



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

### Concluding observations on the combined fifth and sixth periodic reports of Togo\*

#### I. Introduction

1. The Committee considered the combined fifth and sixth periodic reports of Togo<sup>1</sup> at its 2744th and 2745th meetings,<sup>2</sup> held on 14 and 15 September 2023, and adopted the present concluding observations at its 2756th meeting, held on 22 September 2023.

2. The Committee welcomes the submission of the combined fifth and sixth periodic reports of the State party and the written replies to the list of issues,<sup>3</sup> which allowed for a better understanding of the situation of children's rights in the State party. The Committee expresses its appreciation for the constructive dialogue held with the multisectoral high-level delegation of the State party.

#### II. Follow-up measures taken and progress achieved by the State party

3. The Committee welcomes the progress made by the State party on birth registration through Decree No. 2021-134/PR of 14 December 2021, which provides for the issuance of birth certificates free of charge within 45 days, on the reduction of child and maternal mortality rates and on the amelioration of child nutrition through the Wezou programme (on pregnant women and newborn infants) and the efforts made to address harmful practices against children with the adoption of the Declaration of Notsé in 2013 and the communication strategy addressing social and traditional practices harmful to children.

4. The Committee also welcomes the ratification of the following instruments:

(a) The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, in 2020;

(b) The International Convention for the Protection of All Persons from Enforced Disappearance, in 2014.

#### III. Main areas of concern and recommendations

5. The Committee reminds the State party of the indivisibility and interdependence of all the rights enshrined in the Convention and emphasizes the importance of all the recommendations contained in the present concluding observations. The Committee would

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\* Adopted by the Committee at its ninety-fourth session (4–22 September 2023).

<sup>1</sup> CRC/C/TGO/5-6.

<sup>2</sup> CRC/C/SR.2744 and CRC/C/SR.2745.

<sup>3</sup> CRC/C/TGO/RQ/5-6.



like to draw the State party's attention to the recommendations concerning the following areas, in respect of which urgent measures must be taken: the right to life, survival and development (para. 21); birth registration and nationality (para. 24); torture and other cruel or degrading treatment or punishment (para. 26); sexual exploitation and abuse (para. 29); harmful practices (para. 31); and children deprived of a family environment (para. 34).

6. **The Committee recommends that the State party ensure the realization of children's rights in accordance with the Convention, the Optional Protocol on the involvement of children in armed conflict and the Optional Protocol on the sale of children, child prostitution and child pornography, throughout the process of implementing the 2030 Agenda for Sustainable Development. It urges the State party to ensure the meaningful participation of children in the design and implementation of policies and programmes aimed at achieving all 17 Sustainable Development Goals as far as they concern children.**

#### **A. General measures of implementation (arts. 4, 42 and 44 (6))**

##### **Legislation**

7. **While welcoming the revision of the Children's Code, the Personal and Family Code, the Criminal Code and the Code of Criminal Procedure during the reporting period, which took into account the Committee's previous recommendations, the Committee recommends that the State party:**

- (a) **Accelerate the adoption of pending legislation;**
- (b) **Ensure its effective implementation, especially in rural areas, including by allocating adequate financial resources and promoting the capacity-building of judges, enforcement officials, lawyers, teachers, health professionals and other relevant professionals.**

##### **Comprehensive policy and strategy**

8. **The Committee urges the State party to adopt the National Policy on Child Welfare (2019–2030) and its communication strategy addressing social and traditional practices harmful to children, which should encompass all areas under the Convention, and to develop an action plan with the necessary elements for the application of the Policy and dedicated human, technical and financial resources.**

##### **Coordination**

9. **The Committee, welcoming the creation of the National Committee on the Rights of the Child in 2016, calls upon the State party to ensure its effective operation and adequate resources and authority as a coordinating body for the implementation of the Convention at different levels, particularly with regard to the Child Protection Department.**

##### **Allocation of resources**

10. **Noting the creation of a specific budget line to combat trafficking in children and the progress made in the allocation of resources to social sectors, the Committee is concerned that the State party's social expenditure remains insufficient to generate change in the life of vulnerable children and families. Recalling its general comment No. 19 (2016) and previous recommendations, the Committee recommends that the State party:**

- (a) **Increase allocations to social sectors, including child protection;**
- (b) **Establish a child-friendly budgeting process with clear allocations to children, including those in vulnerable situations, specific indicators and monitoring and evaluation systems;**
- (c) **Strengthen measures to combat corruption.**

### **Data collection**

11. Noting the Child Protection Dashboard and sectoral databases, the Committee recalls its general comment No. 5 (2003) and urges the State party to consolidate an integrated data-collection and management system and ensure that it covers all areas of the Convention, includes data on the situation of children with HIV/AIDS, children with disabilities, LGBTI+ children, children without parental care, child victims of trafficking and violence, including violence in institutions, and sexual exploitation and abuse and other children in vulnerable situations, and that it is publicly available online and regularly updated.

