

Gender equality in Togo

Contextualising Togo's progress on gender equality

Laetitia Pettinotti and Sherillyn Raga

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Key messages

Gender equality is a situation whereby all human beings, regardless of their sex and gender identity, have the same rights, responsibilities and opportunities. Gender equality is linked to economic empowerment and gender-based violence. In Togo, there is evidence of inequality in terms of rights (e.g. there is no legislation criminalising domestic violence), access to resources (e.g. educational attainment) and representation (e.g. in political life).

Nevertheless, progress is identifiable. Togo has recently enacted a series of reforms that provide a legislative framework to improve women's rights within social protection, inheritance and criminal law. However, gaps remain in terms of protection from domestic violence and there are questions regarding the degree of enforcement of recent reforms.

Compared with East and Southern African countries, Togo is lagging behind on share of women employed in senior and middle management, women's firm ownership and women's representation in public office. However, the country performs better than its West African neighbours on these indicators. Within the country, Togolese women's access to education, ICTs, financial services and waged work in the formal sector remains lower than that for men.

The situation regarding gender equality – i.e., equality regardless of gender to encompass LGBTQIA+ – not just women's rights and empowerment – is still repressive in Togo, as in other West African countries.

Improving gender equality includes enhancing women's economic agency and fostering norms for a more inclusive society. To address gender gaps, the government could increase efforts to deploy targeted interventions, such as public investment in education, healthcare and childcare.

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About the authors

Dr Laetitia Pettinotti [ORCID: 0000-0001-5099-7417] is Senior Research Officer in ODI's International Economic Development Group. She is a development economist working at the intersection of economic transformation, climate change and gender.

Sherillyn Raga is a Research Fellow at ODI. Sherillyn has a decade of professional experience on policy-oriented research covering macroeconomics, financial integration, trade and investment in Asian and African contexts. Prior to joining ODI, she worked at the Philippine central bank, the International Monetary Fund and the Asian Development Bank.

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1 Introduction

Gender equality is a situation whereby all human beings, regardless of their sex and gender identities, have the same rights, responsibilities and opportunities (Harper et al., 2020). The UN frames gender equality as a fundamental human right at the core of peaceful societies, as asserted in the Beijing Declaration and Platform for Action in 1995, which acted as a breakthrough in asserting women's rights as human rights (UN Women, 1995). The Sustainable Development Goals recognise gender equality as a standalone goal (Goal 5) and highlight how much still needs to be course-corrected if this is to be achieved by 2030 (UNDESA, 2015).

Women's economic empowerment (WEE) and ending gender-based violence is central to realising gender equality. WEE is a process whereby women as individuals and as a group gain equal access to and control over economic resources (Hunt and Samman, 2016; UN Women, 2023). Gender-based violence is any threat or act resulting in physical or mental harm to people based on their perceived gender, and is deeply connected to patriarchal norms defining expectations of masculinities (Harper et al., 2022).

WEE, gender-based violence and social norms are interconnected and form the key components related to gender equality. Women can use greater economic autonomy to gain greater control over other aspects of their lives and progressively change norms while norms and gender based violence shape ideas around women's autonomy and rights and the harassment and violence they may be subjected to (Marcus, 2018; Harper et al., 2020).

In 2022, Togo ranked 127 out of 144 countries on the SDG Gender Index rating worldwide, highlighting the scope for progress in bridging the gender divide (EM2030, 2022).¹ Germany's commitment in 2023 to a feminist foreign and development policy raises questions as to what German contributions to progress on gender equality may look like in localised contexts (BMZ, 2023). In this context, this brief aims to provide an overview on the progress of gender equality in Togo relative to other African low- and lower-middle-income countries. By utilising and presenting cross-country gender equality indicators, it is envisioned that the gaps identified in this brief can serve as an entry point for further research in designing specific policy interventions that the Togolese government and the international community can work on together.

¹ For more index ranking, see Appendix 1.

The brief is structured as per the German feminist development policy's 3Rs + D strategy: rights, resources, representation and diversity. It covers metrics reflecting the reality in Togo and in the region on rights for women (Section 2.1); the resources to which women have access (Section 2.2); the representation women currently have (Section 2.3); and attitudes towards Lesbian Gay Bisexual Transgender Queer Intersex Asexual + persons (Section 2.4).

2 Gender equality in Togo

2.1 Rights

Equal rights are an essential part of gender equality. This section presents a set of indicators regarding civil liberties, agency and choice in Togo and beyond.

Most recently, in 2022, Togo reformed its legislative framework in four areas: social protection, family law, civil rights and criminal law.² These changes will bring about greater protection for women, who can now claim full, instead of partial, indemnity following dismissal. They guarantee equal rights for divorced and widowed women in remarriage – that is, widows and divorced women’s rights to inheritance are unaffected by their remarriage. They also condemn physical, moral and economic harassment directed at women. And they protect employed pregnant workers and women on maternity leave (MASPFA, 2022).

