



ngo group for the crc

STATE PARTY EXAMINATION OF TOGO'S FOURTH PERIODIC REPORT

59TH SESSION OF THE COMMITTEE ON THE RIGHTS OF THE CHILD

16 JANUARY – 3 FEBRUARY 2012

Contents

Opening Comments.....	1
General Measures of Implementation.....	3
Definition of the Child.....	5
General Principles.....	6
Civil Rights and Freedoms.....	7
Family Environment and Alternative Care.....	8
Basic Health and Welfare.....	8
Education, Leisure and Cultural Activities.....	10
Special Protection Measures.....	11
Concluding Remarks.....	13

Togo ratified the Convention on the Rights of the Child (the Convention) on 1 August 1990. On 23 January 2012, the Committee on the Rights of the Child (the Committee) examined the third and fourth periodic report of Togo. It was last examined on 24 January 2005.

Opening Comments

The delegation of Togo was led by Yacoubou Koumadjo Hamadou, Minister of Arts and Culture. He was supported by a delegation consisting of representatives from the Ministry of Social Action and National Solidarity, the Ministry of Justice, the Ministry of Security and Civil Protection, the Ministry of Education, the Ministry for Protection of Women, the Ministry of Human Rights, the Ministry of Health, the Ministry of Finance and of the Permanent Mission of Togo to the United Nations Office in Geneva.

Mr Yacoubou Koumadjo Hamadou started his presentation by saying that according to 2010 census, Togo had 6.1 million people, of which 2 million were children. A global political agreement in 2006 marked a turning point in the history of the country, bringing the participation of civil society and political parties to the government.

Togo was still committed to improving its situation and as such, Mr Hamadou outlined some of the main steps taken. As a result, many protocols and fundamental laws had been implemented, and both legislative and judicial measures had been adopted to ensure that national norms complied with international legislation. Children's rights had been one of the main points in that revision process. Among the main steps taken to promote children's rights were the 1992 Constitution and the drafting of a new Children's Code, introducing penalties against perpetrators of aggression as well as the possibilities for children and any other person

to signal relevant facts to listening centers and authorities. Sectoral programmes and policies were also being drafted, underpinning the State's will to provide protection for all children. In order to implement those projects, the government established local units and prefects to ensure more autonomy. Specialised committees addressing adoption, trafficking, child labour, family and health issues had been created and a national advisory council for children had been set up for stakeholders working in child protection.

Concerning dissemination of the CRC, teachers, journalists, community leaders and children had been trained in order to take ownership of the content of the Convention. A new law for birth registration was adopted in June 2009, extending the time limit to register a child, from 30 to 45 days. Corresponding periodic campaigns were organised by courts to ensure that non-registered children were issued with a birth certificate, particularly for enrollment in schools.

A helpline for children had been created with the support of private phone companies in order to collect data on abuse. Togo was also determined to have curbed Female Genital Mutilation (FGM) and other harmful traditional practices such as the infanticide of disabled children. Despite awareness-raising campaigns, infanticide, as well as aggression towards children, were still widespread.

Free primary compulsory education up to age 15 years had been introduced in Togo and a comprehensive sexual education curriculum in the primary and secondary levels had been incorporated. Since 2008, school fees had been abolished, which had increased schooling rates in general, bringing more girls to school. Despite this, Togo still did not have sufficiently qualified teaching staff.

Due to a chronic lack of means, Togo had not yet addressed the issue of inclusive education for children with disabilities. As such, children with disabilities were taken into private centres which were subsidised by the State.

Efforts had been made in order to attain the Millennium Development Goal (MDG) for child health. A complex health development plan, including specific strategies for malaria, HIV, sexually transmitted diseases, vaccinations and child mortality, had been set up. The government, along with national and international development partners, had invested significantly to eradicate the mother to child transmission of HIV. All mothers were provided with free screening and subsequently, the percentage of infected newborn children had dropped to 7.5 per cent in 2010. Compulsory health insurance had also been introduced.