### **Access to justice**

12. Noting the Improving Access to Justice for Children in Togo initiative (2016–2021), the Committee recommends that the State party pursue the implementation of the action plan resulting from the evaluation thereof and ensure that children have access to quality and independent legal aid, in law and practice, and are aware of this right, in particular by publishing an implementing decree for Act No. 2013-010 on Legal Aid of 27 May 2013 and conducting awareness-raising activities.

### **Independent monitoring**

13. Welcoming the creation of the complaint mechanism for children under the National Human Rights Commission in 2020, the Committee recommends that the State party allocate adequate financial, human and technical resources to the Commission to ensure that it is able to effectively receive, investigate and address complaints by all children in a child-sensitive manner and to raise awareness of this mechanism, especially in remote and rural areas, among children in contact with the law and other children in vulnerable situations.

### **Dissemination, awareness-raising and training**

14. The Committee encourages the State party to pursue training and awareness-raising initiatives and evaluate their impact on the knowledge of the Convention and its Optional Protocols among children, their parents and professionals working with and for children, and to integrate human rights and children's rights in school curricula and professional training.

### **Cooperation with civil society**

15. The Committee notes with concern that the State party's legislation and regulations restrict the rights to freedom of expression, assembly and association. The Committee reiterates its previous recommendations and urges the State party:

- (a) To recognize human rights defenders, particularly child human rights defenders and children's rights defenders, protect them from intimidation and stigmatization and legitimize their work;
- (b) To build a safe and enabling environment of trust and cooperation with civil society, including by adopting the new draft law on non-governmental organizations;
- (c) To involve systematically civil society organizations and children's organizations in the planning, implementation, monitoring and evaluation of policies, plans and programmes related to children's rights.

### **Children's rights and the business sector**

16. Taking into account its general comment No. 16 (2013) and previous recommendations, the Committee recommends that the State party:

- (a) Establish a regulatory framework for businesses, particularly in the areas in which the impact of business activities on children's rights is most significant;

- (b) Ensure the compliance of such a framework with international standards concerning human and children's rights, health, labour and the environment;
- (c) Consider involving the Togo Chamber of Commerce and Industry in the development and implementation of such a regulatory framework.

## **B. Definition of the child (art. 1)**

17. The Committee, noting the minimum age for marriage is 18, urges the State party to remove all exceptions that allow marriage below that age, including by revising articles 21, 267 and 269 of the Children's Code.

## **C. General principles (arts. 2, 3, 6 and 12)**

### **Non-discrimination**

18. The Committee notes with concern the persistent discrimination against girls, children with disabilities, LGBTIQ+ children, children living with HIV/AIDS, children in conflict with the law and other children in vulnerable situations. Recalling target 10.3 of the Sustainable Development Goals and its previous recommendations, the Committee urges the State party:

- (a) To formulate a comprehensive and long-term anti-discrimination strategy with clear targets and a monitoring and evaluation mechanism to modify and eliminate negative attitudes and practices and change deep-rooted stereotypes against children in vulnerable situations;
- (b) To ensure the implementation and impact assessment of such a strategy in coordination with organizations of children and women, traditional and religious leaders and the media;
- (c) To expedite the revision of article 248 of the Children's Code to secure the payment of maintenance for all children without discrimination, including for children who have not been formally recognized by their fathers.

### **Best interests of the child**

19. Recalling its general comment No. 14 (2013), the Committee urges the State party to expeditiously review article 4 of the Children's Code to appropriately define the principle of the best interests of the child, develop guidelines and build the capacity of relevant officials to apply it and ensure that it is consistently interpreted and applied in all proceedings, policies and programmes concerning children.

### **Right to life, survival and development**

20. The Committee welcomes the national study on traditional harmful practices against children, including so-called witch children, carried out in 2012, the Declaration of Notsé in 2013 and the communication strategy addressing social and traditional practices harmful to children, which contributed to raising awareness among communities and preventing infanticide with strengthened involvement of traditional and religious leaders. However, the Committee is seriously concerned about:

- (a) The killing of children during public protests in 2013 and between 2017 and 2019, and the absence of data on the outcome of the investigation;
- (b) The killing of so-called witch children, especially in the Kara Region, which is often dealt with directly by the communities, contributing to impunity, and cases of infanticide.

21. The Committee urges the State party:

- (a) To ensure the protection of children's right to life, survival and development by, *inter alia*, taking all the measures necessary to prevent killing and

injuries, encouraging reporting, thoroughly investigating allegations of killings, prosecuting and bringing the perpetrators to justice, ensuring that the armed and security forces fully respect the rights of children and providing support to child victims;

(b) To strengthen further efforts to address the killing of so-called witch children and strengthen cooperation with traditional and religious leaders and awareness-raising campaigns in this respect;

(c) To prosecute those responsible for such crimes and to strengthen efforts to raise awareness among the population at large of the need to eradicate such practices.

