**Recommendations by UN human rights mechanisms concerning the rights of persons with disabilities with respect to Togo**

**Main issues raised by TBs:**

* Discrimination of persons with disabilities, notably women, children and girls with disabilities
* Awareness-raising campaigns to combat the stigmatization, prejudice and discrimination, notably of children with disabilities
* Inclusive education: lack of strategy and policy
* Need for comprehensive and disaggregated data collection, including on children with disabilities
* Access to justice: investigate acts of violence against children with disabilities and bring perpetrators to justice
* Need for training for professional staff working with children with disabilities

Concluding Observations of the CESCR Committee, [E/C.12/TGO/CO/1](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fTGO%2fCO%2f1&Lang=en), 2013

12. Le Comité note avec préoccupation les dispositions discriminatoires envers les **personnes handicapées** dans la législation de l’État partie, telles que celles de l’article 23 de l’ordonnance 1 du 4 janvier 1968, portant statut général des fonctionnaires, sur les conditions d’aptitude physique au recrutement dans la fonction publique. Par ailleurs, le Comité relève avec préoccupation que les **personnes handicapées** dans l’État partie se trouvent dans des situations d’exclusion sociale, y compris en raison des barrières comportementales et physiques. Le Comité regrette également que l’État partie n’ait pas fourni de données fiables et complètes tant sur le nombre de **personnes handicapées** que sur la jouissance de leurs droits économiques, sociaux et culturels. (art. 2(2)).

Le Comité recommande à l’État partie de (a) renforcer la législation visant à promouvoir l’égalité, notamment en abrogeant les dispositions discriminatoires envers les **personnes handicapées** et en introduisant l’obligation d’apporter des aménagements raisonnables et l’application de quotas en matière d’emploi; (b) mettre en place un **système de collecte de données** sur la situation des personnes handicapées ; (c) poursuivre les efforts tendant à lever les barrières comportementales et physiques ; et (d) doter la stratégie nationale de protection et de promotion des personnes handicapées au Togo ainsi que son plan opérationnel des ressources nécessaires à leur mise en œuvre.

Concluding Observations of the CEDAW Committee, 53rd session, [CEDAW/C/TGO/CO/6-7](http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW.C.TGO.CO.6-7.pdf), 2012

Disadvantaged groups of women

38. The Committee is concerned about the situation of women who face multiple forms of discrimination. The Committee is particularly concerned about the situation of older women; **women with disabilities**, including the limited access of girls with disabilities to education; and women in detention, including the deplorable health conditions in detention facilities.

39. The Committee recommends that the State party:

(a) Adopt measures, including temporary special measures within the meaning of article 4, paragraph 1, of the Convention and the committee’s general recommendation No. 25 ((2004) on temporary special measures, to ensure equal rights and opportunities for women who face multiple forms of discrimination, including older women, **women with disabilities** and women in detention; implement these measures, as applicable, in political, public, social and economic life and in the areas of education, employment and health, and protect these women from violence, abuse and exploitation; in particular, ensure adequate educational

opportunities for girls and boys with disabilities, including by integrating them into mainstream education and ensure the provision of adequate health facilities and services for women in detention, in particular for pregnant women; and

(b) Adopt targeted policies to protect and integrate those women into society.

Concluding Observations of the CRC Committee, 59th session, [CRC/C/TGO/CO3-4](http://www2.ohchr.org/english/bodies/crc/docs/co/CRC_C_TGO_CO_3-4.pdf), 2012

5. The Committee also notes with appreciation the ratification of or accession to:

(b) The Convention on the Rights of Persons with disabilities and its Optional Protocol, in March 2011;

8. The Committee urges the State party to take all necessary measures to address those recommendations contained in the concluding observations on the second periodic report that have not yet been implemented or sufficiently implemented, particularly those related to coordination, data-collection, birth registration and discriminatory practices against girls and **children with disabilities**, harmful traditional practices, economic exploitation and administration of juvenile justice. The Committee also urges the State party to provide adequate follow-up to the recommendations contained in the present concluding observations.

Non-discrimination

31. The Committee is concerned that discrimination against vulnerable groups of children, in particular girls and **children with disabilities**, persists throughout the State party and that insufficient measures have been taken by the State party to implement the recommendations already made by the Committee in this regard (CRC/C/15/Add.255 para. 26). The Committee is also concerned that according to article 248 of the Children’s Code, the child born of adulterous relations from his/her father cannot claim maintenance if he/she has not been recognized by him.

