criminal Code, “Anyone who subjects a person to cruel or inhuman treatment or punishment shall be punished by 10 to 20 years’ imprisonment and a fine of CFAF 25 million to CFAF 100 million.”

111. The term “degrading treatment” is defined in article 203 of the new Criminal Code as “any treatment that causes serious debasement or humiliation to the person subjected thereto”. The penalty incurred is established by article 204 of the Criminal Code as follows: “Anyone who subjects a person to degrading punishment shall be punished by 5 to 10 years’ imprisonment and a fine of CFAF 5 million to 25 million.”

112. Article 411 of the Individuals and Family Code prohibits the cruel, inhuman or degrading treatment of any person regardless of their physical or mental state.

**Article 16****Freedom from exploitation, violence and abuse**

113. The protection of all persons from exploitation, violence and abuse is guaranteed under Togolese law. Legislative provisions also protect all children, without exception, from various forms of violence, including exploitation.

114. In particular, Act No. 2007-017 of 6 July 2007 on the Children's Code protects all children, including those with disabilities, from violence both within the family and in the community. In Subtitle IV of Title II, entitled "Children's rights to special protection", Chapter 1 is devoted to protecting children from physical or mental violence in family, school or institutional settings, while Chapter II provides for the protection of children against violence perpetrated by third parties.

115. The State protects children against all forms of violence, including sexual abuse, physical or mental attacks or brutality, abandonment or negligence, and ill-treatment by the child's parents or any other person having authority over or custody of the child (art. 353 of the Children's Code).

116. The penalties for physical or mental ill-treatment, corporal punishment and wilful deprivation of care or food are set out in article 356 (2) of the Children's Code (art. 357 of the Code).

117. The Code prohibits all female genital mutilation. Anyone who practises, promotes or participates in female genital mutilation, by traditional or modern methods, is guilty of wilful violence against the excised person (art. 361).

118. Any person found guilty of wilful violence within the meaning of article 361 of the Children's Code shall be liable to 2 to 5 years' imprisonment and a fine of CFAF 100,000 to CFAF 1 million or either one of those penalties (art. 362).

119. Child prostitution is punishable by 2 to 5 years' imprisonment and a fine of CFAF 100,000 to CFAF 1 million.

120. In the context of child protection in Togo, the following measures have been taken:

- An "Allo 1011" helpline has been established to facilitate the reporting of cases of exploitation, violence and abuse;
- A bill on the criminalization of trafficking in human beings is currently being drafted;
- Counselling centres and psychological care centres have been set up for victims of gender-based violence;
- The Ministry of Social Action, Advancement of Women and Literacy, in collaboration with civil society and the United Nations Population Fund (the Group for Policy and Action, Women, Democracy and Development), is piloting a national programme to curb gender-based violence and has set up 13 counselling centres as safety nets for victims of violence, which are operational in all regions and attended by both women and men;
- A study on gender-based violence was conducted in 2010 to better focus interventions and develop adequate policies and programmes to put an end to gender-based violence;
- A study on harmful traditional practices was undertaken, which led to the Notsè Declaration of 2013;
- A national study entitled "Situation analysis focusing on the practices of infanticide, early marriage, placement of children in convents and the phenomenon of so-called witch children" was undertaken, accompanied by a communication strategy and awareness-raising among traditional and religious leaders;
- A national multisectoral action plan was developed for preventive measures and development of a monitoring framework for gender-based violence;

- A national programme to combat violence against women and girls has been developed;
- A legal aid fund is being rolled out for all individuals who do not have adequate resources;
- A national programme has been developed to reduce teenage pregnancies and the number of girls marrying at a very young age;
- Education programmes and training curricula have been developed, incorporating issues linked to violence against women and girls.

121. One title of the Criminal Code is devoted to violence against women: a number of articles (197 to 202.3) deal with family violence and sexual assaults. In this context, sexual violence is punishable by a penalty of between 1 and 5 years' imprisonment and a fine of CFAF 100,000 to CFAF 5 million or either one of those penalties. In addition, spousal violence is dealt with in articles 186 et seq. of the Criminal Code.

### **Article 18**

#### **Liberty of movement and nationality**

122. The right to liberty of movement is guaranteed by article 22 of the Constitution as follows: "Every Togolese citizen has the right to freedom of movement and freedom to settle in the national territory at any place of his or her choosing under the conditions stipulated by the law or local custom." In this context, Togo grants persons with disabilities the right to move freely and to freely choose their residence and the right to a nationality on an equal footing with others.

123. Regarding the right to nationality, article 32 of the Constitution provides that "Togolese nationality is granted as of right to children born of a Togolese father or a Togolese mother. The granting of nationality in other cases is governed by law."

124. Birth registration is governed by Act No. 2009-10 of 11 June 2009 on the organization of civil status in Togo. Article 3 of this law provides that a civil status record must be created for all births, marriages and deaths of Togolese or foreign nationals residing in Togo whenever such events occur on the national territory.

125. In addition, article 18 of the Act makes it compulsory for all births to be declared within 45 days of the birth of the child, at the civil registry of the place of birth, or at a Togolese diplomatic mission or consulate if the child is born abroad. When the birth is declared, an authentic document – the birth certificate – is issued.

126. From 2012 to 2014, a project to promote the rights of children with disabilities, managed by Plan International Togo, enabled 150 young persons with disabilities to obtain birth certificates. The project provided occupational training for young girls and boys with disabilities, and one of the preconditions for parents to receive project support for such training was that their children should have a birth certificate.

### **Article 19**

#### **Living independently and being included in the community**

127. The law on the protection of persons with disabilities is partially in conformity with the Convention as regards living independently and being included in the community. Article 22 provides that the State, local authorities and public or private entities must take the necessary measures to:

- Ensure that persons with disabilities can participate in socioeconomic, cultural and sporting activities;
- Facilitate the lives of persons with disabilities by adapting and improving the accessibility of public transport vehicles;
- Support the training of members of the Paralympic Federation through grant allocation;
- Support the activities of the paralympic championships.

128. Accordingly, in September 2015, 27 persons, including 9 women from the Ministry of Sports and the Togolese Federation of Paralympic Sports, NGOs and Plan International, received capacity training on inclusive sport and practised sport with 100 children with and without disabilities. This activity was carried out with support from Plan International and UNESCO.

129. The establishment of the National Fund for Inclusive Finance (FNFI) has contributed, in a significant and decisive way, to expanding the frontiers of financial inclusiveness, by putting in place a powerful financial instrument for tackling the constraints that inhibit the access of mainly poor populations to basic financial services.