These reforms enhance women’s rights and build on previous legislation introduced in 2014, wherein Togo’s family law prohibits customary practices that could undermine gender equality such as on inheritance, land tenure and child marriage.

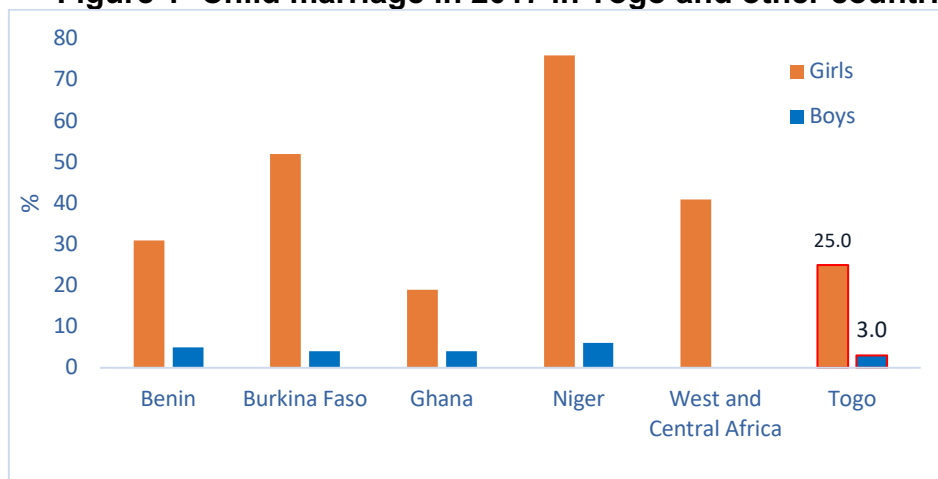
Relating to succession rights, widows can now inherit their husband’s estate, and the 2018 *Code foncier et domanial* (Code on Land and Estates) grants equal land tenure rights to women and men. Similar to Togo, many African countries recognise equal rights to ownership of immovable property for women and men. As of 2021, only 9 of 48 sub-Saharan countries did not recognise equal ownership rights.³

Child marriage is prohibited by law since 2007 but the country’s legal framework still acknowledges exceptional circumstances (it is unclear what basis these circumstances are assessed against) (UNHRC, 2022). An estimated 25% of girls are married before the age of 18 in Togo, compared with 3% of boys (see Figure 1) (Girls Not Brides, nd). In the region, Niger is the country with the largest prevalence of child marriage and Togo is among the countries with the lowest rate.

² Modified laws include Law No. 2011-006 of 21 February 2011 on the Social Security Code; Amended Law No. 2012-14 of 6 July 2012 on the Code of Persons and the Family, as amended by Law No. 2014-019 of 17 November 2014; Amended Law No. 2015-10 of 24 November 2015 on the New Penal Code, as amended by Law No. 2016-027 of 11 October 2016; and Amended Law No. 2021-012 of 18 June 2021 on the Labour Code.

³ The nine countries without equal gender rights to ownership of immovable property are Cameroon, Chad, Congo Republic, Democratic Republic of Congo, Equatorial Guinea, Guinea-Bissau, Mauritania, Niger and South Sudan (SDG Tracker database).

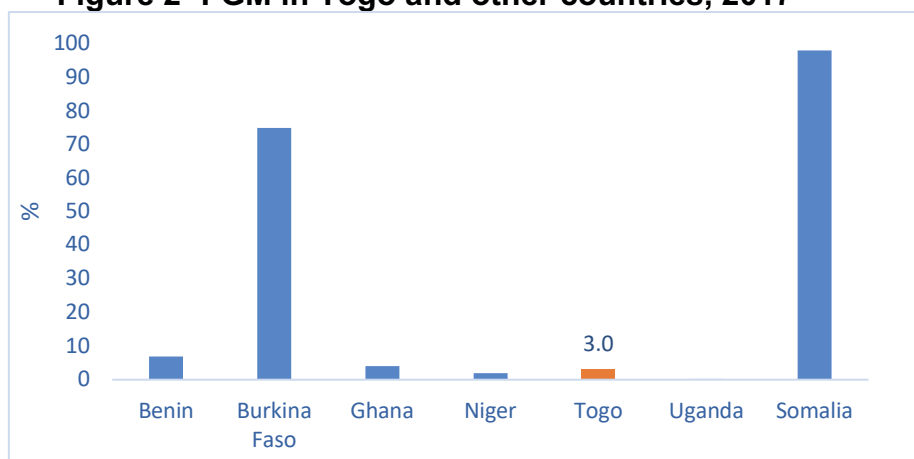
Figure 1 Child marriage in 2017 in Togo and other countries



Source: Girls Not Brides (nd).