32. The Committee recommends that the State party take more active measures to end all forms of discrimination against children with particular attention to discrimination against girls and **children with disabilities**. In particular, the Committee urges the State party to:

(a) Speed up its legislative reforms to ensure that all children within the State party’s territory are equally protected against discrimination and that provisions that discriminate against women and girls be repealed without further delay and that article 248 of the Children’s Code be amended to secure the recovery of maintenance for all children without discrimination based on the origin of his or her birth;

(b) Formulate a comprehensive strategy, including a clear definition of targets and the establishment of a monitoring mechanism, to modify and eliminate negative attitudes and practices and change deep-rooted stereotypes that discriminate against vulnerable groups of children, in particular girls and **children with disabilities**;

(c) Undertake such efforts in coordination with a wide range of stakeholders, including concerned children and, women’s organizations and involving all sectors of society, so as to facilitate social and cultural change and creation of an enabling environment that promotes equality; and

(d) Monitor such efforts and regularly assess progress made towards the achievement of established goals, and include an assessment of the results achieved in its next report.

35. The Committee welcomes the adoption of Act No. 2009-011 of 24 July 2009 abolishing the death penalty in the State Party. The Committee also welcomes the significant efforts made by the State party to prevent the occurrence of killings of children born with disabilities, malformations, skin discoloration, as well as of children born with teeth or from mothers who died during delivery, in accordance with the previous recommendation of the Committee (CRC/C/15/Add.255 para. 31). The Committee however remains concerned that such killings still occur in the State party.

36. The Committee urges the State party to continue to take all necessary measures to prevent the occurrence of the killings mentioned above, to prosecute those responsible for such crimes and to strengthen its efforts to raise awareness among the population at large of the need to eradicate such practices. The Committee further recommends that the State party monitor such efforts and include an assessment of the results achieved in its next report.

**Children with disabilities**

51. The Committee, while welcoming the ratification of the Convention on the Rights of Persons with disabilities in March 2011, expresses deep concern about the prevailing societal attitudes which are conducive to the stigmatization of **children with disabilities** and even lead to their infanticide. The Committee is also concerned that a high number of **children with disabilities** are deprived of access to education and health services and that the State party has still not adopted a policy for the integration of **children with disabilities** into mainstream schools as previously recommended by the Committee. The Committee further notes that in spite of some pilot initiatives, teachers are not provided adequate training to properly integrate **children with disabilities**.

52. The Committee reiterates its recommendation that the State party adopt an integration policy, allocate adequate resources to strengthen services for **children with disabilities**, support their families and train professional in the field (CRC/C/15/Add.255 para. 49 c). The State party should in particular:

(a) Take effective steps to combat isolation and social stigmatization of **children with disabilities** ;

(b) Bring perpetrators of killings and any form of violence against **children with disabilities** to justice;

(c) Ensure the collection and use of adequately disaggregated and comprehensive data in the development of policies and programmes for **children with disabilities**;

(d) Review the situation of these children in terms of their access to suitable health care and education services and give effective priority to the development of inclusive education over the placement of children in specialized institutions;

(e) Take guidance from the Committee 2006 General Comment on the Rights of **children with disabilities** (CRC/C/GC/9); and

(f) Seek assistance in this regard from, among others, UNICEF and the World Health Organization (WHO).

Education, including vocational training and guidance

63. While welcoming the abolition in 2008 of school tuition fees for early childhood education and primary schools and the progress towards the achievement of gender parity in basic education, the Committee is concerned that the portion of the State party’s budget allocated remains insufficient for the effective implementation of the abolition of school fees. The Committee is also concerned that:

(a) One third of children have no access to primary education, with girls, children living in remote areas and **children with disabilities** being at particular risk of being out of school;

(b) Repetition rate stands at a high level and completion rate of primary education remains very low, especially among girls;

(c) Schools are lacking and teaching infrastructure and resources remain insufficient and inadequate;

(d) An estimated one third of teachers of the State party and up to 50 percent in some regions are volunteers, receive no training and depend on direct payment by parents;

(e) Access to early childhood education remains extremely limited; and

(f) Corporal punishment of children within schools as well as economic exploitation and sexual abuse of children by teachers in the exchange of good marks are widespread in the State party.