130. Since its launch, the fund has received a total of nearly CFAF 10 million in financing, including CFAF 5 million from the Government of Togo. At the end of 2014, the fund enabled 331,021 persons to access microcredit through its first product, “access for the poor to financial services”.

131. In 2015, two new products (“access for farmers to financial services” and “access for young people to financial services”) were made available to the population.

132. In order to ensure the implementation of this right, the following measures have been taken:

- Establishment of the National Fund for Inclusive Finance to support the development of productive projects and the promotion of micro-businesses run by disadvantaged groups, including persons with disabilities;
- Implementation of a microcredit programme for women with disabilities and the mothers of children with disabilities, initiated by the NGO Christofell-Blindenmission.

## **Article 20**

### **Personal mobility**

133. The State recognizes that persons with disabilities need support in their daily activities. Their mobility remains a fundamental aspect of their economic and social integration and their participation in economic, social and cultural activities.

134. The National Centre and Regional Centres for Orthopaedic Appliances give persons with disabilities the chance to benefit from technical aids. In the framework of the disability and trauma prevention and rehabilitation programme, the Ministry of Health and Social Welfare has undertaken social actions with the financial support of its partners by distributing nearly 350 wheelchairs and tricycles per year to indigent persons with disabilities since 2012.

135. In order to ensure the mobility of persons with disabilities, including the use of signage, the Ministry of the Economy and Finance has been renovating lifts and fitting them with a visual and audio system since 2011.

136. At the University of Lomé, access ramps to new auditoriums and services are being built progressively, for example at the main library, the Amphi 1500 auditorium and some administrative blocks, as well as the dean’s offices of the Faculty of Arts and Human Sciences and the Law Faculty.

137. Despite concerted efforts to make certain public and semi-public buildings accessible through the awareness-raising activities of the Togolese Federation of Associations of Persons with Disabilities (FETAPH), it must be acknowledged that the level of access of persons with disabilities to facilities and services for the general public is quite poor. Most public transport vehicles and buildings are not accessible to all categories of persons with disabilities.

## **Article 21**

### **Freedom of expression and opinion, and access to information**

138. Freedom of expression is guaranteed by article 26 of the Constitution in the following terms: “Freedom of the press is recognized and guaranteed by the State. It is

protected by law. All persons have the freedom to express and disseminate their opinions or information that they hold, by speech, writing or any other means, within the limits defined by law.”

139. Obstructing the freedom of the press and freedom of communication is punishable by a fine (art. 99 (2)). In cases of obstruction with violence, the provisions of the Criminal Code on wilful violence, destruction and degradation are applicable.

140. On 17 September 2015, the Council of Ministers adopted a bill providing for freedom of access to public information and documentation, thereby enhancing the legal and institutional framework governing access to sources of public information.

141. In order to foster the development of persons with disabilities, Togolese Television has introduced a weekly news slot for the deaf and hard of hearing. This news bulletin gives a weekly round-up of major current affairs topics, but was recently suspended temporarily owing to a lack of staff trained in sign language communication. Togolese Television expects to resume the broadcast in the near future.

142. In 2010, managers of cybercafés run by the Togolese Postal Corporation and the Dapaong computer and office centre were given training on “persons with disabilities and information and communication technologies”, with a view to enabling them to welcome persons with disabilities to their cybercafés (Directorate for Persons with Disabilities, with the support of Handicap International).

## **Articles 22 and 23**

### **Respect for privacy, the home and the family**

143. The right to respect for privacy is guaranteed by article 28 of the Constitution, which provides that the home is inviolable and cannot be subject to police visits except in the circumstances provided by law. All citizens have the right to respect for their private life, honour, dignity and image.

144. In ratifying the Convention on the Rights of Persons with Disabilities, Togo undertook to eliminate discrimination against persons with disabilities with respect to marriage, family, births and personal relationships, on an equal basis with others.

145. Article 41 of the Individuals and Family Code dealt with the problem of consent to marriage by providing that “Marriage is a solemn and public civil act by which a man and a woman establish between them an enduring legal union, and concerning which the conditions of formation, effects and dissolution are determined by this Code.” Article 81 adds that “spouses marry by mutual consent”. However, despite these provisions, which are designed to uphold equality, negative perceptions of disability still persist today.

146. Article 31 of the Constitution provides that the State has the obligation to assure the protection of marriage and the family.

147. Decree No. 2008-103/PR of 29 July 2008 on the procedure for adopting children in Togo and Decree No. 2008-104/PR of 29 July 2008 on the creation of the National Child Adoption Committee in Togo authorize all persons who meet the conditions for adoption, without distinction, to adopt a child. The Committee has recorded two adoptions, one national and one international, of children with disabilities.

## **Article 24**

### **Education**

148. Togolese law, in the same way as the Convention, guarantees access to education for all persons with disabilities on an equal basis with persons without disabilities. Article 35 of the Constitution guarantees the right to education in the following terms: “The State recognizes children’s right to education and shall create the conditions conducive to its realization. School is compulsory for children of both sexes until the age of 15. The State shall gradually implement free public education.”

149. Under article 8 of Act No. 2004-005 of 23 April 2004 on the social protection of persons with disabilities, persons with disabilities have a “right to appropriate education,

rehabilitation and vocational training”, either in ordinary schools or in specialized institutions established or subsidized by the State.

150. Government study and housing grants are available for pupils and students with disabilities. Persons with disabilities are eligible for exemptions to attend specialized schools, institutes and centres.

151. Several initiatives have been undertaken to promote the right to education of persons with disabilities.

152. There are currently no State-run facilities responsible for providing specialized training to persons with disabilities. Such facilities have, however, been set up by religious and civil society organizations. Related activities include:

- The opening of specialized education and training centres in all regions of the country: five centres for children with hearing impairments, nine centres for children with mental impairments and nine centres for the visually impaired. An annual subsidy taken from the general budget is allocated to these centres: CFAF 7 million in 2009, CFAF 11 million in 2010 and 2011, and CFAF 20 million since 2012;
- The assignment, at the State’s cost, of 51 specialized teachers to these centres;
- The piloting of inclusive education, with the support of Handicap International, in the Savanes and Kara Regions, with the following results:
  - In Savanes, 136 teachers and 1,200 trainee teachers from the teacher training colleges received training in inclusive education; 31 teachers were trained in Braille and 43 in sign language; and 38 teachers received training in intellectual impairments;
  - In Kara, 107 teachers received training in inclusive education, 38 teachers were trained in Braille and 59 in sign language.