Female genital mutilation is officially illegal in Togo since 1998,⁴ with criminal prosecution possible since 2015.⁵ In 2017, 3% of women had been victim of such mutilation in the country, compared with 75% in neighbouring Burkina Faso (Figure 2). On the continent, female genital mutilation prevalence ranges from 98% in Somalia to 0.3% in Uganda. However, the Togolese statistics hide regional disparities: in Centrale region, up to 13% of women in 2017 had been victims of female genital mutilation. However, support for ending the practice is high in the country, with 94% women against it (28 Too Many, nd).

Figure 2 FGM in Togo and other countries, 2017



Source: 28 Too Many (nd).

The fertility rate in Togo has declined for 50 years in a row, and was at 4.3 children per woman in 2021 (World Bank, nd). Access to reproductive healthcare is still low, with only 24% of married women having access to contraceptives in 2017. That same year, 17% of women aged 20–24 years had given birth to their first child before the age of 18 (UNICEF, nd). Abortion remains illegal in all circumstances except in cases of rape, incest

⁴ Law No. 98-016 of 17 November 1998.

⁵ Law No. 2015-010 of 24 November 2015 on the New Penal Code of Togo.

and foetal impairment since 2007 (World Bank, 2021; WHO, 2022). Questions remain as to the guarantee of such rights for those circumstances given that the law also caters for conscientious objections from healthcare providers and requires the procedure to be authorised by specialised licenced facilities, severely restricting access to safe abortion even when within the already restrictive confine of the law. Such restrictions are in line with the region where most African countries⁶ do not guarantee full access to safe abortions in all circumstances (WHO, 2022).

The 2022 reforms come in the wake of Togo's adoption of its *Politique nationale pour l'équité et l'égalité de genre 2011–2019* (National Policy on Gender Equity and Equality) and its corresponding implementation strategy renewed for the period 2020–2024 (Republic of Togo and UNDP, 2022). They have brought Togo to the forefront on ending legal discrimination against women in the region (see Section 2.4 for persistent discrimination related to LGBTQIA+ persons). Togo shows greater progress on women's rights in terms of the legislative framework than other countries in sub-Saharan Africa: in 2023, the country ranks well above the regional average⁷ on the World Bank Women, Business and the Law index, which encompass the whole legislative framework relative to women's autonomy and agency.

However, progress is not linear and may be reversed. For example, in 2021, Togo introduced new legislation that no longer prohibited the dismissal of pregnant workers. In 2022, this same law was modified to protect pregnant workers again. Such back and forth in legislation shows rights are not guaranteed and reversals are always possible.

Further, a number of areas critical to women's rights and gender equality are still not covered by legal protection: there is no full maternity leave cover guaranteed by the state or compulsory paid parental leave, and no legislation exists specifically addressing domestic violence (World Bank, 2023a).

⁶ The only countries in Africa where abortion is legal at a woman's request without restrictions are Cabo Verde, Mozambique, São Tomé and Príncipe, South Africa and Tunisia (WHO, 2022).

⁷ Togo scores at 81.9 on the World Bank Women, Business and the Law index, above the sub-Saharan African average of 72.6 but below the highest score (95) held by Côte d'Ivoire and Gabon.

2.2 Resources

SDG5.A is pushing for equal access to, ownership of and control over economic resources. Greater control over economic resources can help women gain greater control over other aspects of their lives (Harper et al., 2020). While rights may be guaranteed under legislative and constitutional frameworks, the change they can bring about in terms of access to resources can lag behind as a result of limited enforcement and persistent patriarchal norms around women's expected attitudes and behaviours (OECD, 2016; Marcus, 2018).

For instance, heated debates and rounds of discussions took place before the proposed changes to the inheritance law, which previously excluded women and orphans from inheriting any property unless the widowed woman accepted levirate marriage⁸ (Affoum and Dry, 2022). However, even though the law is now in place, civil society is of the view that it remains difficult to implement and is not reflected in the daily realities of women (Affoum and Dry, 2022; OECD, 2016). The enforcement issue is compounded by strong stigma against women who try to enforce their rights by going into court (Affoum and Dry, 2022).

Further, only a small share of Togolese women (29.4%) participate in three major household decisions (on own healthcare, major household purchases and visiting family) compared with 61.6% in neighbouring Ghana as of 2014,⁹ even after reforms on women's rights progressed in 2012 and 2014 (e.g. *Code des Personnes et de la Famille*, the Code on Persons and the Family). Such limited agency speaks to strong patriarchal customs and traditions in Togo, indicating a need for greater efforts to reach, inform and sensitise women, men, girls and boys on the benefits of gender equality and the consequences of violence against women (Affoum and Dry, 2022).