#### **Respect for the views of the child**

22. The Committee notes positively the establishment of children's advisory councils at the national, regional and prefectural levels. Recalling its general comment No. 12 (2009), the Committee recommends that the State party:

(a) Combat actively the negative perception of children as incapable of understanding matters that concern them;

(b) Promote and enable meaningful and empowered participation of all children, particularly girls, children from rural areas and children with disabilities, within the family and in schools, communities and the media in all matters related to them, and ensure that their views are given due weight;

(c) Ensure that children are heard in a child-friendly manner in judicial and administrative proceedings and their opinions taken into account in accordance with their age and maturity, review legislation accordingly and establish procedures and provide training for judges, social workers and all other relevant professionals to comply with the principle;

(d) Establish children's advisory councils in all 117 municipalities, allocate adequate resources and establish a legal basis for their work by issuing a decree specifying their composition, organization and functioning;

(e) Guarantee the systematic engagement of children in decision-making and act on their recommendations.

## **D. Civil rights and freedoms (arts. 7, 8 and 13–17)**

#### **Birth registration and nationality**

23. The Committee welcomes the ratifications by the State party, in 2021, of the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness. The Committee notes Decree No. 2021-134/PR, which provides for the issuance of birth certificates free of charge within 45 days. However, the Committee is seriously concerned about:

(a) Disparities in registering births, depending on the region, family income and education level and that a large number of births have not been registered;

(b) The delay in creating civil status centres in health facilities at the communal level;

(c) The practice of collecting fees for birth registration, resulting from the lack of implementation of Decree No. 2021-134/PR;

(d) The lack of access to education, school examinations, health care and other social services for children without birth certificates;

(e) Barriers to accessing Togolese nationality for children whose mother is the only parent who is Togolese and for children born in Togo to refugee parents, particularly to Ghanaian parents, as well as the lack of safeguards against statelessness for these children.

24. Recalling target 16.9 of the Sustainable Development Goals and its previous recommendations, the Committee urges the State party:

- (a) To ensure free and universal birth registration, with particular attention paid to the poorest families and rural areas, including by increasing the number of birth registration facilities, promoting birth registration for all children through awareness-raising campaigns, improving the monitoring of birth registration and strengthening cooperation between health and civil registry services;
- (b) To abolish fees for late birth registration and review the legislation accordingly, including Decree No. 2021-134/PR, so that legal remedies are not necessary;
- (c) To ensure that a birth certificate is provided free of charge for every registered birth and that children without a birth certificate can access education and all other essential social services, and to consider implementing “catch-up registration” through schools;
- (d) To review legislation to ensure that Togolese nationality can be conferred by either parent;
- (e) To facilitate naturalization and access to nationality for refugee children and their parents;
- (f) To implement the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness.

## **E. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)**

### **Torture and other cruel or degrading treatment or punishment**

25. The Committee remains deeply concerned about:

- (a) The allegations of torture and ill-treatment of children during their arrest and pretrial detention, and during public protests in 2013 and between 2017 and 2019, including fatal cases, and the lack of information on any investigation carried out;
- (b) The absence of a mechanism to receive complaints from children against law enforcement officials regarding ill-treatment.

26. Recalling its previous recommendations, the Committee urges the State party:

- (a) To enforce the prohibition of torture and ensure that allegations of torture and other cruel, inhuman or degrading treatment or punishment of children are duly investigated, that perpetrators are punished with commensurate sanctions and that child victims receive adequate remedies and support;
- (b) To strengthen measures to prevent torture, including by providing systematic training to police and prison staff, and other relevant officials on the absolute prohibition of torture, its criminal nature and the rights of the child;
- (c) To set up child-sensitive mechanisms to receive complaints against law enforcement officers regarding ill-treatment during arrest, questioning and police custody;
- (d) To ensure that the National Human Rights Commission has adequate human, technical and financial resources and the capacity to monitor all facilities in which children are detained in an independent, impartial and effective manner.

### **Violence against children, including abuse and neglect**

27. The Committee notes the State party’s efforts to protect children from violence, abuse and neglect, including the adoption of standard operating procedures, the strengthening of case management and the creation of mental health and psychological support services. However, noting with concern the prevalence of different forms of violence against children, including corporal punishment and domestic violence, and recalling its general comments No. 8 (2006) and No. 13 (2011) and target 6.2 of the Sustainable Development Goals, the Committee recommends that the State party:

