



Convention on the Rights of the Child

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COMMITTEE ON THE RIGHTS OF THE CHILD

Thirty-eighth session

SUMMARY RECORD OF THE 1018th MEETING

Held at the Palais Wilson, Geneva,
on Monday, 24 January 2005, at 3 p.m.

Chairperson: Mr. DOEK

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The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Second periodic report of Togo (continued) (CRC/C/65/Add.27; CRC/C/Q/TGO/2; CRC/C/RESP/78; HRI/CORE/1/Add.38/Rev.2)

1. At the invitation of the Chairperson, Ms. Aquiteme Azambo, Ms. Boyoti-N'Dadiya and Mr. Tchagnao (Togo) took places at the Committee table.
2. Ms. BOYOTI-N'DADIYA (Togo) said that over 50 per cent of the population lived below the poverty line. The Government's poverty reduction strategy included many provisions on the protection of children.
3. The Government had taken a number of steps to prevent child prostitution, which included arresting pimps and reuniting child prostitutes with their families. In 2005, studies on the interrelated questions of childhood prostitution, poverty and trafficking in children would be carried out in order to find effective ways of dealing with the problem.
4. Ms. ALUOCH asked whether the Government was aware that cartels controlled child prostitution in Togo.
5. Ms. BOYOTI-N'DADIYA (Togo) said that the Government was aware of the involvement of cartels in child prostitution. It was difficult to identify child prostitutes because there were no official brothels. Investigative work was necessary in order to identify child prostitutes and to discover who was exploiting them.
6. The Government planned to provide judicial officials with training in the rights of the child in 2005. There was currently one children's judge; once the appropriate training had taken place, others would be appointed.
7. In September 2003, a workshop composed of health professionals, non-governmental organizations (NGOs), representatives of ministries, and children had prepared a national plan of action on public health. The Government intended to take measures to eliminate the discrepancies between the standard of health care in urban and rural areas.
8. The Government had no specific programme to help street children. The Government supported the work being carried out by NGOs that provided shelter for street children and tried to reunite them with their families. Street children over school age were given training opportunities. The Government's three-year national action plan included a budget allocation for measures to address the problem of street children.
9. Ms. OUEDRAOGO asked whether the Government would take steps to reunite street children with their families, since that was the best option for most children.
10. Ms. BOYOTI-N'DADIYA (Togo) said that, if the parents of street children were still alive, the children were returned to them. Such children were given training opportunities in

order to prevent them from returning to the streets. Efforts were made to reunite foreign street children with their families. Foreign street children whose parents could not be found were placed in a children's centre, where they were given training and helped to settle in Togo.

11. The Ministry for Social Affairs and the Ministry of Education and Research had signed some 200 waivers of school fees to enable poor children to attend school in 2000.

12. Mr. TCHAGNAO (Togo) said that the legal age for marriage was 17 for girls and 21 for boys. Persons under those ages who married were brought before a judge, who annulled the marriage. Conflicts between customary law and modern law were resolved in favour of modern law. The Government was considering an amendment to the Individuals and Family Code that would set the marriageable age at 20 for both men and women.

13. Mr. FILALI asked what legal structure existed to protect the children of parents whose marriage was annulled.

14. Mr. TCHAGNAO (Togo) said that children born to couples whose marriage was later annulled were recognized as legitimate. In such circumstances, both parents were considered responsible for the welfare of the child. However, there were no criminal sanctions for parents who did not fulfil that obligation.

15. Mr. KOTRANE asked whether a person who married someone under marriageable age was subject to criminal sanctions.

16. Mr. TCHAGNAO (Togo) said that the Criminal Code provided that violence against children was punishable by sanctions that were double those imposed for violence against adults. In 1997, the Government, with assistance from the United Nations Population Fund had initiated a programme to combat all forms of violence. The programme, which would last until 2006, trained politicians, police officers, magistrates and legal personnel to deal with violence, particularly against women and children.

17. The Ministry of Health was currently considering a bill on the protection of people living with HIV/AIDS. The bill provided for specific measures to assist people of different age groups, and therefore addressed the particular needs of children.

18. There were no pre-trial detention facilities outside Lomé. Children in conflict with the law were placed with a responsible adult - a parent, guardian or other person - until the trial was held. The responsible adult undertook that the child would remain at home until the final hearing, although the child was allowed to attend school during that time. The Juvenile Division took children into custody only if there was fear of reprisal from an injured party.

