



Convention on the Rights of the Child

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Summary record of the 1679th meeting

Held at the Palais Wilson, Geneva, on Monday, 23 January 2012, at 10 a.m.

Chairperson: Mr. Zermatten

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The meeting was called to order at 10.05 a.m.

Consideration of reports submitted by States parties *(continued)*

Third and fourth periodic reports of Togo on the implementation of the Convention on the Rights of the Child (CRC/C/TGO/3-4; CRC/C/TGO/Q/3-4; CRC/C/TGO/Q/3-4/Add.1)

1. *At the invitation of the Chairperson, the delegation of Togo took places at the Committee table.*
2. **Mr. Hamadou** (Togo) said that the sociopolitical crisis that had gripped Togo had been brought to an end in 2006 thanks to the signing, at the initiative of the head of State, of a comprehensive political accord. Since then, political tensions had gradually died down. Several political parties and civil society organizations were now represented in government, and both international cooperation and donor investments had picked up again. There was therefore room to hope that the rights of the 3 million or so children in the country would be better protected in the future, especially with the sectoral policies, programmes and other development projects that the Togolese Government had drawn up and implemented jointly with the country's development partners and civil society organizations.
3. The Government's commitment to human rights had translated into the ratification of 17 international treaties on human rights, including children's rights, since 1990, as well as the adoption of legislative, administrative and judicial measures to bring domestic legislation into line with international instruments. Several articles of the Constitution of 1992 referred to the protection and promotion of the rights of the child, and the provisions of the Children's Code, which had been drafted on the basis of input received from government agencies, civil society organizations, development partners and children's organizations, reflected the principles of the Convention and its two Optional Protocols.
4. Togo had also strengthened the institutional framework for the protection of the rights of the child by creating many new agencies, such as the Directorate-General for Child Protection, the National Committee on the Rights of the Child (which would be granted greater autonomy under the current restructuring process), the National Commission for the Care and Social Reintegration of Child Victims of Trafficking, the Togo National Adoption Committee, the National Steering Committee of the Child Labour Abolition Programme, the National Human Rights Commission, the National Children's Advisory Council and the specialized child protection commissions operating at the community level. Since 2006, training on the Convention, the Children's Code and other instruments relating to the rights of the child had been given to lawyers, social workers, members of civil society organizations, teachers, journalists, traditional chiefs and community leaders, as well as to children.
5. Since the passage, on 11 June 2009, of the Civil Registry Act, which extended the time frame for registering births from 30 to 45 days, campaigns to raise awareness of the importance of systematically registering births had been carried out nationwide, and courts had been issuing official documents that served as birth certificates for children who had not been registered in the Civil Registry at birth. Since the launch of the national registration campaign in December 2011 by the Government of Togo and its development partners, which included the United Nations Children's Fund (UNICEF), an estimated 150,000 primary-school children had been issued with birth certificates.
6. A telephone hotline that children could use to report violence against them had been set up by the Government in 2009, with the support of UNICEF, Child Helpline International and various private-sector organizations. The service would enable authorities to collect and centralize data on the ill-treatment of children and other abuses.

7. Dissuasive measures had been introduced to combat certain practices, such as female genital mutilation, the deliberate killing of children with disabilities or malformations and forced or early marriages, which were still common in certain communities. Since the passage of the 1998 Act prohibiting female genital mutilation, the prevalence of the practice had fallen from 12 per cent in 1998 to 6.9 per cent in 2007, and then to 3.9 per cent in 2010. A study was currently under way to assess the impact of the measures taken to combat the other practices.

8. In the effort to combat sexual violence, sex education courses had been incorporated into preschool, primary-school and secondary-school curricula. The courses prepared students to detect and prevent sexual exploitation or aggression and drew the attention of teachers to the need to respect their students' integrity and the dangers associated with deviant behaviour. There were no centralized statistics on sexual violence against children in Togo, but the data obtained from shelters showed that in 2008–2010, 117 girls aged between 2 and 18 had been the victims of sexual violence. They had all received medical attention and psychosocial care, as well as legal advice. In order to involve children in the fight against harmful cultural practices that were difficult to curb due to their clandestine nature (including, in addition to those mentioned earlier, the practice of accusing children of witchcraft), the Togolese Government had established a National Children's Advisory Council, which was represented in every region and prefecture of the country.