- (a) **Carry out a comprehensive assessment of the extent, causes and nature of violence against children to inform its policy;**
- (b) **Enact legislation specifically criminalizing domestic violence;**
- (c) **Strengthen its efforts to eliminate all forms of violence against children and hold the perpetrators accountable;**
- (d) **Develop and implement a comprehensive national strategy, including long-term awareness-raising, to prevent and address all forms of violence against children, and implement the national programme on positive parenting;**
- (e) **Strengthen further its child protection system, by providing an adequate budget, increased human resources, enhanced capacity and additional structures, especially in rural areas, and by improving coordination among and referrals to the sectors of social protection, health care, education and justice;**
- (f) **Ensure and promote holistic support through timely and adequate multi-agency intervention in all cases of violence against children, and train teachers, health professionals and social workers to identify different forms of violence and refer victims;**
- (g) **Ensure that victims or witnesses of violence have prompt access to child-friendly and multisectoral remedies and comprehensive support to ensure their recovery and reintegration without being subjected to secondary victimization;**
- (h) **Enforce legislation prohibiting corporal punishment;**
- (i) **Ensure that the toll-free “Allo 1011” helpline is available 24 hours a day countrywide to report violence against children, promote awareness of how children can access it and allocate the necessary resources for its effective functioning and operationalization of support services.**

#### **Sexual exploitation and abuse**

28. The Committee notes the national strategies to combat gender-based violence (2012–2017) and to eliminate gender-based violence in schools (2018–2022). It also notes that teachers who sexually abuse schoolgirls are subject to disciplinary sanctions under an act of 10 March 1984 and that a decree of 28 August 2018 aims to encourage teachers to act as positive role models. However, the Committee remains deeply concerned about:

- (a) The persistence of sexual violence and abuse against girls, including in exchange for good grades, resulting often in adolescent pregnancies and girls’ withdrawal from school;
- (b) The increase in sexual violence, abuse and exploitation of children, particularly in the context of travel and tourism, the Sahel crisis and vis-à-vis internally displaced children;
- (c) Underreporting of and impunity for sexual violence and abuse.

29. **The Committee urges the State party:**

- (a) **To ensure that sexual abuse and exploitation of children in all contexts is promptly reported, investigated and prosecuted, applying a child-sensitive and multisectoral approach with the aim of providing recovery for child victims and avoiding their retraumatization, and that perpetrators, including teachers, are duly sanctioned;**
- (b) **To criminalize as sexual abuse, prevent and combat the practice of exchanging sexual favours with teachers for good grades, establish guidelines on preventing and combating sexual harassment and violence at school and exclude teachers from the teaching profession and ensure that child victims are provided with the necessary assistance and psychosocial support, in particular to continue schooling;**
- (c) **Provide regular substantive training for judges, lawyers, prosecutors, police officers and other relevant professional groups on standardized, gender- and child-sensitive procedures for dealing with child victims and on how gender stereotyping negatively affects strict law enforcement;**

(d) Strengthen its awareness-raising efforts, including by organizing nationwide campaigns for children, parents and caregivers to prevent, detect and address sexual exploitation and abuse and to prevent stigmatization of child victims.

#### **Harmful practices**

30. Noting the measures taken to address harmful practices, such as the adoption of the Declaration of Notsé in 2013, the Committee is deeply concerned about the following:

(a) The persistence of harmful practices, including female genital mutilation and the issue of so-called witch children;

(b) The fact that 25 per cent of girls were married before the age of 18 and 6 per cent married before the age of 15 in 2017, despite the prohibition of child and forced marriage (Children's Code, arts. 267–270);

(c) The lack of a monitoring mechanism to eliminate harmful practices and insufficient information about the impact of the measures taken.

31. Recalling joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2019), target 5.3 of the Sustainable Development Goals and its previous recommendations, the Committee urges the State party:

(a) To implement effectively the legislation prohibiting child marriage and female genital mutilation, establish mechanisms to detect, protect and provide the necessary services and support to victims and strengthen its efforts to prevent such practices, including by providing training to relevant professionals, religious and community leaders and conducting programmes and awareness-raising campaigns on the harmful effects of these practices on the physical and mental health and well-being of girls;

(b) To formulate a behaviour change strategy and establish a monitoring mechanism to modify and eliminate social attitudes justifying the harmful practices, with the participation of professionals, community and religious leaders and the media;

(c) To pursue implementation of the Declaration of Notsé and the declaration on child marriage and carry out inspections, community dialogue and other similar measures, including systematic assessments of their impact on changes in behaviour.

## **F. Family environment and alternative care (arts. 5, 9–11, 18 (1) and (2), 20, 21, 25 and 27 (4))**

#### **Family environment**

32. Noting the amendments to the Personal and Family Code adopted in 2014 that repealed some discriminatory provisions against women and girls, the Committee, recalling its previous recommendations, urges the State party to prohibit in law, and eliminate, all discriminatory practices against women and girls, including levirate, repudiation and polygamy, and ensure that mothers and fathers equally share their legal responsibility for their children, including with regard to the upbringing, development and custody of children, in the best interests of the child, in accordance with article 18 (1) of the Convention.