19. Mr. FILALI asked where, and in what conditions, convicted children were held.

20. Mr. TCHAGNAO (Togo) said that, under the Individuals and Family Code, it was difficult for a father to disown a child. The child was given the mother's name only in exceptional cases, when it could be proved that the man was not the child's biological father.

21. Ms. KHATTAB asked what criminal penalties were imposed on fathers who relinquished responsibility for their children.

22. Ms. ALUOCH asked what happened to children born out of wedlock, when their father was married to another woman.
23. Mr. TCHAGNAO (Togo) said that, since the Individuals and Family Code recognized polygamy, children born out of wedlock could take their father's name even if the father was married to another woman.
24. If a father did not pay maintenance for his child, the mother could appeal to a matrimonial affairs judge, who could order that maintenance be paid at source from the father's salary.
25. Mr. KOTRANE asked which parent was given custody of children when parents divorced and which parent had legal responsibility for the child. In particular, he wished to know whether the father's authorization was required for the child to travel outside the State party.
26. Mr. TCHAGNAO (Togo) said that, under the Individuals and Family Code, a child of divorced parents usually remained with his or her mother until the age of 7. Thereafter, the judge could decide that it was in the child's interest to remain with the mother, provided that the mother had the means to support the child and that the child wished to remain with her. In such cases, the father was granted visiting rights.
27. The overall problem was not one of guardianship but of the status of women and children. The 1992 Constitution established that a child born of a Togolese mother and a foreign father was automatically a Togolese citizen. While that had greatly improved the status of such children, it had also had an impact on which parent was appointed guardian and which paid child maintenance. In the past, maintenance had automatically been paid by the father.
28. If a child was sentenced to deprivation of liberty and no juvenile detention facility was available, the judge usually returned the child to his or her parents in order to avoid incarcerating the child with adults.
29. Ms. KHATTAB said that the delegation should comment on reports that children and adults were imprisoned together.
30. Mr. FILALI asked whether the Government had a policy that dealt specifically with juvenile offenders, or whether such matters were addressed solely by the judicial system.
31. Mr. TCHAGNAO (Togo) said that, although the Government did not have a policy on juvenile offenders, the Minister for Justice was making efforts to address the shortage of juvenile judges in order to improve the overall situation of such juveniles.
32. Mr. CITARELLA requested statistics on the number of children in prison or in detention centres in Togo.
33. Ms. BOYOTI-N'DADIYA (Togo) said that there were no children in prisons for adults. Children were usually returned to their parents pending a court decision. If the offence required detention, the judge could place the child in detention with the Minors Brigade in Lomé.

34. Ms. AQUITEME AZAMBO (Togo) said that there had been 14 national adoptions in Togo in 2002 (5 girls and 9 boys), 9 in 2003 (6 girls and 3 boys) and 11 in 2004 (5 girls and 6 boys). There had been 12 international adoptions in 2002 (5 girls and 7 boys), 25 in 2003 (8 girls and 17 boys) and 21 in 2004 (9 girls and 12 boys). Priority was given to national adoptions.

35. Assistance to child victims of trafficking had improved. Since December 2004, each of Togo's five regions had a reintegration centre for such children who, once repatriated, were returned to their place of origin, where they remained in a reception centre for no more than one week while attempts were made to contact their families. The Government had drawn up social reintegration programmes for such children with the help of NGOs and its development partners. Children under the age of 15 were enrolled in school, and those over 15 received occupational training. There had been an initiative to support low-income families so that children would not be tempted to leave home.

36. Ms. OUEDRAOGO asked whether Togo had signed any agreements with its neighbours concerning cooperation in finding such children and helping them to return home. She wished to know what measures had been taken to prohibit trafficking in children and to punish the perpetrators. She wondered whether any measures had been taken to prevent trafficking in children. The Committee had been informed that the bill on trafficking in children, which was currently being considered by the National Assembly, had a number of shortcomings, particularly in the areas of prevention of trafficking, protection of victims and voluntary repatriation.

37. Ms. AQUITEME AZAMBO (Togo) said that agreements had been signed with Nigeria, Ghana, Benin and Burkina Faso on the repatriation of child victims of trafficking. The Government was in the process of concluding an agreement with Gabon, which was the destination of many abducted Togolese children.

38. Village watch committees had been set up throughout Togo to monitor suspicious movements of children. Awareness campaigns had been conducted on the problem of domestic trafficking, which usually involved the transfer of children from rural areas to the cities, where they worked in households under harsh conditions. Traffickers were prosecuted in accordance with the Criminal Code.