9. Progress had been made in education with the introduction, in 2008, of free preschool and primary education, as well as reduced school fees for girls attending secondary school. As a result of those measures, the school attendance rate for girls had risen from 72 per cent to 88 per cent and the drop-out rate had fallen. With a view to achieving universal primary education by 2015, as established in Millennium Development Goal No. 2, the Government had adopted a sectoral plan for 2010–2020. Despite many efforts to increase attendance rates in preschool, primary school and secondary school, the exercise of the right to education was still limited by certain sociocultural barriers, insufficient funding, the lack of infrastructure and the shortage of qualified teachers. The situation of children with disabilities was even more critical: although Togo had opted for inclusive education, owing to the lack of financial resources the infrastructure was generally ill-suited to the needs of children with severe disabilities, who therefore generally attended State-subsidized specialized private education centres or institutions.

10. Many measures had been taken to improve children's health, such as the provision of free preventive and curative medical services. To attain the Millennium Development Goals Nos. 4, 5 and 6 for health, Togo had implemented a number of health plans, the last of which covered the period 2009–2013, and developed strategies to combat malaria, sexually transmitted diseases (STDs) and HIV/AIDS, as well as strategies to reduce maternal and infant mortality and vaccinate the population. Deworming and vaccination campaigns were being carried out, and vitamin A and mosquito nets impregnated with insecticide were being distributed among the population. Up to 90 per cent of the costs of Caesarean deliveries were covered by the State.

11. The Government had invested heavily in the prevention and treatment of STDs and HIV/AIDS and had set itself the target of reducing, even eradicating, the mother-to-baby transmission of the HIV virus by introducing routine testing for all pregnant women. The strategy had already helped to significantly lower the transmission rate, which had fallen from 20 per cent in 2005 to 7.5 per cent in 2010. Parallel to those efforts, free, anonymous and voluntary testing had been made available to the general population.

12. With the modernization of the justice system, children were now ensured proper legal protection. In particular, the possibility for judges to specialize in juvenile justice meant that such judges could be appointed in each jurisdiction and juvenile courts could eventually be established across the country. Also, thanks to the training given to

magistrates, the judicial police, lawyers and court clerks, the procedural safeguards established in the Children's Code were increasingly being applied. The National College of Administration had included the rights of the child in the courses it had been giving to trainee magistrates since 2005.

13. The Children's Code had a whole section on the rights of child victims in all procedures affecting them and established penalties for persons who committed acts of aggression against children. Children could report or file complaints of criminal acts committed against them with the competent authorities, either directly or through a representative. All persons with knowledge of such acts could report them to social services, anonymously or otherwise.

14. The Government also encouraged the protection of children in the private domain and stressed the benefits of children remaining with their families. Adoptions were nevertheless also encouraged provided that compliance with the corresponding procedures was closely monitored. The Government had also taken measures to ensure that fostering arrangements were properly regulated.

15. **Mr. Kotrane** (Country Rapporteur) referred to a number of obstacles that could prevent Togo from attaining the Millennium Development Goals, including the fact that children made up almost half the population, and that the State party was still racked by conflicts and tensions. Also, its human development rate was one of the worst in the world, which had dire consequences in terms of social development and poverty.

16. There had been some positive developments. For example, domestic law had been brought into line with the Convention and other relevant international instruments, and that had resulted in the passage of the Act of 6 July 2007 on the Children's Code, the Act of 23 June 2009 on the abolition of the death penalty, the Act of 11 June 2009 on the organization of the civil registry system, the Act of 13 December 2006 on the adoption of the Labour Code and the Act of 3 August 2005 on child trafficking in Togo. He welcomed the State party's accession to most international human rights treaties, including the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption in 2009.

17. He also welcomed the establishment of the National Committee on the Rights of the Child, the preparation and implementation of the national plan to combat trafficking in persons, the revision of the national plan to combat child labour and the creation of the telephone hotline for children.