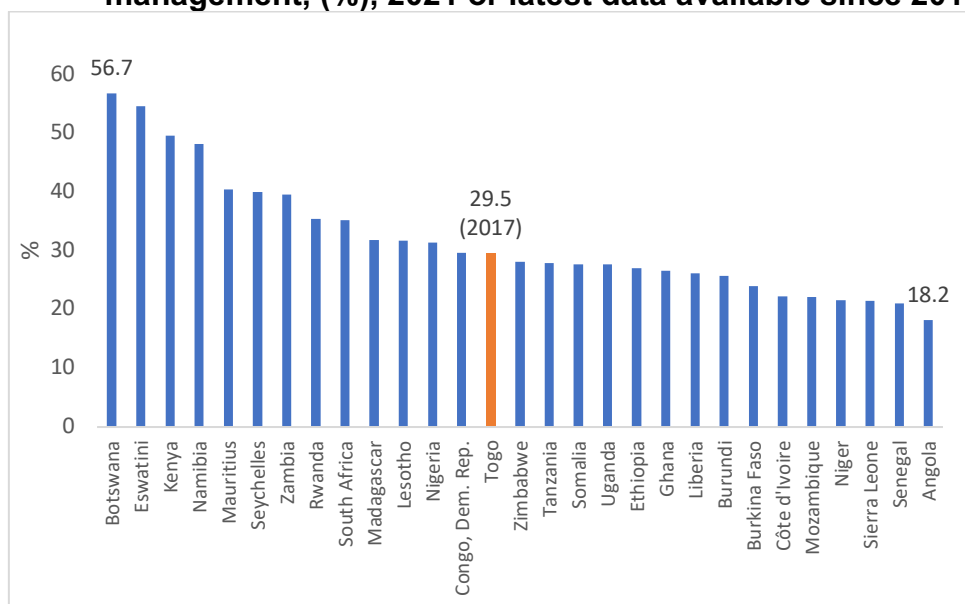
Difficulties regarding women's access to resources are also reflected in the reality of employment in Togo. As in many other low-income countries of the region, Togolese women are in a mix of occupations, of wage work, non-wage work and cash earnings, that are embedded in the formal and informal labour market (Stevano, 2022). But one-third of Togolese people deem that, should the economic situation offer limited employment opportunities, a man should be employed over a woman. Conversely, more than two-thirds of Togolese people believe that family and household chores are best managed by a woman (Akinocho, 2019). Such beliefs limit the economic opportunities available to women.

Women work predominantly in the informal sector (94%, against 74% for men) and the labour gap between women and men is marginally lower in Togo than across sub-Saharan Africa (UNCTAD, 2022; World Bank, 2023b). Nearly one-third of employed women are in senior and middle management roles – the median among 29 sub-Saharan African countries (from 56% in Botswana to 18% in Angola based on latest data) (Figure 3).

⁸ This is where the widow is obliged to marry a male relative of their late husband to keep patrilineal property together; refusal leaves the women and her children with no house or land.

⁹ Based on data from the World Development Indicators.

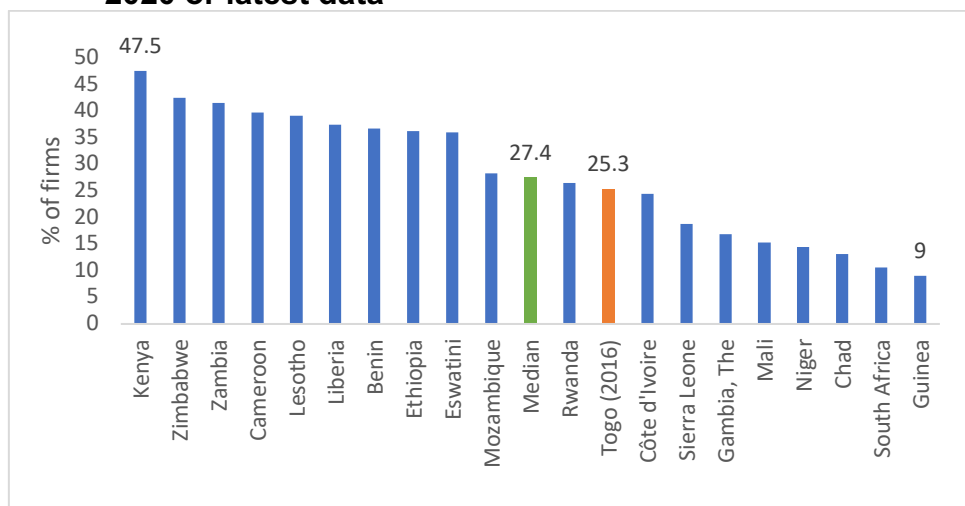
Figure 3 Female share of employment in senior and middle management, (%), 2021 or latest data available since 2015



Source: World Development Indicators, n.d.