39. Ms. ORTIZ wished to know how village watch committees worked, who served on them and whether their purpose was to prevent trafficking or to punish the perpetrators.

40. Ms. AQUITEME AZAMBO (Togo) said that the purpose of the watch committees was to prevent and combat trafficking. The committees conducted awareness campaigns on the adverse consequences of trafficking and observed the movements of children and of foreigners. The committees reported any incident of suspected trafficking to the authorities.

41. Ms. BOYOTI-N'DADIYA (Togo) said that the Government had no plans for replacing traditional forms of foster care by adoption. However, the Ministry of Social Affairs took action when foster children were mistreated; in a few cases, it had even prosecuted the foster child's relatives for such offences.

42. Ms. ORTIZ requested additional information on domestic child labour. In particular, she wished to know whether child domestic workers were registered and who was responsible for their protection.

43. Ms. AQUITEME AZAMBO (Togo) said that, under Togolese legislation, children under the age of 15 were not permitted to work. However, since children under 15 did work, the Government, together with a number of NGOs, had prepared a programme to monitor the treatment of those children and ensure that their rights were not violated and that their working conditions were not too harsh. Combating Child Trafficking in Togo through Education (COMBAT), a project carried out in cooperation with CARE International and Terre des Hommes, was spearheading those efforts.

44. The CHAIRPERSON requested statistics on the number of children under 15 who worked. He asked whether Togo considered domestic work by young children, particularly girls, to be a serious problem and, if so, whether there were any programmes to protect such children.

45. Ms. AQUITEME AZAMBO (Togo) said that the three-year national action plan gave considerable attention to preventing domestic child labour and supervising children already working in families. Partial studies on domestic child labour were available. She hoped that nationwide statistics would be available in the future.

46. Ms. SMITH said that the delegation should explain in greater detail how the Government monitored child domestic workers.

47. Mr. TCHAGNAO (Togo) said that the studies on domestic child labour dealt only with Lomé and did not cover the entire country. Domestic child workers often did not want to return home but preferred to continue working to earn money. The Government placed children who wished to continue working in a special programme, in which parents and children were informed of their rights and obligations. NGOs monitored children's working conditions. Such initiatives were concentrated in Lomé and were only beginning to expand to other urban areas.

48. Ms. AQUITEME AZAMBO (Togo) said that every effort was being made to ensure that children did not have to stay in orphanages very long. Children were kept in orphanages until the age of 2; family contacts were maintained so that such children could leave the orphanage as soon as possible thereafter. Child victims of violence or trafficking who had been placed in an institution remained there for a maximum of one month, after which a decision was taken on whether they should be returned to their families or placed elsewhere.

49. Ms. ORTIZ wished to know how many AIDS orphans there were in Togo and whether there were any programmes to assist them. She enquired whether there had been any discussion on the need to amend Togolese legislation so that parents who abandoned their children were not punished.

50. Ms. BOYOTI-N'DADIYA (Togo) said that, although some children worked in schools, that practice was not widespread. As part of the school curriculum, children sometimes were taught manual work. The few teachers who had made children work for them had been punished. The Government had conducted a campaign in schools to put an end to that practice.

51. Ms. AQUITEME AZAMBO (Togo) said that a national workshop on AIDS orphans held in September 2003 had raised awareness of the problem. A draft plan of action and guidelines had been drawn up to encourage communities to look after such children.
52. Ms. BOYOTI-N'DADIYA (Togo) said that efforts were being made to extend health-care services to remote areas of the country. The use of impregnated mosquito nets was promoted; pregnant women were provided with such nets free of charge. In order to combat female genital mutilation, the Department for the Advancement of Women had set up a financial assistance programme for former circumcisers who engaged in alternative income-generating activities.
53. Youth committees had been set up in schools to educate children on HIV/AIDS prevention. The members of such committees received special training on reproductive health. The committees cooperated with community health services in the organization of awareness-raising activities and received government support. Government health services provided youth committees with free materials on reproductive health and HIV/AIDS prevention. Voluntary counselling and testing centres for HIV/AIDS had been established for young people.
54. Ms. OUEDRAOGO said that it was essential to educate parents about the harmful effects of female genital mutilation. She asked what measures had been taken to ensure that circumcisers did not resume their activities, and whether the State party participated in regional efforts to eliminate female genital mutilation.
55. Mr. TCHAGNAO (Togo) said that the Government had intensified awareness-raising activities in areas where female genital mutilation was particularly prevalent. However, nothing prevented parents from having their daughters circumcised abroad. Combating female genital mutilation required concerted action throughout the entire region.
56. The education of girls by voodoo priests violated girls' right to regular education and thus constituted an act of discrimination. The Government was currently considering a proposal to establish one-year voodoo schools for girls before they entered the regular school system.
57. Ms. BOYOTI-N'DADIYA (Togo) said that, as a result of several well-drilling projects, access to safe drinking water had improved considerably since the submission of Togo's initial report. However, no statistics on the subject were currently available.
58. Girls' enrolment in education continued to be considerably lower than that of boys, and the number of girls obtaining a baccalaureate degree had declined. Measures had been taken to encourage more girls to study science.
59. The CHAIRPERSON asked what measures the State party had taken to reduce maternal and infant mortality, and whether any programmes addressed the problem of malnutrition.
60. Ms. OUEDRAOGO requested information on expanded immunization programmes and measures taken to promote breastfeeding.