153. In addition, the following results were produced by the project on access to employment and retention of deaf and hard-of-hearing persons in West Africa, which was run by the Training and Rehabilitation Service for the Blind and other Persons with Disabilities, the Togolese Association for Hearing-impaired and Deaf Children and Handicap International from 2011 to 2014:

- 68 parents of deaf children were trained in sign language;
- 98 deaf or hard-of-hearing persons were taught to read and write;
- 245 primary school and 68 secondary schoolteachers received training in hearing disorders, sign language, inclusive instruction and entrepreneurship to better assist deaf learners;
- The development of the Sign Language Manual (common words/occupations);
- 78 deaf or hard-of-hearing persons received module-based training;
- 45 heads of trade associations received training in advocacy techniques and sign language;
- 1,101 deaf or hard-of-hearing persons learned the profession of their choice and received training materials.

154. The main stakeholders in the implementation of inclusive education in these two regions, including the regional education directors, inspectors, educational advisers, instructors at teacher training colleges, teachers and the central directors of the Ministry of Primary and Secondary Education, received training in inclusive education in 2011–2012, with a view to successfully generalizing the initiatives to promote the enrolment of children with disabilities. Government efforts in this regard also include:

- The introduction of a module on inclusive education in the curricula of primary and secondary teacher training colleges;
- The adoption of Order No. 048/MEPSA/CAB/SG of 11 May 2012 on the approval of the manual entitled “Training in inclusive education with a particular focus on

integrating children with disabilities in ordinary classes” and the introduction of inclusive education in the curricula of the National School of Social Training. The provision, in the Sectoral Plan on Education (2010–2020), for a feasibility study on educational assistance for persons with disabilities;

- The inclusion of ramps in construction plans since 2010 so that persons with disabilities can access classrooms;
- The 2012 affiliation of the Envol children’s medical and psychological institute with the Ministry of Social Action, Advancement of Women and Literacy. The State allocates CFAF 70 million to its functioning each year;
- The adoption of Decree No. 2010-100/PR of 4 August 2010 on the rules and standards governing care facilities for vulnerable children in Togo;
- The identification, in 2014, of 1,697 children with disabilities in special schools, including 662 girls;
- The enrolment in kindergarten of 59 of the 567 children with disabilities currently in primary education in the Savanes Region.

155. The University of Lomé admits all categories of students, including those with impairments. Since 1994, the University has admitted visually-impaired and blind students. It recognizes the need for specialized educational support for these students and has recruited a specialized instructor to this end.

156. Several measures have been taken with the aim of facilitating the enjoyment of the right to education by persons with disabilities, including:

- The issuance of circular No. 009/MENR-Dex-C of 4 March 1999 on the special conditions allowing for candidates with visual impairments to sit the exams for the first certificate, the certificate of secondary education and the first level of the baccalaureate;
- The issuance of circular No. 0302/MESR-CAB of 2 March 2010 on the special conditions for candidates with visual impairments, which was designed for the senior management of the baccalaureate office and university faculties and departments to help them organize baccalaureate and university assessments;
- The issuance of a circular in 2010 to encourage professors of the Faculty of Arts and Human Sciences to provide electronic versions of their classes for blind students;
- In 2014, the Faculty of Arts and Human Sciences was donated an embossing machine (Braille printer) by Paris-based NGO Voir Ensemble;
- On 8 January 2015, the Faculty of Arts and Human Sciences set up a support service for the training and assessment of students with disabilities to ensure that all such students at the University of Lomé receive a specialized education;
- In 2014, the NGO Christofell-Blindenmission and the association Visions Solidaires held a training session on disability for Faculty professors.

157. According to the University of Lomé Association of Persons with Disabilities, there were approximately 97 students with disabilities in 2012, though this figure represents only the Association’s members.

158. Furthermore, the following five trade schools provide learners with disabilities the opportunity to start their own business or join a cooperative after completing their training:

- Kégué vocational training centre in Lomé;
- Togoville Institute for the Blind;
- Kpalimé education centre for the blind;
- St. Francis Centre – Training and Rehabilitation Institute for the Blind and Visually Impaired in Sokodé;
- St. Paul Centre for the Blind in Atéda (Kara Region).

159. In addition to these centres, there are some fifty learning workshops in Savanes and Lomé, whose administrators have received training in sign language and which provide deaf and hard-of-hearing persons with training in various professions, such as sewing, mechanics, hairdressing, knitting, carpentry and shoe repair.

160. The persons running the Regional Technical Education and Vocational Training Centres in Dapaong and the Maritime Region have also been trained in sign language.

161. Under the project on access to employment and retention of deaf and hard-of-hearing persons in West Africa, run by Christofell-Blindenmission and Handicap International from 2010 to 2014, sign language interpreters were made available to the centres certifying the end of apprenticeships in order to interpret the exam questions for deaf and hard-of-hearing candidates. When the project ended in 2014, the Togolese Federation of Associations of Persons with Disabilities took on the cost of providing interpreters. The issue of assessing deaf and hard-of-hearing persons engaged in vocational training is subject to particular attention.

162. In Togo, the realization of the right to education for persons with disabilities is somewhat hampered by accessibility problems. The country does not yet have a public education system for persons with disabilities. Existing specialized schools are run by non-governmental and religious organizations, subsidized by the State.

## **Article 25**

### **Health**

163. The right to health of all Togolese is enshrined in the Constitution, article 34 of which stipulates that the State recognizes and strives to promote citizens' right to health. Article 41 establishes that everyone has the right to a healthy environment and that the State ensures the protection of the environment.

164. Treatment for all debilitating diseases is provided at university, regional and secondary hospitals with rehabilitation facilities.

165. In addition, the national and the four regional orthopaedic appliance and functional rehabilitation centres provide appliances, rehabilitation services and speech therapy.

166. There are also two State-recognized private centres in Afagnan and Bombouaka that provide appliances to children with disabilities.

167. The National School for Medical Auxiliaries trains professionals who work with persons with disabilities, such as physiotherapists, speech therapists and prosthetists.

168. Despite these efforts, the Government continues to grapple with problems in terms of infrastructure, geographical and financial accessibility, human resources and quality of services which prevent it from meeting the specific needs of all persons with disabilities.

169. The vision of the 2011 national health policy is to "provide the population with the highest possible level of health by making every effort to develop a system based on public or private, individual and collective initiatives, one that is accessible, fair and capable of fulfilling the right to health of all, in particular the most vulnerable persons".