A centralised section dealing with violence had not yet been established, although medical and socio-psychological support and rehabilitation had been made available since 2008. The government had also addressed the lack of specialised personnel by organising courses and training for police, magistrates, lawyers and social workers. Regulatory legislative reforms had occurred in order to establish more juvenile courts.

The head of delegation concluded by saying that Togo was aware that all expectations could not be met due to financial, sociocultural and administrative constraints but recognized that much still had to be done. The State was confident that the implementation of new policies would lead to further great improvements. Togo would continue to be determined to attain the standards set out in the Convention.

Mr Kotrane, the Country Rapporteur, noted the progress Togo had made since the last report in 2005, saying that initiatives put in place so far by the government responded well to the Committee's recommendations. In particular, he remarked that the most recent legislative provisions adopted, such as the 2007 law on the Children's Code; the law on abolition of death penalty in 2009; the labour code adopted in 2007; and the 2009 law against child trafficking, had been decisive in bringing the legislative into line with the Convention. He also welcomed the fact that Togo had ratified almost all the core international human rights instruments, among which were the ILO Convention No. 182 and No. 138 respectively on the worst forms of child labour and on the minimum age for admission to employment and work, and the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption. Another very positive step taken by the government had been the establishment of a plan of action on child labour and trafficking.

Despite significant achievements, Togo still appeared among the countries with the lowest Human Development Index rate, which was a significant obstacle for the achievement of the MDGs. The Rapporteur was also concerned by the delays concerning the entry into force of the family and criminal codes.

General Measures of Implementation

Legislation

The Committee asked if the government would consider ratifying the Convention on Enforced Disappearances, as well as what measures had been taken to draft and approve the code for personal status; the code for criminal procedures; and the Children's Code. It was noted that judicial and administrative frameworks were still pending approval. The delegation answered that the Personal Status Code and the Family Code were being reviewed by the National Assembly and that the government wanted to take the time to revise the texts thoroughly and accommodating the inputs from all stakeholders. The delegation added that the government was committed to establish reliable and effective bodies for implementation.

The Committee asked why the rights of disabled children did not appear in the Children's Code. The delegation replied that a review process in order to make legislation compliant with the Convention on the Rights of Persons with Disabilities was on-going. At the community level special committees for child protection had been set up, so that cultural realities could be better taken into account.

Noting that repudiation and marital rape within the family was not addressed by law, the Committee asked the delegation whether specific legislation on violence had been drafted and, if yes, how prosecutions of punitive measures were applied in the best interest of the child. The delegation explained that violence was generally punishable, but that violence against women in particular had not been codified in law. The government was aware that the criminal code should be revised in that regard and, although the texts had not yet been enacted, the government was committed to ensure that women's rights would be included in the criminal code. The Committee then replied that prevention should always come first, and asked what was the status of measures to address prevention of violence against children.

Concerning the National Human Rights Institutions, the Committee asked how the National Human Rights Commission (CNDH), the National Advisory Council on Children's Rights and the National Committee on the Rights of the Child (CNE) would work together and avoid duplication of work and gaps in implementation. The delegation said that the coordinating and monitoring mechanisms would be fine-tuned to create reliable bodies with clear

mandates. Once firmly established, the framework for development and improvement of living standards would be established.

The Committee was concerned by the fact that the National Committee on the Rights of the Child (CNE) had not been fully established, which was hampering coordination at the national level, as well as the implementation of the Children's Code. The Committee asked how new members of the CNE were appointed and whether the government would consider including civil society representatives. The delegation shared the Committee's and said that the problems Togo had been facing at the moment were due to the fact that the country had been deprived of international support for 20 years. Natural disasters had split the country into two parts, which had exacerbated the situation of poverty and hindered development.