#### **Children deprived of a family environment**

33. The Committee notes the pilot project on foster families and the evaluation of residential institutions in 2015 and 2016. However, it is deeply concerned about the following:

(a) Approximately, 40 per cent of children do not live with their two biological parents, particularly in urban areas;

(b) The lack of support to prevent family separation and to protect children deprived of parental care;

(c) The placement of children in institutions, which is prioritized by judges over community and family-based solutions, as a result of the lack of resources;

(d) More than one third of institutions do not meet the operating standards, including on child protection, and some continue to operate despite a recommendation to close;

(e) The lack of support available to children leaving care.

**34. Recalling the Guidelines for the Alternative Care of Children, the Committee urges the State party:**

(a) To develop policies and programmes to prevent family separation and to facilitate family reintegration, when it is in the best interests of the child, establish clear gatekeeping protocols, community-based services and infrastructure and provide training to enhance parenting skills;

(b) To ensure that the lack of material or financial resources, poverty, disability or divorce is never the sole justification for the placement of children in alternative care;

(c) To establish adequate safeguards and clear criteria, based on the needs and best interests of the child, for determining whether a child should be placed in alternative care, and build the capacity of the social protection system and the judiciary to apply such safeguards and criteria;

(d) To ensure that children are only separated from their family if it is in their best interests, after a comprehensive assessment of their situation by the competent authorities, including national courts, and that placement decisions are subject to periodic review;

(e) To develop, after assessing the pilot project on foster families, a foster care system to care for children who cannot stay with their families as an alternative to institutionalization, allocate adequate financial, technical and human resources for its implementation, conduct a recruitment campaign for and build the capacity of foster carers and establish emergency family-based care options and respite care, with particular attention paid to abandoned children, children with disabilities and children in street situations;

(f) To develop a deinstitutionalization strategy and action plan with dedicated resources for their implementation, including the systemic transformation of childcare and protection systems, and harmonization and coordination of child-related policies and programmes with social protection interventions, with particular attention paid to children in street situations, children living in institutions, abandoned children and children with disabilities;

(g) To implement the recommendations of the evaluation of residential institutions carried out in 2015 and 2016 and immediately close the institutions that did not meet the operating standards;

(h) To establish, on the basis of the above-mentioned evaluation, quality standards for all alternative care settings, monitor the quality of care on that basis and conduct regular and substantive reviews of placements in institutional, private, religious and family-based childcare facilities;

(i) To ensure adequate support for children leaving care and develop community-based services to help them start independent lives and support their integration into the community.

### **Adoption**

**35. The Committee recommends that the State party:**

(a) Accelerate the adoption of the revised provisions of the Children's Code that are harmonized with the provisions of the Convention on Protection of Children

and Cooperation in respect of Intercountry Adoption and build the capacity of judges and the national adoption committee to implement them effectively;

(b) Remove administrative barriers to facilitate domestic adoption, including the reduction of adoption fees;

(c) Provide adequate financial, human and technical resources to the national adoption committee and build its expertise in legal matters and the application of international standards.

#### **Children of incarcerated parents**

36. The Committee recommends that the State party ensure special treatment for pregnant women and mothers of infants and young children who are accused or convicted of an offence, including by providing alternatives to detention, whenever possible and in the best interests of the child, ensuring specialized nutrition and health-care support to mothers and children and developing policies and programmes to support children whose caregivers are incarcerated, including access to education, leisure and play.

### **G. Children with disabilities (art. 23)**

37. The Committee notes the inclusion of children with disabilities in the national strategy to protect and promote persons with disabilities (2013–2017) and the education sectoral plan (2014–2025) and projects promoting the rights of children with disabilities through community-based rehabilitation. Recalling its general comment No. 9 (2006) and its previous recommendations, the Committee recommends that the State party:

(a) Adopt a human rights-based approach regarding children with disabilities and review its legislation and policies, accordingly;

(b) Conduct a study on the situation of children with disabilities, including on the violence and deprivation affecting them and, on that basis, develop a policy and a strategy on children with disabilities, with the participation of children, allocate adequate resources for its implementation and establish a monitoring and evaluation mechanism;

(c) Ensure that the Directorate for Child Protection has the necessary competence, as well as the human and material resources, to protect children with disabilities;

(d) Strengthen support for the parents of children with disabilities and ensure the right of those children to grow up in their families, including by increasing the availability of community-based services and providing adequate socioeconomic support to parents;

(e) Ensure access to quality health care, including by providing early identification, intervention and rehabilitation programmes and training, ensuring an adequate number of health-care personnel throughout the country and providing and promoting assistive devices to support children with disabilities to have independent lives;

(f) Develop an inclusive education strategy and action plan, with specific objectives and timelines, and ensure that all children with disabilities have access to inclusive education in mainstream schools and that schools are physically accessible and equipped with trained teachers, accessible infrastructure and teaching materials adapted to the needs of children with disabilities;

(g) Address appropriately cases of violence and abuse, strengthen awareness-raising activities to combat isolation and stigmatization and promote a positive image of children with disabilities as rights holders.