170. According to the World Health Organization, 50 per cent of disabilities are avoidable and are directly linked to poverty. Disability is a direct consequence of malnutrition, hazardous work and living conditions, limited access to immunization programmes, health care and maternity services, unhygienic conditions and inadequate information on the causes of disability.<sup>3</sup>

171. With a view to preserving the health of persons with disabilities, the Government adopted the national policy on rehabilitation for persons with disabilities in 1997 and amended it in 2005 and the Ministry of Health has set up the Disability and Injury Prevention and Rehabilitation Programme. The Programme is run by the National Orthopaedic Appliance Centre, which supports the regional centres in providing support to persons with disabilities.

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<sup>3</sup> 2015 Annual Report of the National Orthopaedic Appliance Centre.



172. The objectives of the Programme are to identify, prevent and provide care for disabilities and ensure the social, professional and educational integration and sociocultural fulfilment of vulnerable groups. All initiatives to provide assistance in case of debilitating diseases and diseases leading to disability are coordinated by the Programme.

173. The main causes of visits to the national and regional orthopaedic appliance centres are: paralysis, deformities, spinal pain, amputation, congenital malformations, bone and joint ailments, cerebral palsy, injuries, respiratory ailments and side-effects of obstetric brachial plexus palsy and injections.

174. Care for these debilitating diseases is provided in the three university hospitals, the six regional hospitals, secondary hospitals and private and religious establishments with rehabilitation facilities.

175. The National School for Medical Auxiliaries trains professionals who work with persons with disabilities, such as physiotherapists, speech therapists and prosthetists.

## **Article 26**

### **Habilitation and rehabilitation**

176. There are a few habilitation and rehabilitation programmes and services in the areas of health, employment, education, social services and the use of assistive devices and technologies.

177. In addition to State habilitation facilities, religious and non-governmental organizations (NGOs) have established orthopaedic appliance centres in support of State efforts to provide assistance to persons with physical disabilities (Don Orione, Don Bosco Sokodé, Afagnan and Bombouaka); there is also a private centre in Kpalimé.

178. In the area of health, the national and regional orthopaedic appliance centres provide habilitation services to persons with disabilities.

179. In addition to State habilitation facilities, religious organizations have established orthopaedic appliance centres in support of State efforts to provide assistance to persons with physical disabilities (Don Orione, Don Bosco).

180. In the sphere of education, the State, with support from Handicap International, rolled out an inclusive education project in 2010 to enable children with disabilities to receive the same education as other children.

181. The Directorate for Persons with Disabilities, the social services of the Regional and Prefecture Social Welfare Directorates and community-based rehabilitation officers in some rural communities facilitate rehabilitation for persons with disabilities.

182. In order to enable persons with disabilities to enjoy their right to habilitation and rehabilitation, a national network of community-based rehabilitation providers comprising State and non-State actors, technical and financial partners and NGOs has been established. The network brings together the National Orthopaedic Appliance Centre, the Directorate for Persons with Disabilities, Plan International-Togo, Christofell-Blindenmission, the World Health Organization, the Togolese Federation of Associations of Persons with Disabilities, Handicap International, the United Nations Children's Fund (UNICEF), the International Labour Office (ILO) and the United Nations Development Programme (UNDP).

183. Various organizations of persons with disabilities have received support from the authorities, enabling them to roll out community-based rehabilitation programmes and projects designed to promote strategies for community-based rehabilitation services with a focus on primary health care.

184. The national and four regional orthopaedic appliance and functional rehabilitation centres provide health care as well as appliances, rehabilitation services and speech therapy.

185. The target groups for these services are persons with motor, visual, hearing or mental disabilities, recovered and disfigured lepers, Albinos and burn victims.

186. Under the Ministry of Health's Disability and Injury Prevention and Rehabilitation Programme, a project was set up in 2011 to provide free treatment for club feet at the National Orthopaedic Appliance Centre, with the financial support of Cure International. Through the project, 583 children with this type of malformation were treated free of charge between 2012 and 2015.

## **Article 27**

### **Work and employment**

187. Article 37 of the Constitution guarantees the right to work of all citizens, stating that: "The State recognizes the right to work of all citizens and strives to create the conditions for the effective enjoyment of this right. The State guarantees equal employment opportunities for every citizen and fair and equal remuneration for every worker. No one may suffer prejudice at work on account of his or her sex, origin, beliefs or opinions."

188. The right to work of persons with disabilities is enshrined in chapter III of Act No. 2004-005 on the social protection of persons with disabilities. Article 12 stipulates that "persons with disabilities shall enjoy equal access to public functions and private sector jobs in accordance with their capabilities and the nature of the work". Article 13 states that "the State encourages the recruitment of persons with disabilities and defines the conditions therefor".

189. The Fund to Support Young People's Economic Initiatives was set up to act as guarantor for young people applying to banks for loans to develop projects or income-generating activities. Over three years, the Government mobilized approximately CFAF 4 billion in contributions to the Fund. This was used to provide training for 7,083 budding entrepreneurs, and financing and technical support for approximately 500 business plans. Ten of the 21 young people with disabilities who applied received training and technical support for their business plans and 3 received funding.

190. Furthermore, the 2006 Labour Code and the 2013 General Civil Service Statute provide for the principle of non-discrimination in employment. Under article 3 of the Labour Code, "any direct or indirect discrimination in respect of employment or choice of profession is prohibited".

191. Although this legal framework provides protection to persons with disabilities in the area of employment, it should be noted that there are still cases of employment discrimination against them.

192. With the aim of creating jobs and fostering entrepreneurship among the most vulnerable groups on an inclusive basis, the Government has put in place entities and funds whose mission is to provide technical and financial assistance. These include the National Fund for Inclusive Finance, the Fund to Support Young People's Economic Initiatives and the National Agency for the Promotion and Guaranteed Financing of Small and Medium Enterprises.

193. As a result of efforts by the Ministry of Social Action, Advancement of Women and Literacy to find ways of recruiting persons with disabilities, some 200 such persons entered the civil service between 2009 and 2014.

194. In addition, studies were conducted in October 2013 and June 2014: a "forward-looking study to identify job opportunities in the public and private sectors for persons with disabilities", by the association Visions Solidaires; and a "diagnostic and action-oriented study to analyse the employment situation of persons with disabilities and identify actions to be taken to improve their prospects on the labour market", by the Ministry of Labour, Employment and Social Security. The goal of the studies was to explore employment-related opportunities and barriers for persons with disabilities on the basis of a consolidated analysis of their vocational status, as well as concrete measures to be taken to facilitate their socio-occupational integration. The studies are accompanied by action plans comprising various initiatives.