Dissemination and training

Concerning the accessibility of the National Human Rights Commission to Children, the Committee noted that very few cases of child rights had been brought and that there was little awareness of Convention among the general population. The delegation replied that the National Human Rights Commission was a constitutional body that was mandated to receive complaints of rights violations; it had a children's division that received complaints from children. Nevertheless, children were not making complaints because people did not have sufficient knowledge of the Convention.

Regarding dissemination, the government carried out campaigns for example by mobilising paralegal experts to disseminate the Convention in local communities. Answering to the question of the Committee, the delegation specified that paralegal experts worked with civil society, not for the government. Despite the progress made by Togo on the dissemination of the Convention, the Committee asserted that the current level of knowledge was not adequate and asked whether the Children's Code was known by children and families, as well as to professionals working with children and families. The delegation answered that the situation was problematic because the State lacked resources to implement the Children's Code. The Committee encouraged the government to allocate sufficient resources to this domain, since it was the main legal manifestation of the Convention. The Committee also suggested that the National Human Rights Commission should be more child-focused to allow children's complaints to be heard and responded to effectively.

Coordination

The committee was deeply concerned by the lack of coordination among national and regional actors and asked what measure had been taken to fill that gap. The delegation responded that a framework for consultations had been drafted, and would soon be shared with all stakeholders for comments. The delegation announced that the government would have support from UNICEF for the collection of information at the community level. Thematic groups would also be established, in order to create a national network dealing with specific thematic issues concerning children.

Budget

Concerned by the fact that the State budget allocation for education had decreased, thus jeopardising the coverage of services, the Committee asked about the current situation of the budget for 2012 with reference to education. The delegation answered that the reduction in budget allocation would not have a negative effect on the working of the school system, since the government was receiving substantial international cooperation from UNESCO. The

Committee asked how the government was investing sustainably in education using domestic resources. The delegation replied that since fees had been abolished, subsidies to school would be provided, covering salaries and the running costs linked to education.

The role of civil society and Non-Governmental Organisations

With regards to civil society, the Committee remarked that Togo had very dynamic civil society organizations and NGOs providing assistance for children and women and asked if the government would consider establishing a framework of cooperation, in order to foster synergies between all actors and to make clear to people that NGOs are on the side of government. The delegation responded that civil society was not a sharply defined entity, so that approaches may vary substantially. Since not all NGOs were willing to collaborate with the government, it believed that financing would have the opposite effect, provoking a split-up which would jeopardize the overall positive effects. However there were bilateral frameworks bringing together the partners and sometimes projects were implemented with ministerial funding in order to increase their credibility.

Data collection

The Committee asked about a centralised and comprehensive system of data collection, highlighting that disaggregated data was essential for programme planning and policy implementation. It also asked whether there was a centralised agency for data collection and what the training of staff had been for monitoring and data collection purposes.

Definition of the Child

Early and forced marriage

The Committee asked whether the Children's Code and Family Code included a definition of the child that was in line with the Convention, in particular with respect to the minimum age of marriage. The delegation answered that despite the fact that both Codes stated clearly that marriage of boys and girls under 18 was prohibited, figures were high, as around 20 per cent of girls aged 15 to 19 were married. In order to counteract that trend, free education for girls had been guaranteed. In particular, Plan Togo had the "because I am a girl" project to educate girls about the advantages of staying in school and completing their education. A wide range of actions and projects for awareness-raising had also been implemented in partnership with religious and community leaders, including the establishment of a National Day for Women and Children and the dissemination of messages through the mass media and local radios.

The Committee expressed its concern about the fact that girls seemed to be married often in exchange money, without punishment for those arranging the marriages. The delegation replied that although polygamy was legal in Togo, the government shared the concern about the high number of polygamous marriages, since children born out of polygamous marriages did not have the same status in the family. The Committee noted that pursuant to the Children's Code marriage was allowed at 16 with the consent of the parents and the child, and observed that a foreign child who married a Togolese man or woman could gain Togolese nationality, which could also account for forced marriages.