Beyond employment, the share of firms with women participating in firm ownership (25%) is also around the median performance in Africa: in the best-performing African country (Kenya), 50% of firms include women among their principal owners.

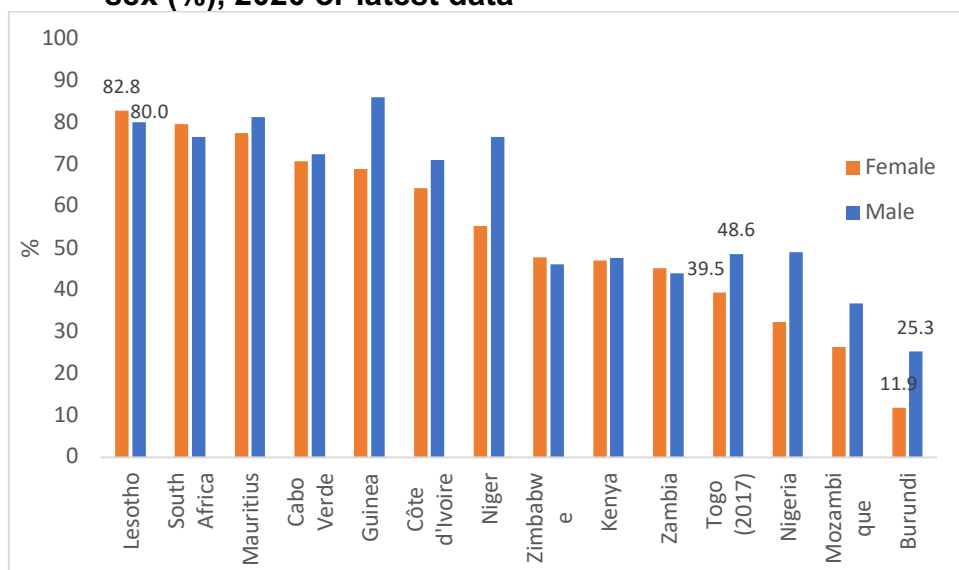
Figure 4 Firms with female participation in ownership (% of firms), 2020 or latest data



Source: World Development Indicators, n.d.

An aspect related to employment, in particular when it comes to entrepreneurship, is access and skills to use digital technologies. Increasing women’s access to communications and information technology can promote their economic empowerment. Figure 5 shows a lower share of Togolese women with mobile phones (39.5%) compared with men (48.6%) and compared with the median for women in selected African countries (51.6%).

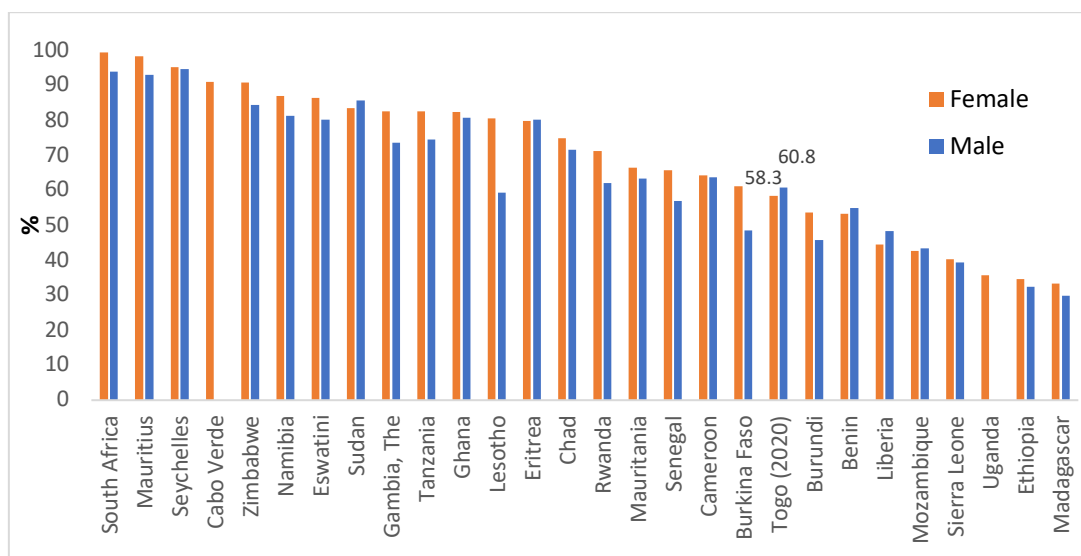
Figure 5 Proportion of individuals who own a mobile telephone, by sex (%), 2020 or latest data



Source: UN SDG tracker database

Education is also a key aspect that strongly determines economic autonomy. Educational attainment (in terms of primary students reaching the last grade of primary school) of Togolese boys and girls are comparable within the country but are generally lower compared with sub-Saharan Africa (Figure 6). However, gender inequality on accessing education widens with higher levels of education. Gross enrolment rates are lower for Togolese females in secondary school, at 58% (vs 71% for males) as of 2021, and tertiary education is at 11% (vs 20% for males) as of 2020 (WDI, n.d.).