18. The considerable delay in the revision of the Personal Status and Family Code, the Criminal Code and the Code of Criminal Procedure was a source of concern, and he asked what measures the State party had taken or planned to take to revise the Codes, to expedite the issue of implementing regulations for the various Acts that had been passed in recent years, and to strengthen the judicial and administrative framework needed for the effective implementation of the Children's Code.

19. The Togolese delegation was also asked to indicate the steps that the State party had taken or would take to expedite the establishment of the National Committee on the Rights of the Child, the human and financial resources it intended to allocate to the National Committee and whether it intended to involve the main stakeholders in child protection, such as civil society organizations, in the National Committee's work.

20. He wished to know whether the State party intended to revise the provisions of article 21 of the Children's Code, according to which all foreign children married to a Togolese citizen could acquire Togolese nationality, insofar as it authorized the marriage of foreign children even though the legal age for marriage had been set at 18 for girls and

boys. Had the State party implemented programmes to enforce the legal ban on early and forced marriages, considering that they were still common practice in Togo?

21. Noting that the principle of non-discrimination set forth in article 2.1 of the Constitution applied only to Togolese citizens, that groups of vulnerable children were still discriminated against, and that the State party had not taken sufficient steps to remedy the situation in follow-up to the recommendations of the Committee on the Rights of the Child, he asked what measures had been taken to end all forms of discrimination against children, especially girls and children with disabilities.

22. Although the principle of the best interests of the child was enshrined in the Children's Code, it had not been effectively incorporated into laws or legislative procedures. He invited the delegation to indicate the measures taken to raise awareness of that principle among judges and to ensure that it was applied in all judicial and administrative proceedings and decisions, as well as in all the policies, programmes and projects that affected children.

23. **Mr. Madi** asked how the age of people entering into marriage could be determined when almost half the children of Togo were not registered at birth, so that it was very difficult to establish a person's age with any certainty. He requested more information on the implementation of article 269 of the Children's Code, which stated that marriages entered into without the consent of the future spouses were not valid and that all forced sexual acts constituted rape. He enquired about the status of children of such unions and whether they were registered at birth. According to information received by the Committee, children were sometimes given away in marriage to settle debts or in exchange for money. What was the State party doing to end such practices?

24. **Mr. Koompraphant** enquired about the measures being taken by the courts to protect child victims of violence and ensure that their best interests were taken into account. He wished to know whether persons found guilty of committing acts of violence against children received therapy or positive disciplinary measures, in addition to punitive ones. He also asked for information on any measures taken to enhance the independence of the judiciary and increase the powers of the judges of the juvenile court in Lomé.

25. **Mr. Pollar** asked whether Togo intended to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the International Convention for the Protection of All Persons from Enforced Disappearance. He also enquired what was being done to apply the provisions of the Children's Code in practice despite the lack of resources. He wished to know whether the future National Committee on the Rights of the Child would include members of civil society and what measures were being taken to eliminate corporal punishment, which was deeply rooted in Togolese culture.

26. **Mr. Guráň** asked how easily the National Human Rights Commission could be approached by children given that it had received only few complaints. The Committee would like to know whether the Commission had a unit devoted solely to handling complaints received from children, how independent it was and how its members were appointed.

27. He asked whether the Convention had been translated into all the national languages and whether promotion and awareness-raising campaigns had been organized.

28. **Ms. Maurás Pérez** said that even though the Children's Code prohibited marriage under the age of 18, almost 20 per cent of adolescents aged between 15 and 19 were married, often in polygamous unions. She recalled that polygamy had major psychological impacts on the children born to such unions. In practice, it was very often the father who exercised parental authority, even though by law women had the right to exercise it as well.

Moreover, in repudiation procedures, which were often used instead of divorce, mothers lost custody of their children. Women did not have the same inheritance rights as men either. The Committee would like to have more information on those matters.

29. Lastly, she asked whether there was a law against domestic violence and whether it criminalized marital rape.

30. **Ms. Al-Shehail** asked whether children found within the national territory were considered nationals or stateless persons and whether children of a foreign or stateless father and a Togolese mother could acquire their mother's nationality.

31. She wished to know what steps had been taken to provide children with disabilities with access to appropriate care and services and whether campaigns had been organized to promote a positive image of the role that persons with disabilities could play in society.