## H. Basic health and welfare (arts. 6, 18 (3), 24, 26, 27 (1)–(3) and 33)

### Health and health services

38. Welcoming the decrease in infant, child and maternal mortality rates, particularly due to the Wezou programme to ensure essential maternal health care free of charge for all pregnant women, and improvements in child nutrition, the Committee recalls its general comment No. 15 (2013) and targets 2.2, 3.1–3.3 and 3.8 of the Sustainable Development Goals and urges the State party:

- (a) To allocate adequate resources to the health sector, with a focus on prevention and primary health care;
- (b) To pursue its efforts to further reduce neonatal, infant and maternal mortality rates and the mortality rate among children under 5 years of age, including by expanding the Wezou programme to include treatment of maternal and neonatal infections, emergency transport, prenatal checks and ultrasound examinations, addressing preventable health issues among children and ensuring access to HIV/AIDS testing, treatment and follow-up for children and pregnant women, with a view to eliminating mother-to-child HIV transmission;
- (c) To allocate adequate resources and improve multisectoral coordination for the promotion, protection and support of food security and nutrition among children, with a focus on stunting, micronutrient deficiencies, a minimum acceptable diet, dietary diversification and exclusive breastfeeding of babies for the first six months of life.

### Adolescent health

39. The Committee welcomes the fact that circular No. 8478/MEN-RS of 15 December 1978, which provided for the exclusion of pregnant girls from school, was repealed in 2022 and notes the adoption of national plans to combat, among young persons, HIV/AIDS (2014–2017), drugs (2020–2024) and teenage pregnancy and early marriage (2015–2019). However, noting with concern the very high levels of adolescent pregnancy, the Committee recalls its general comments No. 4 (2003) and No. 20 (2016) and targets 3.4 and 5.6 of the Sustainable Development Goals and recommends that the State party:

- (a) Develop, on the basis of an evaluation of the national programme to combat teenage pregnancy and early marriage (2015–2019) and the integrated strategic plan for reproductive health, maternal, newborn, child and adolescent health (2018–2022), an age-appropriate comprehensive sexual and reproductive health policy for adolescents and ensure the mandatory provision of sexual and reproductive health education focused on the prevention of early pregnancy, HIV/AIDS and sexually transmitted infections and the promotion of responsible sexual behaviour;
- (b) Address the root causes of early pregnancy, including socioeconomic vulnerability and limited access to education, and sexual violence and ensure that adolescents have knowledge of and access to modern contraceptives, safe abortion and confidential HIV testing and treatment, including through information campaigns and other targeted measures addressing the relevant sociocultural barriers;
- (c) Develop and implement a policy to protect the rights of pregnant girls and adolescent mothers and their children, combat discrimination against them and ensure that they are able to return to school and remain there until its completion;
- (d) Promote healthy lifestyles, with a focus on preventing and reducing the consumption of alcohol, tobacco, drugs and other harmful substances;
- (e) Collect data on mental health issues, including suicide, among children and adolescents, develop and implement a mental health policy and strategy, with a focus on prevention, the development of outpatient services and addressing emerging mental health issues in children and adolescents, ensure the provision of mental health

services and programmes and encourage them to seek mental health services without stigma.

**Standard of living**

40. Noting with concern the persistently high percentage of children who live below the poverty line and that access to safe drinking water and sanitation remains very limited, the Committee calls upon the State party to strengthen its measures to end child poverty, including by identifying and providing support to vulnerable families and strengthening social services, and to improve access to safe drinking water and sanitation.

**I. Children's rights and the environment (arts. 2–3, 6, 12, 13, 15, 17, 19, 24 and 26–31)**

41. The Committee notes with concern that the State party's population is affected by increasing temperatures, sea levels and rainfall variability, which are likely to cause flooding, drought and coastal erosion and affect the availability of water resources. Recalling its general comment No. 26 (2023) and targets 3.9 and 13.13 of the Sustainable Development Goals, the Committee recommends that the State party:

- (a) Invest in climate change adaptation, resiliency-building and capacity-building across the country to address the negative impact of climate change, with particular attention paid to vulnerable communities;
- (b) After assessing the effects of climate change and environmental degradation on children's rights, design and implement, with the participation of children, a well-resourced strategy to remedy the situation with measures to address priority concerns, especially with regard to water, air and soil pollution;
- (c) Monitor children's environmental health and ensure that health professionals receive training on the diagnosis and treatment of health conditions that are caused by the environment;
- (d) Increase children's awareness and preparedness for climate change and natural disasters through awareness-raising, including in school curricula and teacher training programmes.