Figure 6 Persistence to last grade of primary (% of cohort), 2021 or latest data



Source: World Development Indicators (n.d).

Access to financial resources is also a key element of greater economic autonomy. In Togo, no legislation prohibits discrimination in access to credit based on gender (World Bank, 2023a). Lack of such a legal framework may partially explain gender disparities in accessing financial resources as presented below.

Access to loans is generally difficult for both men and women in Togo (less than 10% of people have borrowed money from a financial institution or via a mobile account). However, Table 1 suggests that in 2021, a lower share of Togolese women than men have access to financial services (e.g. having an account, borrowing money, conducting digital payments), with the highest gap (of around 10 percentage points) related to using digital financial services. Compared with sub-Saharan African performance, Togolese women have lower access to financial services, except for on having a mobile money account. Compared with women in Ghana, a lower-middle-income neighbouring country, Togolese women have lower access to financial services; however, the gap in access between men and women is smaller in Togo than in Ghana.

Table 1 Access to financial services via financial institutions and digital platforms, 2021, by sex (% of those aged 15+)

Country name	Financial institution account, female	Financial institution account, male	Mobile money account, female	Mobile money account, male	Borrowed any money from formal financial institution or using mobile money account, female	Borrowed any money from formal financial institution or using mobile money account, male	Made or received digital payment, female	Made or received digital payment, male
Sub-Saharan Africa (excluding high income)	34	46	30	36	13	16	44	56
Benin	17	31	30	44	9	14	37	51
Burkina Faso	17	26	19	31	5	12	27	40
Cameroon	20	27	39	46	8	15	48	52
Congo Republic	17	20	33	41	9	11	40	48
Côte d'Ivoire	14	27	30	51	4	11	35	60
Gabon	21	35	55	61	8	16	61	71
Ghana	32	47	55	65	13	21	59	72
Guinea	11	17	17	26	6	10	21	34
Kenya	45	57	66	71	37	42	74	82
Liberia	19	38	32	40	14	19	39	53
Malawi	17	24	30	39	10	10	36	45
Mali	28	29	26	33	13	12	37	40
Mauritius	89	91	17	15	16	25	75	86
Mozambique	31	47	21	38	9	21	31	54
Namibia	62	69	41	44	21	26	64	69
Nigeria	35	55	5	12	6	8	23	45
Senegal	24	32	38	52	14	12	47	59
Sierra Leone	10	17	17	22	6	5	23	31
South Africa	85	83	39	34	20	18	82	79
South Sudan	4	7	0	1	3	2	3	7
Tanzania	16	32	40	49	11	16	44	57
Togo	21	29	32	41	8	9	39	49
Uganda	35	38	53	55	29	29	62	63
Zambia	21	27	39	44	12	18	44	49
Zimbabwe	24	35	46	56	7	8	52	64

Note: Figures highlighted in red (green) indicate lower (higher) than sub-Saharan Africa performance.

Source: World Bank Global Findex Database 2021.