195. Under the project on "promoting access to employment and retention of deaf and/or hard-of-hearing persons in West Africa", run by Christofell-Blindenmission, Handicap

International and their partners, 1,101 deaf and hard-of-hearing persons received module-based training or learned a trade.

196. All Togolese citizens, including persons with disabilities, enjoy the employment-related rights and freedoms enshrined in the Constitution. Consequently, persons with disabilities can, inter alia, form or join trade unions. A dedicated trade union, the National Union of Workers with Disabilities, was established on 24 September 2011.

197. Blind candidates in the public service competitive process sit the written tests using Braille.

## **Article 28**

### **Adequate standard of living and social protection**

198. National law sets social protection standards that cover the entire population and take into account the specific characteristics of persons with disabilities.

199. Technical and financial partners, such as Christofell-Blindenmission, Plan International-Togo and the Togolese Red Cross's Special Fund for Persons with Disabilities, help supply the National Orthopaedic Appliance Centre with orthopaedic equipment, thereby enabling persons with disabilities to access the appliances they need at a reduced cost.

200. In order to promote the provision of care for children within the family and reduce the number of families living in poverty, including those with members with disabilities, a cash transfer project is being piloted, with support from the World Bank, in the two poorest regions of the country, namely Kara and Savanes. A school meals project is also under way in these two regions.

201. During the pilot phase, the cash transfer project is being rolled out in 119 villages across 5 prefectures in Kara and Savanes; 81 of them are control groups. The prefectures involved are Dankpen, Doufelgou and Kéran in Kara and Oti in Savanes.

202. The goal of the project is to improve academic outcomes, maintain a sound environment and preserve the link between agriculture, local products and school meals. The initiative is designed to reach 499,036 students by 2022, and currently benefits more than 93,292.

203. Concerning older persons with disabilities, measures are being taken to improve their standard of living to some extent. To this end, the 2014–2018 programme to protect and enhance the potential of older persons is under way. For example, partners such as the firm Lidia Ludic have supported the Directorate for Older Persons in the purchase of 10 canes.

204. Specific laws relating to the General Civil Service Statute lay down the pension eligibility criteria for all public servants. The Togo Retirement Fund, established pursuant to Act No. 91-11 of 23 May 1991, and the social security scheme provided for in Act No. 2011-006 of 21 February 2011 on the Social Security Code and administered by the National Social Security Fund, are each responsible for providing a range of services to retired public servants and retired private sector workers. The disability pension in particular is specific to persons with disabilities.

205. In addition, Act No. 2012-014 of 6 July 2012 on the Individuals and Family Code sets out protection schemes for persons with disabilities provided that the alteration to their mental or physical faculties has been medically established.

206. Through the National Health Insurance Institute, established in 2011, the Government subsidizes health care for public servants. Regulations are being developed to provide universal social coverage to all citizens.

## **Article 29**

### **Participation in political and public life**

207. Under Title II of the Constitution of 14 October 1992, on the rights, freedoms and duties of citizens, article 11 stipulates that: "All human beings are equal in dignity and in

rights. Men and women are equal before the law. No one shall be protected or disadvantaged because of his family, ethnic or regional origin, economic or social status, or political, religious, philosophical or other beliefs.”

208. For example, with respect to employment, it should be noted that a person with disabilities was appointed to the position of Director of Planning in the Ministry of Sports, another was appointed divisional head in the Ministry of Territorial Administration, Decentralization and Local Communities and yet another to the Ministry of Social Action, Advancement of Women and Literacy. At the local level, a woman is the divisional head of the civil status office at the city hall of Dapaong.

209. Under article 95 of Act No. 2013-008 of 22 March 2013 on the Electoral Code, any voters with an infirmity or physical disability preventing them from voting are authorized to receive assistance from a voter of their choosing registered on the same voter list.

210. Regarding the steps taken to ensure that electoral procedures are fully accessible, the Government and civil society organizations run extensive public awareness-raising campaigns before elections. The Government’s efforts to promote the right to vote led to the inclusion of a person with disabilities on the electoral list in Amou prefecture in the 2013 legislative elections. However, owing to the person’s position on the list and the fact that candidates are elected in the order in which they are listed, the person was not elected.

### **Article 30**

#### **Participation in cultural life, recreation, leisure and sport**

211. Pursuant to article 22 of Act No. 2004-005 of 23 April 2004 on the protection of persons with disabilities, the State, local authorities and public and private corporate bodies must take all necessary steps to ensure that persons with disabilities can participate in social, economic, cultural and sports activities.

212. To this end, the Ministry of Sports and Leisure includes the Togolese Federation of Paralympic Sports in the formulation, implementation and evaluation of policies designed to give effect to the Convention through the Federation, which has been involved in:

- The formulation and implementation of Act No. 2011-017 of 16 June 2011 on the Physical Activities and Sports Charter;
- The adoption of the National Sports Policy and associated action plan;
- The adoption of the Leisure Policy and associated action plan.

213. The Government ensures that persons with disabilities can take part in cultural, sports, recreational and other activities with a view to promoting citizens’ inclusion and social integration on the basis of equal opportunity.

214. The Government has taken several measures to promote this right, including:

- Establishment of the Paralympic Committee under the National Olympic Committee;
- Support to associations of persons with disabilities for the organization of cultural and sports activities to mark international days;
- Organization of national Paralympic games for athletes with disabilities;
- Participation of Togolese athletes in the African Para Games;
- Order No. 013/MSL/SG/DL of 23 October 2012 on the licensing and regulation of private recreation centres with the aim of ensuring oversight and maintenance, so that they provide safe recreational activities to all without exception;
- Selection, through the Culture Fund’s 2013–2014 call for cultural project proposals, of three persons with disabilities to receive grants in the performing arts and visual arts;
- Selection of the same artists in the 2014–2015 call for proposals. The two recipients in the performing arts each received a grant of CFAF 2 million and the recipient in the area of visual arts received CFAF 3.5 million;

- In November 2015, the Ministry of Culture's award of CFAF 250,000 to the Togolese Federation of Associations of Persons with Disabilities in order for an artist with disabilities to take part in the fifth edition of Handifestival International on 1–4 December 2015 in Nouakchott, Mauritania.

215. The cultural statistics yearbook, which was launched in 2010, is designed to improve the cultural, legal and institutional framework and make Togolese culture more appealing to stakeholders. It measures the contribution of the cultural sector to gross domestic product (GDP) through the efforts of the various national stakeholders, as well as the results of activities to promote the creative arts as a means of preserving national cultural heritage, both tangible and intangible, and to foster a vibrant film and literary culture.