61. Ms. BOYOTI-N'DADIYA (Togo) said that all centres for the protection of women and children operated expanded immunization programmes; vaccination against polio, measles, whooping cough, tetanus and diphtheria in the first year of life was compulsory. In order to address the problem of maternal and infant mortality, efforts had been made to increase access to health-care facilities in remote areas. In areas where no health centres existed, traditional midwives had been trained to assist in normal deliveries and in identifying high-risk pregnancies. Prenatal consultation was mandatory. Health-centre staff undertook outreach activities in remote areas, and weekly education and awareness-raising activities were held in child nutrition centres throughout the country to combat malnutrition.

62. Mr. FILALI said that the continued use of traditional midwives perpetuated harmful practices. He wished to know whether the State party had a public health policy and whether paramedical centres existed for the training of qualified health-care personnel.

63. Ms. BOYOTI-N'DADIYA (Togo) said that the need for traditional midwives had arisen from a shortage of qualified staff. However, an increasing number of midwives who had been trained in paramedical centres were replacing traditional midwives. In 2004, the Government had recruited a large number of additional health-care professionals. At present, the use of traditional midwives was largely restricted to remote areas. The Government was expending considerable efforts to improve health-care coverage nationwide.

64. Ms. AQUITEME AZAMBO (Togo) said that the Ministry of Health had developed broad immunization campaigns, and a synchronized immunization system had been established in cooperation with Benin, Ghana and Burkina Faso. A programme had been set up to prevent mother-to-child transmission of HIV.

65. The CHAIRPERSON said that, according to information received by the Committee, mandatory breastfeeding for the first six months was not being implemented and, he asked what measures were being taken to change that situation.

66. Ms. BOYOTI-N'DADIYA (Togo) said both health centres and the media promoted breastfeeding. A separate programme had been set up for women infected with HIV/AIDS, who were encouraged not to breastfeed their babies.

67. Mr. TCHAGNAO (Togo) said that the Government had established a national committee to promote birth registration. A plan of action had been formulated and draft legislation requiring systematic birth registration had been submitted to the National Assembly for consideration.

68. Mr. KRAPPMANN asked how the Government planned to address the shortcomings of the education system, which included low primary school enrolment rates, discrimination against girls, regional disparities in access to education, and excessively high repetition rates.

69. The CHAIRPERSON requested additional information on pre-school education and integration policies for children with disabilities.

70. Ms. BOYOTI-N'DADIYA (Togo) said that the causes of high repetition rates, especially among girls, had not been studied and no recent data was available on the school enrolment rate for girls. However, a number of activities had been undertaken to eliminate cultural practices that hampered the implementation of girls' right to education. Tuition fees for girls had been lowered considerably in order to encourage their enrolment in primary education.

71. Children with mental disabilities attended special schools, which were operated either by the State or by NGOs. Social services advised parents on suitable educational establishments. Children with other disabilities were integrated into mainstream schools. The Government carried out awareness-raising activities to prevent abandonment of children with disabilities.

72. Mr. KOTRANE said that education and awareness-raising activities alone could not change existing practices. It was essential for the State party to incorporate the right to free and compulsory education into its domestic legislation. In addition, sanctions should be imposed on parents who denied their children's right to education.