32. **Mr. Cardona Llorens**, noting that, according to the State party's report, the budget allocated to child services had declined since 2006, requested up-to-date information on the budget for 2012. Several factors were hampering the registration of births, which was a source of concern, and he asked whether there were plans to issue birth certificates free of charge so as to encourage parents to carry out the necessary procedures for registering their children. Almost 90 per cent of the children interviewed in 2006 had said that they had received corporal punishment even though the practice was forbidden by law. Had any of those cases been brought to court?

33. **Ms. Aidoo** said that although she applauded the efforts that the State party had made to publicize and raise awareness of the contents of the Convention among the population, lawmakers and local leaders, she wondered whether such measures were enough in view of Togo's persistent problems. She would like to know whether the State party intended to devote more human and financial resources to the dissemination and implementation of the Children's Code.

34. She asked whether the authorities had a framework for cooperation with the numerous non-governmental organizations working in Togo. According to the 2008 report of the Special Rapporteur on the situation of human rights defenders (A/HRC/10/12/Add.2), women human rights defenders were stigmatized and harassed by the population and by local authorities, and she wanted to know what action the State party was taking to remedy the situation.

35. **Mr. Gastaud** asked why the National Committee on the Rights of the Child was still not operational. He also requested information on the respective responsibilities of the National Human Rights Commission, the National Children's Advisory Council and the future National Committee on the Rights of the Child.

36. He wished to know whether the children's hotline service was available in every region, whether it was used often and what follow-up was given to the calls received.

37. **Ms. Wijemanne** asked whether the State party had set up a system for collecting data that could be disaggregated by sex and geographical origin. She also wished to know whether the State party had increased its health and education budgets.

The meeting was suspended at 11.15 a.m. and resumed at 11.40 a.m.

38. **Mr. Hamadou** (Togo) said that indeed there had been some delay in the passage of certain laws, but the Personal Status and Family Code was currently being examined by the National Assembly and would shortly be adopted. The draft of the new Criminal Code, which addressed the issue of violence against women at length, was also under review.

39. The National Human Rights Commission was a constitutionally independent body, whose mission was to protect human rights in general. The Commission had been awarded

“A” status by the Coordinating Committee for National Institutions for the Promotion and Protection of Human Rights. There would be no overlap between its activities and those of the bodies attached to government ministries. The Commission’s powers were different from those of the National Children’s Advisory Council.

40. **Mr. Kotrane** said that the National Human Rights Commission lacked the human and financial resources needed to handle children’s complaints. It was unknown outside Lomé, and its members lacked the level of expertise required. Additional funding was needed to make the Commission known nationwide and to improve its effectiveness.

41. **Mr. Hamadou** (Togo) said that groups of lawyers were travelling around the country disseminating the Convention and raising awareness of the National Human Rights Commission. Once the population knew more about their rights, thanks to such activities and the translation of human rights instruments into local languages, they would be in a better position to claim their rights. Children would know that they could complain to the Commission through the free “Allo 111” hotline. The Commission now had the authority to examine any human rights violations that came to its attention.

42. **The Chairperson** asked which body the lawyers disseminating the Convention were attached to.

43. **Mr. Hamadou** (Togo) replied that the lawyers in question belonged to civil society organizations. The Government could not pass any laws without first consulting with such organizations, which were very active in Togo. It should be borne in mind that the Government comprised representatives of civil society and the opposition, as well as the majority party. Civil society had also been very much involved in the preparation of the report on the implementation of the Convention.

44. **Mr. Kotrane** noted that certain human rights defenders were sometimes bullied and stigmatized, particularly women who defended the rights of women, who were accused of being home wreckers and bad mothers.

45. **Mr. Hamadou** (Togo) responded that most African countries were emerging from autocratic regimes and that mastering democracy took time.

46. **Ms. Aidoo** asked whether the State party intended to establish a framework for cooperating with civil society on policymaking and programme design and whether it envisaged funding the civil society organizations that had the technical capacity, but not the financial means, for protecting children’s rights.

47. **Mr. Hamadou** (Togo) said that the Government did not finance those civil society organizations directly because it did not want them to lose their independence. It counted on the eventual support of the Office of the United Nations High Commissioner for Human Rights.