216. The yearbook covers other areas of culture (cultural and natural heritage, performing arts, festivals, visual arts, crafts, books and the press, audiovisual and interactive media, design, creative arts), peripheral domains, including tourism, sports and recreation, and cross-cutting domains, such as education, training and cultural funding.

217. Togo includes persons with disabilities in its policy on the promotion of culture. Persons with disabilities take part in visual arts and craft activities. The Niamtougou Cooperative of Persons with Disabilities in northern Togo makes and sells handicraft products. The members of the Cooperative make items such as shirts, tablecloths, decorative fabrics, towels, quilts and Kabyè tablecloths.

218. The Cooperative trades in cultural goods and services with the rest of the world. In 2010, exports amounted to CFAF 99,601,666 and imports to CFAF 171,555,463, resulting in a negative trade balance of CFAF 71,953,797. It has 43 members, 25 of whom are men and 18 women, and provides diploma training courses in crafts (source: Directorate-General of Statistics and National Accounts).

219. In Togoville, a village south-east of Lomé, the Cooperative for the Blind makes and sells handicraft products. The village is also home to the Happy Brothers musical group for blind persons comprising a band and choir.

220. Most persons with disabilities in Togo take part in crafts, music and visual arts activities.

221. It should be noted that the culture policy of March 2011 did not take into account persons with disabilities; however, discussions are under way in that regard.

222. The Sport and Recreation Department involves the Togolese Federation of Paralympic Sports in the management of projects funded by partners. For example, on 16, 17 and 18 December 2014, the Department, in collaboration with the Federation, trained some 20 heads of sports facilities affiliated with the Federation, using a training guide specifically geared towards persons with disabilities.

## **C. Situation of children and women with disabilities**

### **Article 6**

#### **Women with disabilities**

223. Article 11 of the Constitution states that: "All human beings are equal in dignity and in rights. Men and women are equal before the law. No one shall be protected or disadvantaged because of his family, ethnic or regional origin, economic or social status, or political, religious, philosophical or other beliefs."

224. Act No. 2004-005 of 23 April 2004 on the social protection of persons with disabilities provides for specific protection for women with disabilities.

225. Pursuant to article 39 of the Act, the State provides special protection to women with disabilities with the aim of preserving their dignity. Where necessary, children born to a woman with a mental disability or multiple disabilities whose relatives cannot be identified may be removed from her care.

226. Health-care professionals pay particular attention to women with one or multiple disabilities during their pregnancy and delivery (article 40 of the Act).

227. Women with disabilities receive administrative and legal assistance in relation to any marriage dispute (article 41 of the Act).

228. Although the national policy on equity and gender equality, the strategy against violence and the Individuals and Family Code contain no specific provisions on women with disabilities, these women do benefit from the measures and actions in those texts on the basis of equal opportunity.

229. Notwithstanding the provisions on the protection of women with disabilities, they still face difficulties in fully enjoying their rights.

## Article 7

### Children with disabilities

230. Togolese law affords particular protection to children with disabilities.

231. Article 5 of Act No. 2007-017 of 6 July 2007 on the Children's Code establishes that: "Every child shall enjoy all the rights and freedoms enshrined in the present Code. 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 is prohibited."

232. Children with disabilities are entitled to benefit from special education and vocational training programmes. Scholarships are available for such children. Education and training establishments that teach children with disabilities receive State subsidies (article 258 of the Children's Code).

233. Any parent who abandons a child unable to protect itself, a child with disabilities or a seriously ill child shall be liable to imprisonment for 1 to 3 years. If the abandonment results in illness or inability to work for more than six weeks, the penalty may be increased to 5 years' imprisonment. If it results in the child's death, the person responsible shall be liable to 5 to 10 years' imprisonment (article 370 of the Children's Code).

234. Article 385 of the Code stipulates that: "Anyone who abandons a child unable to protect itself, a child with disabilities or a seriously ill child shall be liable to the penalties provided for under article 378 of the present Code."

235. The State establishes the minimum standards of care for institutions responsible for receiving and educating children, especially orphans, children with disabilities and other vulnerable children. It ensures that these standards are met and imposes sanctions for non-compliance. The local authorities have the same obligations as the State (article 440 of the Children's Code).

236. The following child protection measures have been taken:

*The establishment of the National Children's Advisory Council to promote the participation of children in efforts to eliminate violence against children, including trafficking;*

### Child members of the National Children's Advisory Council who have disabilities

Name	Age	Sex	Prefecture	Educational level	Type of disability
<i>Maritime Region</i>					
MOKLI Kossi	14	M	Ave	5th year primary	
EKOE Kokouvi	12	M	Bas Mono	4th year primary	
ADOBOU Françoise	14	F	Golfe		
PEKETI Manguiliwè	14	M	Golfe		

<i>Name</i>	<i>Age</i>	<i>Sex</i>	<i>Prefecture</i>	<i>Educational level</i>	<i>Type of disability</i>
DJAGUIDI Achille	12	M	Lacs	3rd year primary	
AMEY Rogacien	15	M	Lacs	1st year secondary	
SIKA Akossiwa Reine	15	F	Yoto		
ATISTO Komlan Narcisse	14	M	Zio		
<i>Kara Region</i>					
ADJELINSOUR Amana	16	F	Keran	2nd year primary	visual impairment
ATARMILA Edy	16	M	Keran	2nd year primary	deaf-mute
<i>Centrale Region</i>					
WEKILOU Ziara	10	F	Plaine de Mo	3rd year primary	
LEOU Londiti	15	M	Plaine de Mo	1st year secondary	
ABOUDOULAYE Féshal	14	M	Tchamba	5th year primary	
DJIRAM Samsiya	14	F	Tchamba	5th year primary	
LADJOU Safaou	15	F	Tchamba	4th year primary	
ESSOWAZINA Alissa	15	F	Tchaodjo	4th year secondary	
MALIOURO Rayina	12	F	Tchaodjo	1st year secondary	
ZAKARI Abdou Bastou	13	M	Tchaodjo	4th year primary	
ATCHOLE Kobiadema	14	F	Tchaodjo	5th year primary	
<i>Plateaux Region</i>					
PALI Mèwèkouwé	16	M	Amou	5th year secondary	physical
ANAWUI Ebékalawé	14	F	Amou	3rd year secondary	physical
KPEMA Essohana	13	F	Est Mono	1st year secondary	
TCHAKPI Le grand	14	M	Est Mono	2nd year secondary	
KATAKO Josoué	14	M	Anie	5th year secondary	
KATANGA Chakira	15	F	Anie	3rd year secondary	
<i>City of Lomé</i>					
BATAKA Robert	14	M		5th year primary	

*The adoption and dissemination of the Notsé Declaration in which the traditional leaders committed to combating harmful practices, including violence against girls, forced marriage and placement in a convent.*

237. A child's right to belong to a family is enshrined in national law. Pursuant to this right, children cannot be removed from the authority of their parents unless it is in their best interest and has been ordered by the competent authority. Under article 378 of the Children's Code, anyone who, against the will of the parents or legal guardians removes a child from the environment in which the parents or guardians had placed him or her, except on the order of a public authority, shall be liable to imprisonment for 1 to 5 years.