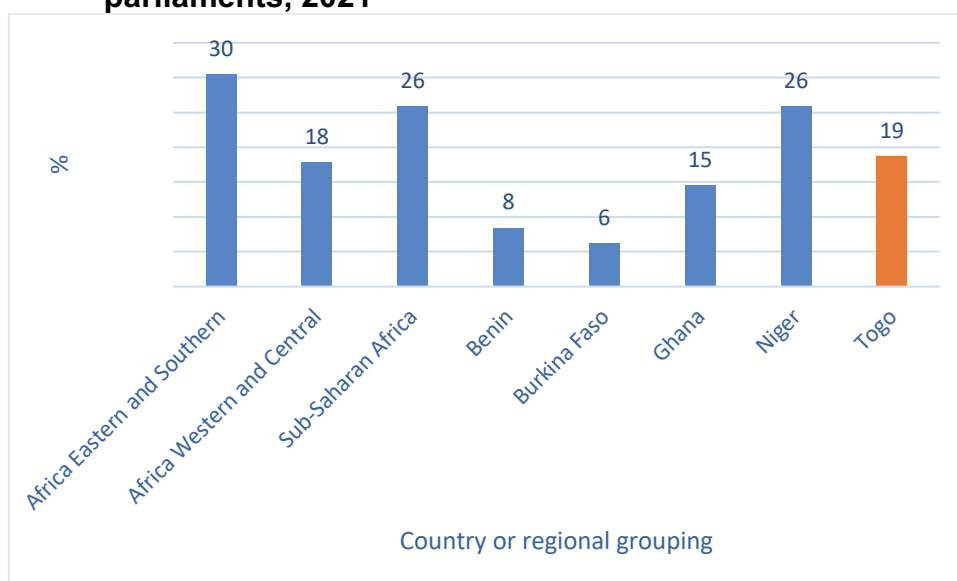
2.3 Representation

A key element of progress on gender equality is linked to greater and better representation of women in key public roles. Women's representation in political life in Togo is currently low but local civil society organisations have been representing women's interests and have been instrumental in changing persistent discriminatory provisions in laws, and, with the support of the international community, have put pressure on the government to pass reforms for greater equal rights, such as in the amendment of Code of Persons and the Family in 2012 and 2014 (Affoum and Dry, 2022). A few national associations actually work specifically on supporting greater women representation, such as *Association internationale des femmes et jeunes leaders*; *Association des femmes africaines pour la recherche et le développement*; *Association des femmes chefs d'entreprises du Togo*; *Réseaux des associations de femmes en action pour le développement*; *Action pour la promotion et le développement intégral de la femme et de l'enfant*; *Réseau des femmes élus locales d'Afrique*; *Groupe de réflexion, d'action, femmes, démocratie et développement*; and *Réseau femmes et développement des savanes*.

In 2022, one-third of high-level government and public executive position were filled by women following a drive started in 2018 to increase the visibility of women in public life as per the country's National Policy on Gender Equity and Equality (UNHRC, 2022).

Women currently hold 19% of seats in parliaments in Togo, lower than the sub-Saharan African average but slightly higher than the West and Central African average (Figure 7). The number of women holding seats has risen in Togo but at a slower pace than across the continent (a 13 percentage point increase for Togo vs a 19 percentage point increase for Africa over the 2000–2021 period) (OECD, 2021). In fact, Togo does have affirmative action provisions but only in its electoral law; these are not embedded in the country's constitution. They cover a provision for equal representation of women and men in candidate lists with clear public party funding rewards if elected (International IDEA, 2021).

Figure 7 Proportion of seats held by women in national parliaments, 2021



Source: International IDEA (2021).

At the subnational (commune) level, women account for about 10% of elected municipal representatives on average: 10% of mayors, 14% of deputy mayors, 13% of councillors and 25% of general secretaries in municipalities (Nubukpo and Ken, 2020). Across the continent, in 2018, women held 29% of positions in elected local governments (men held 71%) (OECD, 2021).

2.4 Attitudes towards LGBTQIA+

Gender relates to social constructs and as such relates to a range of identities that go beyond cisgender identity (that is, when one's gender corresponds to one's biological sex). This section presents indicators on lesbian gay bisexual transgender queer intersex asexual+ (LGBTQIA+) status.

Under the 1980 and then the 2015 Penal Code, Togo criminalises same-sex sexual activity between men and between women (punishable by imprisonment and a fine). However, the constitution guarantees non-discrimination without distinction on the basis of sex, beliefs and opinions. Enforcement is difficult to assess and it seems arrest often occurs under other legal infractions (HDT, nd).

As a result of such criminalisation, there is little documented evidence of discrimination and violence carried out against LGBTQIA+ persons. Stigma and secrecy are prevalent, and the norm remains heterosexual relationships and cisgender identity. This is demonstrated in a survey conducted of 34 African countries by Howard, (2020), where only 10% of respondents in Togo expressed acceptance of neighbours who are homosexuals, higher than the lowest tolerance level in The Gambia and Uganda (3%) but lower than the average (20%) in Africa, and way below

the three countries with the highest tolerance levels – namely, Cabo Verde (80%), South Africa (70%) and Mauritius (56%). Togo's intolerance to people of a different sexual orientation has remained constant over the past decade, pointing to little norm change in the region.

On the continent, same-sex relationships are punished by death in four countries,¹⁰ are illegal in 33 others¹¹ and are decriminalised in 21¹² (Amnesty International, 2018). Togo's neighbouring countries (Benin, Burkina Faso and Niger) have all decriminalised homosexuality; Ghana is an outlier here. That said, despite homosexuality being legal in these countries, there remain clear gaps in terms of protection against discrimination and against conversion therapies; access to marriage and the right to adopt children; and, more generally, public acceptance of homosexuality.

¹⁰ Mauritania, northern Nigeria, southern Somalia, Sudan.