The Committee asked whether the government would consider banning forced marriage in the Code. The delegation answered that all marriages imposed by force was punishable under the Criminal Code and that these provisions would soon be implemented.

On early marriages, the Committee mentioned that in the prefecture of Dankpem 76 cases of marriage involving children aged 12 to 17 had been reported between 2009 and 2011. No

punitive action had been taken against perpetrators; however the delegation added that in those cases, they had committed not to repeat their behaviour.

The Committee encouraged the government to enforce the laws on early marriages. The delegation was aware of the gap between provisions and enforcement and assured the Committee that it was not promoting impunity. It explained that the difficulties in implementing the Convention were due to the population's reluctance to accept any change in traditions. In this sense, strong repression would only engender aversion; however, the government intended to raise people's awareness on the harmfulness of those practices and on the fact that they violate the Convention. The Committee suggested that in patriarchal settings it would be helpful to sensitise men on the issue and asked what efforts had been made to raise men's awareness. The delegation replied that initiatives were targeting both men and women.

With reference to the assessment of the age of the child prior to marriage, the delegation answered that a civil marriage could not be carried out in the absence of a birth certificate.

General Principles

Non-discrimination

The Committee asked how non-discrimination was ensured, particularly towards girls and children in minority groups. The Committee asked whether a child born to a foreign father by a Togolese mother, had rights to the Togolese nationality through the mother. Noting that article 2(1) of the Constitution addressed discrimination towards Togolese children in general, it suggested that specific provisions for children with disabilities should be included.

The delegation answered that awareness-raising campaigns to address sexual stereotypes had been set up and included in school curricula and that a pillar promoting gender equality had been included in the Poverty Reduction Strategic Paper. Regionally, the protocol to the African Charter to promote equality had been disseminated and promoted at the national and community levels, and despite some reticence in parts, it had been translated into simplified French to ensure increased accessibility. It added that the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) had been ratified by the State.

The right to be heard

The Committee asked if the Criminal Code had been reviewed with reference to the participation of children and the right to be heard. The delegation responded that civil society had participated in the process and had proposed some amendments to this effect, which were taken into account. It added that the 2007 Code stated that children's opinions could be heard in legal procedures and that a judge dealing with a child victim had the obligation to listen to the child.

Helpline

With reference to the helpline for children, the Committee wanted to know whether it was accessible to children throughout the country or only at the local level and whether it was actually used by children. The delegation replied that use of the helpline was steadily increasing. It added that it was based in Lomé and that free of charge phone calls were received from all the country. The delegation stressed the fact that the hotline was conceived for early warning, from which further investigation could be conducted.

Best interests of the child

The Committee questioned how the best interests of the child principles had been captured in domestic laws. Concerned by persistence of provisions which are discriminatory against women, the Committee encouraged the government to speed up the process of revision of the Family Code. In particular, it was concerned by the negative impact that repudiation had on children, since in most cases the wife returned to her parents and the husband was granted custody of the children. Furthermore, the Committee noted that despite the fact that parents were formally entitled to the same rights, in practice decisional powers were in the hands of males, which increased the risk of child neglect. The Committee also asked about women's access to inheritance rights.

Civil Rights and Freedoms

Birth registration

The Committee touched upon the issue of birth registration, saying that 50 per cent of children were reportedly not registered, and that by consequence they had no rights. Cost of registration, geographical location, corruption of civil servants and the distance to registry offices from some areas, appeared to be the main deterrents. The Committee asked what measures the government had taken to solve the problem and actively encourage parents to register their children. The delegation acknowledged that the problem of non-registration was still an issue. Stressing the difference between identity card and birth certificate, it underlined that the government had established a mechanism by which a birth certificate was provided to children previously unregistered, in particular for enrollment in school. As a result, during the 2011 national campaign, 150,000 primary school children had been registered for the first time.