**J. Education, leisure and cultural activities (arts. 28–31)**

**Education, including vocational training and guidance**

42. The Committee welcomes the increased enrolment rates in preschool education, particularly among girls. The Committee, recalling targets 4.1–4.7, 4.a and 4.c of the Sustainable Development Goals, recommends that the State party:

- (a) Ensure equal access to and retention in quality preschool, primary and secondary education for all children, with particular attention paid to girls, children with disabilities and children from rural and remote areas;
- (b) Improve the quality of school education, particularly by addressing the reasons for the failure to complete primary and secondary education, integrating science, technology, engineering, mathematics and information and communications technology into school curricula and developing technical education and vocational training, to meet the needs of the labour market;
- (c) Pursue the reform of the teacher training system and ensure pre-service and in-service training and evaluation of a sufficient number of teachers and allocate an adequate budget to cover the salaries of teachers and teaching personnel;
- (d) Allocate adequate resources to improve school infrastructure, increase the quality and quantity of pedagogical and teaching materials and school desks, and

ensure access to clean drinking water, functional latrines, school meals and transportation to and from schools;

(e) Further strengthen and promote the preschool education system and ensure access thereto for every child.

**Rest, leisure, recreation and cultural and artistic activities**

43. Recalling its general comment No. 17 (2013), the Committee recommends that the State party ensure the right of all children to leisure and play and provide accessible and safe outdoor public play spaces and green spaces.

**K. Special protection measures (arts. 22, 30, 32, 33, 35, 36, 37 (b)–(d) and 38–40)**

**Asylum-seeking, refugee and migrant children**

44. The Committee notes the adoption of Act No. 2016-021 on Refugee Status of 24 August 2016 and the establishment of an appeal board for asylum-seekers and welcomes the State party's efforts since the spillover of the Sahel crisis in 2021 to host a considerable number of asylum-seeking children from Burkina Faso and to place those who are unaccompanied or separated in host families. Recalling joint general comments No. 3 and No. 4 of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families/No. 22 and No. 23 of the Committee on the Rights of the Child (2017) and target 8.7 of the Sustainable Development Goals, the Committee recommends that the State party:

(a) Prohibit the detention of asylum-seeking children and children in situations of migration, in law and practice, and ensure that the principle of non-refoulement is applied;

(b) Ensure that the placement of unaccompanied and separated children, including those from Burkina Faso, is carried out on the basis of an assessment of their best interests as a primary consideration, and work with the Office of the United Nations High Commissioner for Refugees, the International Committee of the Red Cross and other relevant stakeholders on family tracing;

(c) Build the resilience of systems and communities and pursue the implementation of the emergency resilience programme in the Savanes Region, focusing on access to all essential social services, including protection and psychological support for children.

**Internally displaced children**

45. Noting the displacement of children due to the deterioration of the security situation in northern Togo, the Committee recommends that the State party ensure the protection of children in such situations and their access to all essential social services and family tracing, address effectively the risks of sexual violence, sexual exploitation and trafficking and investigate, prosecute and bring to justice those responsible.

**Economic exploitation, including child labour**

46. Welcoming the national action plan on child labour (2020–2024), national anti-child labour programmes and the 2013 study on the causes of child labour, the Committee recalls target 8.7 of the Sustainable Development Goals and urges the State party:

(a) To pursue its efforts to eliminate child labour, ensure the monitoring and evaluation of its national plans and programmes thereon and allocate adequate financial, human and technical resources to that end;

- (b) To inform, on that basis, future policy action to prevent and respond to child labour, in accordance with child protection policies and international standards concerning human and children's rights;
- (c) To ensure that hazardous work is prohibited for children, in law and practice, and harmonize Order No. 1464 MTEFP/DGTLs of 12 November 2007 with relevant international standards, particularly the International Labour Organization Minimum Age Convention, 1973 (No. 138);
- (d) To conduct a study on the prevalence and causes of the practice of "confiage" of children, who are frequently victims of violence, exploitation and abuse, including sexual abuse and trafficking;
- (e) To intensify labour inspections and monitoring, particularly in the informal economy and in respect of "confiage" children, impose sanctions on violators and conduct prevention activities with families and capacity-building for employers, local authorities and other relevant stakeholders;
- (f) To withdraw children from child labour, ensure that they receive treatment and compensation for any harm suffered and strengthen reintegration and access to education;
- (g) To finalize ratification of the International Labour Organization Domestic Workers Convention, 2011 (No. 189).

#### Children in street situations

47. Noting the development, in 2016, of the strategy to support children in street situations and the State party's efforts to reunite children with their families, the Committee recalls its general comment No. 21 (2017) and recommends that the State party allocate adequate financial, human and technical resources to the implementation of the strategy and its action plan, provide children concerned with the necessary protection, support and opportunities for reintegration, with particular attention paid to young mothers, and establish mechanisms to prevent situations of violence, conflict with the law and sexual exploitation, particularly in the light of the situation in the Savanes Region and that of *talibé* children.