238. The family is the prime setting for any child's harmonious development. With a view to ensuring that every vulnerable child, including children with disabilities, enjoys such a setting, the Ministry of Children's Affairs has launched a pilot foster family

programme that has made it possible to avoid the institutionalization of a number of children in unusual situations, including children with disabilities.

239. With the aim of promoting the care of children in a family setting, a child adoption committee has been set up to recommend and place children, including those with disabilities, for adoption. Children with disabilities whose parents are not in a position to care for them are adopted by extended family, thus providing the children with an appropriate setting for their development. Examples of intra-family adoption of children with disabilities include:

- A 13-year-old deaf-mute girl was adopted in 2013 by a maternal aunt living in Canada;
- A 13-year-old visually impaired boy was adopted in 2014 by a maternal uncle living in Canada.

240. On occasion, prospective adoptive parents note in their applications their wish to adopt a child with special needs or a minor disability. Such children, once declared as having been abandoned, are put up for adoption. For example, at national level:

- Two children, aged 5 and 6, who both had a speech delay, were adopted in-country in 2010 and 2011;
- A 4-year-old with epilepsy was adopted by a woman in Togo in 2010;
- At international level: a 2-year-old with a motor disability of both feet was adopted by a French woman in 2007.

## **D. Specific obligations**

### **Article 31**

#### **Statistics and data collection**

241. The National Statistics Institute does not have data on the situation of persons with disabilities. However, in 2010, a section on disability was included in the questionnaire of the fourth General Population and Housing Census.

242. The new section made it possible to collect data on persons with disabilities, disaggregated by type of disability, which are available on the website of the Statistics Directorate and from organizations of persons with disabilities.

243. In addition, the decision was taken to incorporate questions regarding persons with disabilities in all data-gathering operations in the field, such as household surveys (multiple indicator cluster surveys and demographic and health surveys).

### **Article 32**

#### **International cooperation**

244. To ensure effective cooperation on the protection of the rights of persons with disabilities, the Government has signed partnership agreements with relevant international organizations, namely Handicap International, Christofell-Blindenmission, Plan International-Togo, the International Committee of the Red Cross Special Fund for the Disabled, UNICEF, UNDP and the German Agency for International Cooperation.

245. The support from technical and financial partners enables national stakeholders to plan and implement initiatives designed to improve the standard of living and working conditions of persons with disabilities. For example:

- In partnership with Plan International-Togo, the Ministry of Health and the Ministry of Social Action, Advancement of Women and Literacy are working to integrate children with disabilities in the Centrale and Plateaux Regions and provide workers with training in disability issues, inclusive development, gender and community-based rehabilitation;



- With support from Christoffel-Blindenmission, the Ministry of Health is combating preventable blindness and the Ministry of Social Action, Advancement of Women and Literacy has developed a national strategy on the protection and promotion of persons with disabilities;
- The State, with the support of Handicap International, is training professionals in the provision of medical assistance to persons with disabilities;
- UNICEF supports the Directorate-General for Child Protection in its efforts to safeguard the rights of children.

246. The Government has signed funding agreements with technical and financial partners. With a view to ensuring the appropriate use of funds, discussions are under way at the Department of Finance on tracking all externally funded projects and setting up a single account with the treasury.

247. The measures taken to guarantee the appropriate use of funds include the establishment of:

- The institutional mechanism for the coordination, follow-up and assessment of development policies, through Decree No. 2010-170/PR of 13 December 2010, in order to ensure effective and optimal coordination, decision-making, management and execution in development programmes and projects;
- The Aid Management Platform, which enables the State, through the Ministry of Planning, to centralize the resources from donors and assess their use;
- The State and Donors Committee to improve the follow-up mechanism under the national development strategy, make aid more effective and propose the adoption of good practices in the areas of coordination and information-sharing.

248. Furthermore, the Accelerated Growth and Employment Creation Strategy, which is the policy document containing all the actions to be taken to achieve the Millennium Development Goals, is inclusive as it takes into account the needs of vulnerable groups, specifically persons with disabilities.

### **Article 33**

#### **National implementation and monitoring**

249. In order to set up an effective mechanism to monitor the implementation of the Convention at the national level, the Togolese Federation of Associations of Persons with Disabilities, with the support of its partners, commissioned a study with a view to establishing or designating such a mechanism. Discussions are under way regarding the mechanism's launch.

## **Conclusion**

250. Togo has made considerable progress in the implementation of the Convention. A number of laws and regulations have been adopted, and many initiatives have been rolled out to promote the rights of persons with disabilities.

251. Despite these efforts, many challenges remain in order to ensure the full and effective enjoyment of the rights of persons with disabilities.

252. To this end, the following steps must be taken:

- Facilitate access for a greater number of persons with disabilities to education and training, in both the ordinary and specialized systems;
- Increase the access of persons with disabilities to social protection, employment and entrepreneurship;
- Encourage the establishment of physical infrastructure that is accessible to persons with disabilities;

- Promote and strengthen the legal framework for the benefit of persons with disabilities;
- Provide access to health-care and rehabilitation services for a greater number of persons with disabilities;
- Promote deserving public servants with disabilities to decision-making positions.