The Committee asked whether birth registration would be ensured to children born outside of marriage or as a result of rape as well.

Freedom of association

The Committee noted the report of the UN Special Rapporteur on Human Rights Defenders, who had visited Togo in 2008. The Committee asked what measures the government had taken to address stigmatization of women human rights defenders by the local authorities and families, particularly in the rural areas. The delegation said it was aware of the fact that some human right defenders were often victims of stigmatisation and accused of being bad mothers and home breakers; it was explained that the problem was particularly difficult to settle because the misconception was rooted in cultural tradition because in the past civil society used to be part of the opposition. The delegation affirmed that the government was struggling to safeguard the role of civil society.

Child abuse

The Committee noted that corporal punishment was still widely practiced both in the family environment and in school settings and asked whether there was any jurisprudence in that area emanating from cases brought to courts. The delegation answered that slapping on the face could not be pursued by the Code, but agreed that parents should be educated to raise their children without resorting to violence. For this purpose, support and advice on the best pedagogic approach was already available. Teachers using the cane and the ruler on children could in principle be punished with administrative sanctions and even brought before the court in case of heavier damages. It added that although corporal punishment was formally

prohibited by law, culture made it very difficult to be sure that it was not practiced.

The Committee asked the delegation to further clarify whether spanking was expressly prohibited by law. The delegation said that all forms of corporal punishment were clearly prohibited and punishable, but the problem was that the court must receive proof that it happened. It added that awareness-raising activities were the best preventive measure.

Concerning article 355 of the Criminal Code, the Committee stated that the law limited the protection of children against corporal punishment to children aged under 15 and suggested that this provision be amended to afford protection to all children. The delegation explained that the Code would be amended according to the new definition of child present in the Children's Code.

On sexual abuse, the Committee asked if there were cases where a teacher had been prosecuted. The delegation answered that there had been two cases of teachers who were suspended because of sexual abuse of students in a school environment. The Committee was concerned by the fact that they had only been suspended and had not faced criminal sanction. The delegation assured the Committee that those teachers were also brought before the law, and that administrative sanctions always come before the application of legal measures. Asked about how many teachers had been punished in the courts, the delegation replied that there had been five convictions and that three cases were pending.

Poverty

The Committee expressed its concern about the fact that children did not seem to be an explicit target group in the Poverty Reduction Strategy and noted that two thirds of the families in Togo were living below the poverty line.

Family Environment and Alternative Care

Adoption

With reference to the Regulation of the Adoption Procedures, adopted by the government in 2008, the Committee noted that full harmonisation between national and international laws had not been reached. It then asked what measures had been taken to make national laws compliant with the Convention on international adoption. The delegation said that the adoption procedures had been simplified in order to encourage nationals to adopt without any major difficulty.

The Committee noted that the procedure could be further improved, since adoption papers had to be referred back to the relevant ministry for each and every case, causing long waiting times. Also, it noted that costs for international adoption were disproportionately high compared to those for national adoption. The Committee suggested that fees be reduced for national adoption, since about 70 per cent of the population in Togo was living below the poverty threshold, which would make them unable to bear such costs. The delegation agreed that national adoptions should be more accessible, but noted that if the cost of international adoption was also reduced, then national adoption would be less likely. It added that the government wanted to enable Togolese nationals to adopt children but did not want to discriminate against international adoptions.

Basic Health and Welfare

Children with disabilities

According to data, children with disabilities were still disproportionately subject to abuse and violence. The Committee asked what measures had been taken to ensure that information was accessible to children, enabling them to fully participate in society. The delegation responded that Student Councils had been established in schools to ensure that disabled children were better informed and equipped against violence. The Committee suggested that the councils should deal with all matters affecting children and not only with disabled children's rights.

