



Convention on the Rights of the Child

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Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

List of issues concerning additional and updated information related to the initial report of Togo (CRC/C/OPSC/TGO/1)

Addendum

Written replies by the Government of Togo*

Reply to paragraph 1 of the list of issues (CRC/C/OPSC/TGO/Q/1)

(a) **Information on reports of sales of children, child prostitution, child pornography and child sex tourism**

1. At Amou-Oblo, in the Plateaux region, a case of the attempted sale of an 8-year-old girl by her father for 12 million CFA francs was reported in 2009. He was tried and convicted.

2. In Dapaong, in the Savanes region, a resident biological father attempted to sell his 3-year-old male child to a purchaser in Lomé for the sum of 20 million CFA francs. The father was arrested, tried and convicted.

(b) **Information on the number of children trafficked for the purposes of sale, prostitution or pornography**

3. Between 2008 and 2010, 1,264 children were trafficked out of Togo: 503 in 2008, 404 in 2009 and 357 in 2010.

* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

4. Between 2008 and 2009, 20 children were trafficked into Togo: 6 in 2008 and 14 in 2009.
5. Half of the child victims of cross-border trafficking who were intercepted or repatriated were of Bassar origin and the rest were of Kabyè, Kotokoli, Ifè or Akébou origin.
6. In 2008, 201 cases of trafficking in children were tried; 99 of them led to conviction.
7. In 2009, 91 cases were filed; 46 of them resulted in prosecution and 31 in conviction.
8. In 2010, 51 offences were tried; 40 of them led to conviction.
9. The penalties handed down varied from 6 months to 2 years with fines ranging up to 300,000 CFA francs.

(c) The number of child victims provided with recovery assistance or with compensation

10. Between 2008 and 2010, approximately 915 child victims were provided with recovery assistance; 374 were reintegrated into the workplace and 541 returned to education.
11. Under the national project to combat child labour, 500 families of child victims or children who were at risk of trafficking in the villages of Mô, Anié and Yoto were provided with support for income-generating activities.
12. At the national level, this project made it possible to protect, withdraw and reintegrate into society and the workplace 11,548 child domestic workers, street vendors, victims of sexual exploitation, children performing dangerous agricultural work, porters and victims of trafficking. In all 6,786 boys and 4,762 girls (enrolled into education or training) benefited through the implementation of 11 projects currently under way in the country.

Reply to paragraph 2 of the list of issues

13. The sale of children is not clearly defined as an offence in Togolese legislation. Nonetheless, articles 421 and 422 of the Children's Code of 2007 provide for penalties of from 5 to 10 years' prison and fines of from 5 to 10 million CFA francs for anyone found guilty of selling a child. These penalties can be doubled if the sale involves either the disappearance or the death of the victim.
14. However, in articles 410 to 420 on child trafficking, the Code unequivocally defines the acts and activities described by the Optional Protocol that are equivalent to the sale of children, as well as the relevant penalties.
15. Furthermore, it should be noted that in Togolese legislation, consent to adoption can only be given by the biological parents, the legal guardian or the family council. Article 30 of the above Code excludes any possibility of an intermediary being involved.

Reply to paragraph 3 of the list of issues

16. Togolese legislation, in articles 267 and 268 of the Children's Code, prohibits both marriage between children and promising children for marriage by their parents or guardians.

17. In addition to these legal measures, social mobilization activities are organized periodically in partnership with civil society organizations that promote the rights of children and women, and with the support of development partners and some diplomatic missions.

18. Furthermore, units to combat these practices, involving paralegals, children's protection commissions and children's school clubs, have been set up in risk areas to raise community awareness of the dangers linked to these practices.

19. Family poverty is one reason why widows accept this practice. Consequently, in order to empower women, and in particular rural women economically, the Government has, with the support of its partners, introduced social protection programmes for vulnerable sectors of society (support for groups of female producers, labour-intensive activities (EIP), school canteens project, etc.).

20. Outreach projects to promote the rights of women and children focusing on various issues, including the dangers and dire consequences for women of the practice of sororat cadette and the harmful effects of early marriage, are being implemented for traditional and religious leaders with support from partners including the United Nations Children's Fund (UNICEF), the European Union and the Embassy of the United States.

21. A study on gender-based violence has been carried out with technical and financial support from UNICEF and the United Nations Population Fund. This study was principally aimed at documenting the phenomenon of gender-based violence in Togo and making quantitative and qualitative data available in order to develop innovative and better focused initiatives.

Reply to paragraph 4 of the list of issues

22. The Ministry of Social Action and National Solidarity is responsible for coordinating activities to implement Government policy for the protection of children. Accordingly, it coordinates activities for the implementation of the Optional Protocol through the General Directorate for the Protection of the Child (DGPE).

Reply to paragraph 5 of the list of issues

Reply to paragraph 6 of the list of issues

23. With the support of UNICEF, the Government has created a database on trafficking that is regularly updated by the various actors providing care for trafficked children, particularly the specialized services of the public authorities and civil society organizations, notably partners of the Network for Combating Child Trafficking in Togo (RELUTET).