48. With regard to cooperation, there was a mechanism, the Poverty Reduction Strategy Paper, that provided a framework for the Government, the country’s various development partners and civil society organizations to work together.

49. **Ms. Azambo** (Togo) said that the establishment of the National Committee on the Rights of the Child, stipulated in the Children’s Code of 2007, formed part of a major project undertaken by the Ministry for Social Action and National Solidarity. The draft decree also provided for in the Children’s Code had been drafted and now needed to be reviewed by all the stakeholders, namely the Government, civil society organizations and children.

50. In order to improve the coordination of the Convention’s implementation nationwide, national and regional working groups comprising all government ministries, civil society organizations and development partners had been set up to consider social,

health and education issues. The regional working groups in turn comprised teams that operated at the prefecture level. The support of UNICEF had been sought for the development of tools for collecting data on children. Once the tools had been validated, UNICEF had provided assistance for training people to use them.

51. At that stage, to compensate for the lack of coordination, stakeholders dealing with specific issues, such as trafficking or adoption, met to discuss them under the auspices of specialized agencies, such as the National Commission for the Care and Social Reintegration of Child Victims of Trafficking.

52. **The Chairperson** said that the fact that the establishment of the National Committee on the Rights of the Child, the agency supposedly responsible for implementing the Children's Code, had been on hold for four years was a major source of concern.

53. It was essential for sectoral policies to be coordinated, and the Committee would like to know how the national policy on child protection, which had been in existence since 2008, was linked to the country's sectoral policies.

54. **Ms. Nores de García** (Country Rapporteur) asked whether the child protection project undertaken with UNICEF addressed all the issues covered by the articles of the Convention and its Optional Protocols or only trafficking.

55. **Mr. Gastaud** asked how the National Committee on the Rights of the Child, the National Human Rights Commission and the National Children's Advisory Council would interact and consult with one another on the implementation of the Convention.

56. **Mr. Hamadou** (Togo) said that, on the ground, the coordination of work had been smooth. Progress seemed slow because Togo still needed time to establish a solid and efficient framework. The country had been through major difficulties. Foreign aid had been suspended for almost 20 years, during which time it had had to rely on its own resources and had suffered major natural disasters. It was now engaged in a general appeasement process, and a permanent dialogue had been established between the Government, civil society organizations and trade unions.

57. **Ms. Azambo** (Togo) said that the work with UNICEF addressed all aspects of child protection and not just trafficking. The revision of the law on the social protection of persons with disabilities currently under way aimed to take into account the provisions of the Convention on the Rights of Persons with Disabilities. Awareness-raising activities had also been carried out for the population at large, and special child protection commissions had been set up at the community level.

58. The recently created National Children's Advisory Council covered children from all the prefectures of the country. Its mission was mainly to involve Togolose children actively in the fight to end violence against them and to put forward proposals that would be passed on to decision makers. Since most of the Council's members were students, the body was most active during school holidays.

59. The "Allo 111" hotline project was still being piloted and the service was currently available only in Lomé. That meant that although calls could be received from all over the country, victims outside the capital were not guaranteed a proper response. An initial assessment had already been carried out, and the ensuing recommendations were being implemented. The hotline service would then be extended to the whole country.

60. **The Chairperson** wished to know whether the Children's Advisory Council could give its opinion on any issue that affected children and whether children were consulted, for example, on budget allocations and proposed legislation. He also asked whether the new Criminal Code and the new Personnel Status and Family Code protected the right of children to be heard in legal procedures affecting them.

61. **Ms. Azambo** (Togo) explained that children's organizations had been involved in the drafting of the Children's Code before the Children's Advisory Council had been set up and that some of their comments had been taken into account. The Children's Code of 2007 provided that children must be heard by a judge in any case that affected them.

62. **Ms. Tebie** (Togo) said that several awareness-raising programmes and projects were being conducted with traditional chiefs and religious leaders to combat the sociocultural traditions that encouraged girls to marry young so as to avoid sexual immorality. Programmes to reduce school drop-out rates among girls had been drawn up with development partners and civil society. The project "Because I am a girl" was currently being run to encourage school attendance among young girls and to combat early marriage.

63. **Mr. Madi** said that courts should be able to annul all forced marriages of children aged between 12 and 17 years.