The Committee noted that only one per cent of disabled children seemed to have access to inclusive education and said that it was crucial to change the mindset, so that disability would not be perceived any longer as a punishment or a source of shame. The Committee suggested that special schools would reinforce stereotypes and promote stigmatisation and thus encouraged the government to take an inclusive approach to education for children with disabilities. The delegation asserted that special schools did not engender negative discrimination; on the contrary, children were put aside in order to better ensure their protection. It added that it was essential to take into account the kind of disability and in severe cases, specialised schools were the only solution. The delegation mentioned the fact that teachers were not trained on how to teach children with disabilities, and that schools were not structurally equipped to meet their needs. However, inclusive education was part of the long-term national plan and a project had been successfully carried out by Amnesty International in the Savanes area bringing children with slight disabilities into regular classes. In 2009, 144 boys and 137 girls participated to the project and respectively 148 and 204 in 2010. Since the results were good, there were plans to extend the project to other regions.

The Committee pointed out that more children should be included into regular school, but that was not happening since inclusive education was suffering because of cuts in the budget. Also, it added that disabled children needed to be integrated at present, as their current situation would put them at a disadvantage for their entire life. Furthermore, special institutions were more expensive and teachers trained for inclusive education will serve for both children, normal and disabled ones.

Health services

The Committee asked what progress had been made with reference to access to clean water and sanitation. The delegation said that access to drinking water was a fundamental right to be guaranteed to all citizens. Progress had been made, especially in the rural areas, where it passed from 28 per cent in 2000 to 40 per cent in 2010. In order to meet the MDGs, the Water Code and the national water policy had been adopted in 2010. Access to sanitation had increased to 23 per cent in urban areas and 12 per cent in rural areas in 2010. A project for collective sanitation had also been established in 2010.

The Committee raised the issue of access to facilities, noting that the data provided in the State report differed from the information provided by other sources. In particular, the high level of maternal mortality and morbidity was still a pressing issue, along with the lack of emergency obstetric care. The Committee wanted to know how the government intended to tackle nutritional deficiencies and chronic malnutrition. The delegation replied that the Ministry of Health had engaged in the recruitment of qualified health workers, since maternal mortality was mainly due to lack of qualified staff. Among the institutional efforts the delegation mentioned the Accelerated Campaign to Reduce Women's Mortality in Africa helping victims of fistula, another main cause of maternal mortality; a new campaign against

FGM which would be launched in March 2012; and subsidies for caesarean sections which had been decreed in May 2011.

In order to combat preventable disease, the Ministry of Health had established mobile vaccination units and organised community-based vaccination campaigns. With reference to nutritional deficiencies, controls at borders and in markets had been conducted, and free iron tablets for children under 5 years had been distributed for the prevention of anemia. The delegation also underlined that children had free access to healthcare.

The Committee asked the delegation what kind of assistance was provided to young girls in order to prevent unwanted pregnancies. It answered that 10 per cent of health facilities offered family planning services, providing female contraception and condoms and that these health services were accessible to any individual for free.

HIV/AIDS

The Committee noted that there were high HIV rates in urban areas and that although approximately 265,000 pregnant mothers were known to be HIV-positive, a large number of women had not been tested, and not all affected children had received treatment. A large number of children, whose parents had died as a result of contracting HIV, had been neglected in the 2007 National Strategy Plan to fight HIV/AIDS. The Committee asked how the new strategic plan had taken them into account and what preventive measures had been put in place for youth and adolescents.

The delegation responded that the government was committed to meeting MDGs five and six on combating malaria and sexually transmitted diseases, including HIV. Efforts to tackle HIV transmission from mother to child, as well as to increase access to retroviral therapy, had resulted in the decrease of mother-to-child transmission from 20 per cent in 2005 to 7.5 per cent in 2010. A triple therapy had been established and services had been extended through pilot programmes currently covering 50 per cent of the country. The government was confident that in the near future all health centres would be provided with a specialised HIV unit. The delegation also explained that screening centres, established since November 2009, also promoted contraception, specifically condom use.