24. The 2006 social study into violence against children and the abuse and sexual exploitation of children essentially documented the qualitative aspects of these phenomena. This accounts for the lack of data in the report.

Reply to paragraph 7 of the list of issues

25. Recent initiatives worth noting include disseminating the Children's Code, together with the law penalizing trafficking in children and the content of the protocol among legal professionals, including magistrates, law-enforcement officials and the judiciary,

community leaders, special child protection commissions, teachers, trade unions, traditional leaders, paralegals and civil-society organizations.

26. In addition to activities for these organized groups, a series of awareness-raising sessions have been held for the general public, radio and television programmes have been broadcast, interactive debates launched and a national campaign rolled out in 2009 via digital mobile cinema in areas where children are at high risk of trafficking.

27. Through radio broadcasts and community meetings, awareness-raising activities reached an estimated 248,900 people: 1,200 children, 177,600 men and 70,100 women.

28. The impact of these initiatives can be seen in the number of violations reported by victims, as well as by third parties and witnesses.

29. The impact of training is evident in the complaints brought against perpetrators and the sentences handed down by the Togolese courts.

30. The impact of cooperation can be seen in the mutual legal assistance that the International Criminal Police Organization's (INTERPOL) National Central Bureau in Togo provides for its subregional counterparts in the search for child victims of abduction, sale and other offences under the Optional Protocol.

Reply to paragraph 8 of the list of issues

31. The current training provided is inadequate in both qualitative and quantitative terms. An appeal has been made for volunteers to make good these shortcomings.

Reply to paragraph 9 of the list of issues

32. Although it is below the level required, an annual budget for the general protection of children for the whole country is allocated by the State to the Ministry of Social Action and National Solidarity. In addition, given the scale of trafficking in children, violence against children and the abuse and sexual exploitation of children, and in order better to organize adoption, the Government awards an annual grant of 115 million CFA francs to the national specialized services and certain civil society organizations to provide care for child victims.

33. As for human resources, since 2009 the Government has made available to DGPE both at headquarters and in the field staff recruited by national competition and holding a variety of qualifications. Pending specialized training to deal with the offences covered by the Optional Protocol, staff have been given refresher courses thanks to the support of UNICEF.

Reply to paragraph 10 of the list of issues

34. The various types of training described below are provided to key actors in contact with child victims and promote the care and protection of child victims. There are five transit centres for trafficked children who have been intercepted. The Government is aware that these are too few and has encouraged civil society organizations to create shelters to meet the need. Furthermore, on account of both the high number of reports received since a telephone hotline to protect children was introduced and the scarcity of resources, the Government has introduced foster care arrangements to minimize the costs of institutional care and to avoid removing child victims from their communities.

35. The problems noted in the running of the majority of shelters have led the Government to seek the support of UNICEF and Plan Togo and to adopt a decree on norms and minimum standards for founding and running children's homes and shelters in Togo.

Reply to paragraph 11 of the list of issues

36. It should be noted that this issue is a matter of concern for the country's authorities. On 12 August 2011, the Council of Ministers, presided over by the Head of State, addressed this emerging phenomenon and the related measures taken by the Government to take children off the streets and ensure they receive an education and means of subsistence, together with punitive measures for the criminals who exploit children and shamefully live off their earnings, and for parents who abdicate their responsibilities or act as accomplices to the depravation of their children.

37. As part of efforts to combat the commercial sexual exploitation of children, an action plan to protect 100 girls from commercial sexual exploitation and care for 60 girls who are victims of commercial sexual exploitation in the commune of Lomé was implemented by La Providence association and the non-governmental organization JATO. Three key lines of action have been developed, focusing on prevention, awareness-raising and direct assistance for child victims. The implementation of this action plan has made it possible to provide care for 165 girls who are at risk or who are victims of sexual exploitation.

38. Awareness-raising events have been held for school students, neighbourhood development committees, girl apprentices and parents.

Reply to paragraph 12 of the list of issues

39. In accordance with article 399 of the Code of Civil Procedure, before filing a case for a decision, (i.e. an order or a judgement) the applicant must deposit with the Registrar a set sum, referred to as legal costs. The minimum deposit is 5,000 CFA francs at first instance and 10,000 CFA francs at appeal. Article 406 sets the rates for these legal costs. This also applies to requests for medical expertise, in which case qualified or resource persons (experts) are needed to carry out research in their specialized area to provide clarification for the courts in a particular field.

40. As this work is beyond the remit of the courts, the expert must be paid unless legal aid is available, which is currently not the case in Togo. Nonetheless, with the financial support of the European Union, which supports Togo's programme to modernize the justice system and move towards democracy, in October 2010 a bill on legal aid in Togo was drafted and approved to address this issue.

Reply to paragraph 13 of the list of issues

Reply to paragraph 14 of the list of issues

41. Togo has concluded the following bilateral and multilateral agreements:

- Multilateral Cooperation Agreement to Combat Trafficking in Persons, Especially Women and Children in West and Central Africa (2006)
- Multilateral Cooperation Agreement on Combating Child Trafficking in West Africa (2005)
- Quadripartite Agreement for Cooperation in Criminal Police Matters between Benin, Ghana, Nigeria and Togo (1984)