Concluding Observations of the Human Rights Committee, [CCPR/C/TGO/CO/4](uhri.ohchr.org/Document/File/eec15905-cfa2-426b-a477-7466c16aec50/5737930f-f73d-4f1d-8e87-5269a02c4f02), 2011

**B. Positive aspects**

4. The Committee welcomes the State party’s accession, during the period under consideration, to international instruments relating to human rights guaranteed by the Covenant, in particular:

(b) The Convention on the Rights of Persons with disabilities, on 1 March 2011.

Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak. Mission to Togo, [A/HRC/7/3/Add.5](uhri.ohchr.org/Document/File/0726e007-e9bd-4164-8518-e5808a8e10ea/c82264b7-0e0d-4541-9a53-da28d1f2b9fe), 2008

**A. Conditions in places of detention**

**1. Prisons**

41. In Kara prison, the Special Rapporteur discovered a cell holding three mentally ill prisoners and one cell with one mentally ill person. They all had to spend the whole day in their dark and dirty cells and did not receive any medical or psychiatric assistance.

**B. Recommendations**

**Conditions of detention**

103. The Government of Togo should continue efforts to improve detention conditions, in particular with a view to providing health care; treat rather than punish the mentally ill and provide suitable safeguards to protect them from torture and ill-treatment; improve the quantity and quality of food, also through the creation of prison farms, access to which however, needs to be non-discriminatory.

Concluding Observations of the CRC Committee, 38th session, 2005, CRC/C/15/Add.255

25. While noting the efforts made by the State party to address the issue, the Committee notes with concern that societal discrimination persists against vulnerable groups of children, in particular girls and **children with disabilities**. In particular, the Committee reiterates the concern of the Human Rights Committee (CCPR/CO/75/TGO of 28 November 2002) and of the Committee on Economic, Social and Cultural Rights (E/C.12/1/Add.61 of 21 May 2001) about “continuing discrimination against ... girls with respect to access to education, employment and inheritance”.

26. With reference to the recommendations made in this regard by the Human Rights Committee and the Committee on Economic, Social and Cultural Rights, the Committee urges the State party to undertake an in-depth review of all its legislation, including the Individuals and Family Code and the Nationality Code of 1998, in order to fully guarantee the application of the principle of non-discrimination in domestic laws and compliance with article 2 of the Convention, and to adopt a proactive and comprehensive strategy to eliminate discrimination on any grounds and against all vulnerable groups, especially girls and **children with disabilities**, and children living in remote areas.

30. The Committee is deeply concerned about reports of killing, in certain areas, of children born with disabilities, malformations, skin discoloration, as well as of children born with teeth, or from mothers who died during delivery.

31. While taking note of the discussions that took place with the authors of these killings, the Committee urges the State party urgently to take all necessary measures to prevent the occurrence of such killings, to prosecute those responsible for such crimes and to raise awareness among the population at large of the need to eradicate such practices.

**Children with disabilities**

48. While noting the installation of access ramps in hospitals for disabled and the promulgation on 23 April 2004 of the Act 2004/005 on the social protection of persons with disabilities, the Committee is concerned that children do not have access to health-care services in the first place. In addition, the Committee is concerned that:

(a) Only very few **children with disabilities** have access to education and employment services;

(b) Education programmes do not prioritize services for disabled children;

(c) There is no policy for the integration of **children with disabilities**.

49. The Committee recommends that the State party:

(a) Take all necessary measures, including appropriate allocation of human and financial resources, to ensure the thorough implementation of the Act 2004/005 on the protection of persons with disabilities;

(b) Ensure the collection and use of adequately disaggregated and comprehensive data in the development of policies and programmes for **children with disabilities**;

(c) Review the situation of these children in terms of their access to suitable health care, education services and employment opportunities;

(d) Adopt an integration policy, allocate adequate resources to strengthen services for **children with disabilities**, support their families and train professionals in the field;

(e) Take note of the Standard Rules on the Equalization of Opportunities for Persons with disabilities (General Assembly resolution 48/96 of 20 December 1993, annex) and of the Committee’s recommendations adopted at its day of general discussion on the rights of **children with disabilities** (CRC/C/69, paras. 310-339);

(f) Seek assistance in this regard from, among others, UNICEF and the World Health Organization (WHO).