#### Sale, trafficking and abduction

48. The Committee notes the agreements to protect children who are victims of trafficking with Gabon (2018) and Benin and Burkina Faso (2019). However, it is concerned that the State party remains a country of origin, transit and destination of trafficking, for labour, sexual exploitation and domestic work, which particularly affects children from poor and rural communities. Recalling target 8.7 of the Sustainable Development Goals, the Committee urges the State party:

- (a) To conduct a comprehensive study on internal trafficking and the sale of children, as previously recommended, and strengthen data collection and information management on cases of trafficking, in cooperation with non-governmental organizations and international organizations;
- (b) To update, on that basis, its national action plan on trafficking, which expired in 2008;
- (c) To investigate and prosecute all cases of trafficking in children and impose commensurate and dissuasive penalties on perpetrators;
- (d) To enforce properly the anti-trafficking agreements;
- (e) To allocate adequate financial resources to the National Commission for the Reception and Social Reintegration of Child Victims of Trafficking to enable its effective functioning;
- (f) Strengthen the capacity of relevant authorities to identify and refer child victims to assistance and protection services;

(g) Strengthen awareness-raising activities for children, parents and the community on the dangers of trafficking.

**Administration of child justice**

49. The Committee notes the creation of six juvenile courts outside Lomé and the nomination of juvenile judges but remains concerned about the insufficient budget for the implementation of the law and reintegration policies and the overuse of deprivation of liberty, including in solitary confinement or with adults. Recalling its general comments No. 24 (2019) and No. 21 (2017), the Committee urges the State party to bring its child justice system fully into line with the Convention and other relevant standards and, in particular:

(a) To allocate adequate financial, human and technical resources to expand the child justice system, including court facilities, procedures and an adequate number of specialized and trained judges, assessors, clerks and juvenile liaison bureaux members throughout the country;

(b) To validate the National Justice Policy (2021–2025), allocate adequate financial resources to implement, monitor and evaluate it and ensure that it addresses the challenges in the area of child justice;

(c) To provide the centres for access to rights and justice for children with appropriate resources, rules of procedure, training for all professionals, guidelines and operational tools for carrying out investigations and effective psychosocial support for children, including in partnership with public and private structures;

(d) To implement effectively Act No. 2013-010 on Legal Aid and ensure its provision free of charge to all children accused of having committed a crime at an early stage of the legal procedure and throughout proceedings;

(e) To promote and implement non-judicial measures, such as diversion, mediation, counselling and educational measures, for children accused of criminal offences and, wherever possible, the use of non-custodial sentences, such as probation or community service;

(f) To ensure that deprivation of liberty is used as a last resort and for the shortest time possible, that it is reviewed on a regular basis with a view to its withdrawal and that children are released immediately after the expiry of the authorized term of detention;

(g) To end the detention of children under the age of criminal responsibility (that is, 14 years), solitary confinement and the detention of children with adults;

(h) To ensure, in the exceptional situations in which deprivation of liberty is justified as a measure of last resort, that detention conditions are in compliance with international standards, including with regard to hygiene, access to food, education and health services, and that they are regularly monitored;

(i) To strengthen recovery, assistance and reintegration services, such as community-based services and family support, for children in conflict with the law, with the aim of preventing reoffending, in particular by children in street situations;

(j) To develop and apply social services for children below the age of criminal responsibility.

**Follow-up to the Committee's previous concluding observations on the Optional Protocol on the sale of children, child prostitution and child pornography**

50. Recalling its previous concluding observations under the Optional Protocol on the sale of children, child prostitution and child pornography, the Committee urges the State party:

(a) To incorporate a clear definition of the sale of children in the Children's Code, in line with articles 2 and 3 of the Optional Protocol;

- (b) To ensure effective investigation into cases covered by the Optional Protocol;
- (c) To repeal the requirement of double criminality for extradition and/or prosecution of offences committed abroad;
- (d) To ensure the protection of victims, taking into account the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime;
- (e) To raise awareness of the Optional Protocol and remove sociocultural barriers to such initiatives.

## **L. Ratification of the Optional Protocols to the Convention**

51. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the Optional Protocol on a communications procedure.

## **M. Cooperation with regional bodies**

52. The Committee recommends that the State party continue to cooperate with the African Committee of Experts on the Rights and Welfare of the Child of the African Union on the implementation of the Convention and other human rights instruments, both in the State party and in other States members of the African Union.

# **V. Implementation and reporting**

## **A. Follow-up and dissemination**

53. The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented. The Committee also recommends that the combined fifth to sixth periodic reports, the written replies to the list of issues and the present concluding observations be made widely available in the languages of the country.

## **B. Next report**

54. The Committee will establish and communicate the due date of the combined seventh and eighth periodic reports of the State party in due course, in line with the envisaged predictable reporting calendar based on an eight-year review cycle, and following the adoption of a list of issues and questions prior to reporting, if applicable, for the State party. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines<sup>4</sup> and should not exceed 21,200 words. In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report. If the State party is not in a position to review and resubmit the report, translation thereof for the purposes of consideration by the Committee cannot be guaranteed.

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<sup>4</sup> CRC/C/58/Rev.3.