## Annexes

### Breakdown of subsidies allocated to specialized schools and centres for persons with disabilities over the past four years

<i>Beneficiaries</i>	<i>Year</i>			
	<i>2012</i>	<i>2013</i>	<i>2014</i>	<i>2015</i>
National Orthopaedic Appliance Centre	20 000 000	20 000 000	20 000 000	16 000 000
Togolese Federation of Associations of Persons with Disabilities	20 000 000	20 000 000	20 000 000	20 000 000
Specialized School for the Blind	67 682	270 748	270 748	380 748
St. Augustin Multipurpose Centre	211 889	847 576	847 576	1 247 576
Togoville Institute for the Blind	193 577	774 328	774 328	1 124 328
School for the blind	122 618	490 492	490 492	840 492
CEIDS	102 017	408 088	408 088	788 088
St. François Centre – Training and Rehabilitation Institute for the Blind and Visually Impaired	197 167	591 208	591 208	976 208
St. Paul Centre for the Blind in Adeta	147 797	591 209	591 209	976 208
Association for the Well-Being of the Blind	146 496	783 484	783 484	1 098 384
Ephatha School for the Deaf	408 743	1 634 992	1 634 992	2 119 992
Vivenda School for the Deaf	654 292	2 617 268	2 617 268	3 117 268
Promo Handicap School	122 618	490 492	490 492	790 492
Training and Rehabilitation Service for the Blind and other Persons with Disabilities	163 820	655 300	655 300	955 300
Envol Institute	1 214 735	74 859 140	74 859 140	70 000 000
Tohoun home for persons with disabilities	246 224	984 916	984 916	1 584 916
<b>Total</b>	<b>43 877 057</b>	<b>125 999 240</b>	<b>125 999 240</b>	<b>122 000 000</b>

### Trends in the allocation of resources to the Togolese Federation of Paralympic Sports, 2010–2015

	<i>Year</i>	<i>Amount requested (CFAF)</i>	<i>Amount received (CFAF)</i>	<i>Technical and financial partners (CFAF)</i>	
				<i>State (CFAF)</i>	
1	2010	16 000 000	0	0	0
2	2011	14 000 000	0	0	0
3	2012	14 000 000	2 700 000	2 500 000	200 000
4	2013	23 000 000	0	0	0
5	2014	14 000 000	7 930 000	7 000 000	930 000
6	2015	17 000 000	0	0	0

## Listes

### Liste des membres de la Commission interministérielle ayant participé à la rédaction du présent rapport

1. M. MINEKPOR Kokou: Ministère de la Justice et des Relations avec les Institutions de la République/Direction de la Législation et de la Protection des Droits de l'Homme
2. M<sup>me</sup> ALE GONH-GOH G.: Ministère de la Justice et des Relations avec les Institutions de la République/Direction de la Législation et de la Protection des Droits de l'Homme
3. M. AKPAOU Gafarou: Ministère de la Justice et des Relations avec les Institutions de la République/Direction de la Législation et de la Protection des Droits de l'Homme
4. M. KANTCHE Yogbey: Ministère de la Justice et des Relations avec les Institutions de la République/Direction de la Promotion des Droits de l'Homme
5. M. MISSOHOU Djifa: Ministère de la Justice et des Relations avec les Institutions de la République/Direction de la Promotion des Droits de l'Homme
6. AZAMBO AQUITEME Badabossia: Ministère de l'Action Sociale, de la Promotion de la Femme et de l'Aphabétisation/DGPE
7. M. KARIMOU Wasiyou: Ministère de l'Action Sociale, de la Promotion Féminine et de l'Aphabétisation/DPH
8. ATCHOU Kwami: Ministère de l'Action Sociale, de la Promotion de la Femme et de l'Aphabétisation/DPH
9. GLOKPO koffi Ameyo: Ministère de l'Action Sociale, de la Promotion de la Femme et de l'Aphabétisation/DGPE
10. DZAPOLOGUE Pouquinepo: Ministère de l'Action Sociale, de la Promotion de la Femme et de l'Aphabétisation
11. M. KODJO Gnambi Garba: Ministère de la Justice et des Relations avec les Institutions de la République
12. M<sup>me</sup> d'ALMEIDA Pierrette: Ministère de la Planification du Développement/DPAR
13. M. BELEI Essowaza: Ministère des Enseignements Primaires et Secondaires
14. M<sup>me</sup> ADZONYO A. Colette: Ministère de l'Enseignement Technique et de la Formation Professionnelle
15. M. DOGBO Yawotsè: Ministère de l'Enseignement Supérieur et de la Recherche
16. AKONTOM Yawa: Ministère de la Santé et de la Protection Sociale
17. M. AKPO Taminou: Ministère des Affaires Etrangères de la Coopération et de l'Intégration Africaine
18. M. DOUTI Madiba: Ministère de la Fonction Publique du Travail et de la Réforme Administrative
19. YAKPO Ama Essenam: Ministère de l'Environnement et des Ressources Forestières
20. TOGNI A. Huguette: Ministère du Commerce de l'Industrie, de la Promotion du Secteur privé et du Tourisme (PSPT/DCE)
21. KEDJEYI A. A. Daalakiwé: Ministère de l'Administration Territoriale de la Décentralisation et des Collectivités Locales
22. M. LAKOUSSAN Koffivi: Ministère du Commerce de l'Industrie, de la Promotion du Secteur privé et du Tourisme (MCIPSPT)
23. M. DAMTARE Yacouba: Ministère des Mines et de l'Energie
24. M. MENSAH Komlan Viglo: Ministère de l'Urbanisme, de l'Habitat et du Cadre de Vie

25. M. TAGBA Simfèilé: Ministère de la Communication, de la Culture, des Sports et de la Formation Civique
26. M. KOROZAN Komi Essozolan: Ministère de l'Agriculture de l'Elevage et de l'Hydraulique
27. M. DUAMEY-KODJO K. Nokplim: Ministère du Développement à la Base, de l'Artisanat, de la Jeunesse et de l'Emploi des Jeunes
28. M. KAKABOU Nawouri: Ministère de la Fonction Publique, du Travail et de la Réforme Administrative
29. M. AGAMA Yawo Lawoe: Commission Nationale des Droits de l'Homme
30. M<sup>me</sup> GOEH-AKUE Adoudé Ahoefa: Ministère de la Communication, de la Culture, des Sports et de la Formation Civique/Conservatrice du Musée Nationale du Togo

**Liste des représentants des organisations de la société civile ayant participé à la rédaction du présent rapport**

1. GAGNASSI Komi: Forum des Organisations de Défense des Droits des Enfants au Togo (FODDET)
  2. Laure Akofa TAY: Christofell-Blindenmission (CBM)
  3. ADJAYI D. Thèrèse: Plan International Togo
  4. KEGUE Sylvestre: Fédération Togolaise des Associations des Personnes Handicapées (FETAPH)
  5. HOTOWOSSI Kodjo Martin: Fonds des Nations Unies pour l'Enfance (UNICEF)
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