73. Mr. TCHAGNAO (Togo) said that, under article 35 of the Constitution, primary education was compulsory, and the State was endeavouring to provide it free of charge. In 2003, a plan to decentralize the education system had been finalized. Under that plan, local authorities would have greater responsibility for monitoring school attendance and taking appropriate action vis-à-vis the parents of children who did not attend school.

74. The number of births assisted by qualified medical staff had increased from 42 per cent in 1994 to 60 per cent in 2004; over the same period, the maternal mortality rate had fallen from 522 per 1,000 live births to 478 per 1,000 live births. The school enrolment rate for girls had risen from 77.4 per cent to 96.3 per cent in the past 20 years. Statistics on the number of qualified teachers were not indicative, since they referred to teachers in the State-run sector only.

75. In three of the country's regions, the State ran early childhood centres for children between the ages of 2 and 4. Elsewhere, pre-school education was provided by the Church.

76. Ms. OUEDRAOGO enquired whether pre-school education was compulsory.

77. Mr. FILALI requested additional information on the operation of pre-schools.

78. Ms. BOYOTI-N'DADIYA (Togo) said that pre-school education was not compulsory. There was a national training college for pre-school teachers, who were required to have completed secondary school and two years of further education.

79. Budget allocations for education had been reduced largely as a result of Togo's political problems. Steps were currently being taken to remedy that situation. In 2005, the Ministry of Education had been requested to submit proposals on the improvement of the education system, and there were plans to recruit more than 1,500 primary and secondary school teachers.

80. Ms. OUEDRAOGO asked whether the unit to monitor the situation of women and children was operational. She wished to know whether the Children's Parliament had been established by law, and why its mandate had not been renewed.

81. Ms. BOYOTI-N'DADIYA (Togo) said that the unit to monitor the situation of women and children was not operational. The Children's Parliament, which had been established by law, had functioned until 2003, when most of its members had left to continue their education. Every effort would be made to re-elect a Children's Parliament in the near future.
82. Ms. OUEDRAGO said that the Children's Parliament must be independent and should not be manipulated by national politicians for their own purposes.
83. Ms. SMITH said that it seemed that very few NGOs in Togo monitored the situation of children's rights.
84. Ms. BOYOTI-N'DADIYA (Togo) said that, while there were currently very few such NGOs in Togo, the Government was striving to renew its cooperation with them.
85. Mr. TCHAGNAO (Togo) said that the Ministry for Social Affairs cooperated with several NGOs, including WAO-Africa, Plan International and Bureau International Catholique de l'Enfance (International Catholic Child Bureau), which it consulted on children's matters. One of the aims of the draft children's code was to institutionalize cooperation with the NGOs, which would allow them to monitor more closely the implementation of the Convention in Togo.
86. The CHAIRPERSON said that current legislation and the Government's policy on drug control did not seem to be effective, since he had been informed that large numbers of street children used and sold drugs. He asked whether any action was being taken to remedy that situation.
87. Ms. BOYOTI-N'DADIYA (Togo) said that, following an investigation conducted by the National Anti-Drugs Committee, the persons responsible for drug trafficking had been found. The situation had thus improved since 2003.
88. Ms. ALUOCH said that she hoped that the persons responsible for trafficking in children would also be found.
89. Ms. OUEDRAOGO, Alternate Country Rapporteur, said that Togo should consider establishing a national policy on children and an independent body responsible for children's affairs. A better data collection system that provided disaggregated and centralized data was also required. The Children's Parliament should be re-elected as a forum for real dialogue on issues of concern to children. The Government should adopt a comprehensive poverty reduction policy that focused on children's rights. The population must be made aware of the importance of registering births, and qualified staff must be trained for that purpose.
90. The Government must address the problem of violence and make efforts to change attitudes towards the punishment of children. Adequate financial and human resources should be provided for health and education. Cooperation among all of Togo's main ministries was essential for the proper implementation of the Convention.

91. Ms. ALUOCH, Country Rapporteur, said that other areas of concern included violence in the home and at school as well as harmful traditional practices, all of which must be eradicated. The problem of trafficking in children required urgent action. Disparities in health care between the rural and urban areas must be addressed. There was a need to raise awareness about the risks of early marriage. Greater access to justice should be guaranteed and more juvenile judges should be trained in order to protect children's rights.

92. Ms. BOYOTI-N'DADIYA (Togo) said that Togo was committed to upholding the rights contained in the Convention, and it would take account of the Committee's recommendations when preparing its third periodic report.

The meeting rose at 5.55 p.m.