¹¹ Algeria, Angola, Botswana, Burundi, Cameroon, Comoros, Egypt, Eritrea, Ethiopia, The Gambia, Ghana, Guinea, Kenya, Liberia, Libya, Malawi, Mauritania, Mauritius, Morocco, Namibia, Nigeria, Senegal, Sierra Leone, Somalia, South Sudan, Sudan, Swaziland, Tanzania, Togo, Tunisia, Uganda, Zambia, Zimbabwe.

¹² Benin, Burkina Faso, Cabo Verde, Central African Republic, Chad, Congo-Brazzaville, Côte d'Ivoire, Democratic Republic of Congo, Djibouti, Equatorial Guinea, Gabon, Guinea-Bissau, Lesotho, Madagascar, Mali, Mozambique, Niger, Rwanda, São Tomé and Príncipe, Seychelles, South Africa.

3 Conclusion

Progress on gender equality calls for an all-encompassing approach whereby rights, gender norms and autonomy feed into each other. The issue can be tackled on multiple fronts at once, and Germany's proposed feminist development strategy caters to this reality.

In the case of Togo, the legislative framework has progressed greatly in recent years: the country now guarantees equal inheritance rights for divorced and widowed women and provides greater protection for women workers. Female genital mutilation and child marriage have been illegal since 1998 and 2007, respectively.

Gaps in the legal framework remain though: there is no full maternity leave cover guaranteed by the state or compulsory paid parental leave, and no legislation specifically addressing domestic violence exists. Hence, continued advocacy to ensure equal rights for women and girl is necessary, especially as new challenges arise, for example around safety in public physical and online spaces. Furthermore, the legislative protection for LGBTQIA+ people is still inadequate in Togo and speaks to rigid gender norms that still constrain equality. Last, even if legislation is in place, enforcement remains a challenge and needs to be strengthened.

When it comes to access to resources, women in Togo are in middle or senior roles in business in line with the median performance of sub-Saharan African countries. Access to financial services remains lower for women than for men in Togo and lower relative to other countries in the region. Gender norms and patriarchal traditions directly shape the economic, financial and education opportunities and choices available to men, women and LGBTQIA+ persons in Togo. Norms shape the type of work available and the care work expected from people and as such they represent a direct entry point to leverage transformational change – but this take time to take effect.

Finally, women's representation in public life remains a challenge despite continued advocacy by civil society organisations. Women hold only one-third of high-level government positions and the increase in the number of women in key political position has been slow compared with in other countries in the region. Bottom-up approaches focused on representation in local government have taken advantage of the decentralisation implementation but change is slow to come.

Hence, over the medium to long term, approaches to expand equal opportunities with regard to access to education, political representation, productive jobs and financial services can help promote more inclusive

societies. To support these opportunities, further in-depth research is needed to identify how and in which specific and localised interventions (e.g. education, healthcare, childcare, advocacy) the Togolese government, civil society organisations and the international donor community can directly support women's greater autonomy and agency.

Appendix 1 Selected Gender Index scores

Index	Description	Score
Women Count Data Hub's SDG Dashboard by UN Women Accessible here	72 gender-specific SDG indicators. For each, the 33rd and 66th percentiles of the distribution are calculated and, based on those two values, countries are classified as belonging to high performance, medium performance and low performance categories.	Togo scores 25% as low performance, 11% as medium and 7% as high compared with 21% low, 10% medium and 7% high performance for the African continent.
Women, Business and the law by the World bank. Accessible here	The index covers 190 economies and is structured around the life cycle of a working woman. In total, 35 questions are scored across 8 indicators. Overall scores are then calculated by taking the average of each indicator, with 100 representing the highest possible score.	Togo scores 81.9 in 2023 (with 100 being the best score). Sub-Saharan African average is 72.6.
SDG Gender Index rating by Equal Measures 2030 Accessible here	The index covers 56 key indicators across 14 of the 17 SDGs (see Annex 1), with each goal represented by between 3 and 5 gender-related indicators.	Togo ranked 127 out of 144 countries in 2022. Most African countries are in the lowest tier of the index.
Gender Inequality Index by UNDP Accessible here	The index is a composite metric of gender inequality using three dimensions: reproductive health, empowerment and the labour market. A low value indicates low inequality between women and men, and vice versa.	Togo scores at 0.58 in 2021, against a world average of 0.465 in the same year.
Social Institutions and Gender Index (SIGI) by the Organisation for Economic Co-operation and Development Accessible here	The SIGI is built on 27 innovative variables measuring discriminatory social institutions, which are grouped into 4 dimensions: discrimination in the family, restricted physical integrity, restricted access to productive and financial resources, and restricted civil liberties.	Togo scored 49.5 on the index in 2019.

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