The Committee asked about the integration of reproductive health education in school curricula. The delegation explained that since 2009 all levels of school had HIV information programmes.

Harmful traditional practices

The Committee highlighted that the killing of twins, as well as the practice of FGM, were still widely practiced in Togo. Since FGM had been prohibited by law, the Committee asked whether Togolese courts could prosecute foreign excisers who operated on Togolese girls or women. The delegation underlined the progress made in the eradication of FGM, adding that prevalence rates had dropped from 28 per cent before the 1998 legislation to 3.9 per cent at present. Measures had been taken to punish perpetrators and a hotline to encourage women to denounce the practice had been created. An initiative had been carried out to offer alternative vocational training for women who practiced excision had also been carried out.

A programme to assist victims of the practice, in particular by providing them with psychological support, had been developed by the Ministry of Social Affairs, the Ministry of Women's Rights and other partners. The delegation said that collaboration with Burkina Faso and Benin was in place in order to prosecute perpetrators beyond the borders, specifically

dealing with extradition.

The delegation answered that it was possible for Togolese courts to prosecute both perpetrators of FGM and accomplices. It also explained that it was more likely that girls were sent to other countries to have excision performed by foreign people, than the presence of Togolese excisors in neighbouring countries.

Education, Leisure and Cultural Activities

Education

The Committee asked about the quality of education, to which the delegation responded saying that although significant efforts had been made, the quality of teachers was still a cause of concern, since one third of them were volunteers. As many as 50 per cent of teachers in the northern region of Savanes were unpaid, except that some were paid in cash by donations made by parents and associations. To address this, the government would offer official teacher training to volunteers in September and October 2012. In the long-term, the State was reviewing ways to improve payment of salaries to teachers.

With reference to dropout rates, the Committee asked whether Togo had a programme to give children a second chance to catch up with school. Also, noting that Togo had not yet ratified the UNESCO convention on technical and vocational education, it asked whether vocational technical education was available. The delegation replied that school dropout happened mainly at the secondary level due to poverty. An action plan to address this problem had been established. Alternative education was organised in a way that the child could catch up and participate in an apprenticeship at the same time to ensure a source of income.

The Committee pointed out that sexual abuse and forced work imposed by teachers on children could also contribute to high dropout rates. Regarding infrastructure, it said that overcrowded classes were not in the best interests of the children and asked how the government planned to address the issue. The delegation replied that new primary and secondary schools would be built to address the shortage of official learning spaces.

Right to play

With reference to the right to enjoy play, the Committee stated that leisure time and sport were a luxury for Togolese children and the provisions of the Children's Code were weak in this regard. It then asked what steps had been taken to tackle child poverty and promote adequate living standards.

The delegation recognised that children still enjoyed few economic social and cultural rights but the current lack of financial resources made it necessary to devote substantial portions of the budget to meeting basic needs first. The delegation added that hunger was more pressing than leisure; however, the government was aware of the importance of play and leisure in a child's development and remained committed to make leisure available to all children with the help of the international community.

Special Protection Measures

Child labour

On the exploitation of children, the Committee said that although an ILO-IPEC project

against child labour was in place, there was no precise information about its the impact on the situation. Remarking that many children still worked in market places and in the agricultural sector, thus being exposed to pesticides and other harmful conditions, the Committee suggested that the number of workplace inspectors should be increased to monitor the safety of children in work environments. According to data, girls were mostly employed as domestic workers and in some cases were unpaid and even victims of sexual violence. The Committee asked whether special protection measures in relation to child labour had been put in place, for example to protect children from situations where teachers forced children to work.

The delegation explained that the 2006 law under the labour code provided for these matters and corresponding information had been disseminated by the steering committee on the abolition of child labour. It added that labour inspectors were present and that a national programme combating child labour was in place, funded by the US State Department. Under this programme, children had been removed from harmful situations and provided with support for reintegration through education and vocational training.