64. **Ms. Aidoo** asked how the role played by men in the full realization of the rights of girls under the age of 18 was being taken into consideration.

65. **Mr. Hamadou** (Togo) said that awareness-raising activities targeted both men and women and that the largest obstacle facing the Government was the social pressure brought to bear on the victims' families, who often belonged to the same community as the offender, where the belief prevailed that traditional practices were normal. Making people realize they were committing an offence under the law, disseminating the provisions of certain international human rights treaties and convincing people that those rules were not so much infringements on their liberty, as safeguards to protect their rights and ensure better standards of living, were achievements that took time.

66. **Mr. Kotrane** stressed the Committee's concern regarding the delay in the repeal of legal provisions that discriminated against women and in the resolution of the issue of repudiation, that forced women to return to their parents and forfeit custody of their children. He wished to know whether there were any sensitization programmes that aimed to change stereotypes about the roles of mothers and fathers. Although the Committee welcomed the ratification of the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption and the passage of Decree No. 2008-103/PR and Decree No. 2008-104/PR of 29 July 2008 regulating adoption procedures, as well as the regulation of 24 October 2008 defining the functions of the members of the National Adoption Committee, it noted with regret that those instruments did not coincide with international norms and that priority had not been given to national adoptions, which were often very expensive for Togolese families.

67. He also noted with concern that, despite the project to combat child labour through education, undertaken with the International Programme on the Elimination of Child Labour (IPEC), thousands of children were still working. That was particularly the case of young girls, who were employed as domestic servants from the age of 9, were not paid, never had a day off and were at times exposed to physical, verbal and sexual violence. A further concern was the plight of the children working as porters in the central market in Lomé and the exposure of children to insecticides and pesticides in the agricultural sector. He therefore wished to have information on the measures and programmes implemented to progressively eradicate child labour and the economic exploitation of children.

68. **Ms. Herczog**, noting with regret that children were not a separate target group for poverty-reduction strategies, requested information on the measures taken to combat child poverty and to improve children's living standards, as well as their access to play, leisure and recreational activities.

69. **Mr. Pollar** enquired about the steps taken to combat harmful traditional practices, such as female genital mutilation. He asked whether cooperation agreements had been

signed with neighbouring countries to ensure that mutilations would not simply be practised on the other side of the country's borders.

70. He also wished to learn of the measures taken to prevent early marriages, which could be seen as akin to the sale of children, given that the brides' dowries constituted worthwhile assets. He asked whether the Criminal Code defined the sale of children and requested more information on the practice of arranging marriages as ways of settling debts.

71. **Mr. Cardona Llorens** said that the best way to combat the deliberate killing and stigmatization of children with disabilities was to implement a policy to integrate those children, especially through inclusive education schemes that allowed children with and without disabilities to grow up together and respect one another. He further noted with concern that children and adults were not separated in detention facilities, that the lack of specialized staff for handling juvenile delinquents often led to them being ill-treated and that there were only two juvenile judges in the whole country. He wished to know what steps had been taken to protect the rights of children in detention to education, health, play and recreational activities.

72. **Mr. Koompraphant** wished to know what measures had been taken to ensure that, in a largely polygamous system, family responsibilities were shared equally between men and women.

73. **Ms. Varmah**, noting with concern that children rarely had access to antiretroviral drugs and that AIDS orphans had been left out of the strategic plan to combat AIDS for 2007–2010, asked whether the new plan to combat HIV/AIDS and STDs would include vulnerable children and adolescents. She also asked whether there were plans to implement preventive measures that focused on future mothers and pregnant women and to prevent the mother-to-baby transmission of HIV/AIDS. She wished to know what steps had been taken to protect children and adolescents from HIV/AIDS and why there were no provisions for imparting HIV/AIDS education at all levels of the education system. She also enquired whether any HIV/AIDS awareness campaigns had been carried out among the population at large.

74. **Ms. Maurás Pérez** urged the State party to undertake national plans funded not only with international aid, but also with domestic resources, to increase investment in education. She wished to know if there were any special plans for training, supervising and punishing teachers to put an end to the economic and sexual exploitation of students by their teachers. She also requested details of the use of corporal punishment in schools.

The meeting rose at 1 p.m.