With reference to the ILO-IPEC programme, the delegation said it had helped to draft the national programme. Poverty was a root cause of child labour and in order to tackle this factor, vulnerable parents were provided with financial support through a programme funded by the World Bank. Canteens were also developed in order to encourage children to stay in school through the provision of meals. The delegation highlighted the practice of “confiage”, by which children were given in trust to other families for education, however in some cases these children had been used as domestic workers. This was difficult to monitor as labour inspectors did not have the right to enter homes. The delegation underlined that WAO Africa, an NGO supported by Save the Children, had developed a programme for domestic exploitation, by which children generally above 15 were followed and provided with education, in order to prevent them from becoming victims of crime.

Children living and working on the street

The Committee remarked that street children were often stigmatised, had access to neither rights, nor education, and were largely marginalized by society. It asked whether specific programmes had been developed for children living and working on the street. The delegation said that the government was struggling in order to improve the life of children living and working on the street.

Juvenile justice

The Committee asked the delegation if imprisoned children between 14 and 18 were detained separately from adults and noted that all detained children had the right to education, health and leisure. Since cases of torture of children had been reported, the Committee asked what measures had been taken to prevent that and to bring those responsible before the court. The Committee asked whether there were alternatives to deprivation of liberty for children in conflict with the law. It also expressed its concern about the fact that the justice system seemed not to be independent and that only two judges were specialised in child matters. The delegation assured the Committee that the government had adopted a draft bill on the separation of powers and that it would soon come into force.

The delegation answered that training of legal professionals had been carried out since 2005 on the rights of the child. Only Lomé had a court for minors; however, it assured the Committee that in all parts of the country children had the possibility file cases in court and a response from the specialised judge would be given. The child was also entitled to a lawyer

from Lomé during the pre-trial period. The Committee pointed out that it was not only a question of training in child rights, but that the administrative and criminal justice system as a whole should be adapted to children.

The Committee added that training should be delivered to legal and other professionals working with children in court proceedings to promote a holistic approach to child participation in such cases. The delegation said that a child-friendly system was being created; for example, police custody measures were specific and the government had provided regular training for all those interacting with children in conflict with the law, since 2005. The delegation was confident that further improvement would come through the implementation of the Children's Code.

The Committee said that conditions of detention in Lomé did not respect human rights with respect to visiting rights, food, accommodation and occupancy of detention spaces. In particular it was remarked that children often had nothing to do until the sentence. The Committee asked what would happen in the case of detention of a child under 14 years of age that had committed a murder, since the age for criminal responsibility was 14. The delegation said that a child under 14 was not criminally liable, so he or she could not be imprisoned, regardless of the type of offence committed. However, judges would take measures of education, and for this aim the Caccavelli Centre was the only rehabilitation and reintegration centre in Togo.

The Committee asked what happened to children in conflict with the law who were over 14. The delegation noted that the criminal code provided that in this case a special decision could be taken to deprive the child of liberty and there could be a prison sentence for a maximum of 10 years. The Committee remarked that pursuant to the Convention, children should be judged according to the time when the crime had been committed and not according to the age the child had been when the sentence was handed down. It asked the government to revise the legislation accordingly.

Concluding Remarks

Mr Kotrane said that despite difficulties Togo had made considerable steps forward in terms of legislation, the establishment of institutions and the development of plans of action. Mr Kotrane drew the State's attention to sectors where work was incomplete, such as harmonisation throughout legislation, coordination, the establishment of the National Commission and the National Human Rights Committee, data collection and resource allocated. He concluded that more efforts should be made with reference to birth registration, discrimination against girls and children with disabilities, corporal punishment, forced marriage, harmful practices and juvenile justice.

To conclude, the head of delegation thanked the Committee for its engagement in the dialogue and for reading the State report and listening to the delegation's comments. It stated that the Togolese government wanted to implement the recommendations in order to achieve full compliance with the Convention principles and was ready to amend legislation according to the instructions it would be given.