



**Convention on the  
Rights of the Child**

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COMMITTEE ON THE RIGHTS  
OF THE CHILD

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
UNDER ARTICLE 44 OF THE CONVENTION**

**Second periodic reports of States due in 1997**

**TOGO\***

[6 January 2003]

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\* For the initial report submitted by the Government of Togo, see document CRC/C/3/Add.42; for its consideration by the Committee, see documents CRC/C/SR.420-422; for the Committee's concluding observations, see document CRC/C/15/Add.83. The information submitted by Togo in accordance with the consolidated guidelines for the initial part of the reports of States parties is contained in document HRI/CORE/Add.38/Rev.2, dated 6 January 2003.

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## **Introduction**

1. This report was prepared in implementation of the provisions of article 44, paragraph 1 (b), of the Convention on the Rights of the Child, under which States parties undertake to submit periodic reports every five years on the measures they have adopted which give effect to the rights recognized in the Convention and on the progress made in the enjoyment of those rights. It was prepared in accordance with the general guidelines regarding the form and content of periodic reports to be submitted by States parties.
2. In preparing its second periodic report, the Government of Togo has also taken into account the concluding observations of the Committee on the Rights of the Child (CRC/15/Add.83 of 21 October 1997) formulated following its consideration of the initial report of Togo (CRC/C/3/Add.42) on 7 and 8 October 1997.
3. The members of the Committee on the Rights of the Child will find helpful information in the core document which forms the first part of the reports of States parties (HRI/CORE/1/Add.38/Rev.2); the revised version of this document was drafted on 6 January 2003.

## **Part One**

### **Two major public institutions responsible for the rights of the child**

4. The two main institutions responsible for the promotion and protection of children are the Ministry for Social Affairs, the Advancement of Women and the Protection of Children and the National Committee for the Protection and Promotion of Children's Rights (CNE).

#### **I. MINISTRY FOR SOCIAL AFFAIRS, THE ADVANCEMENT OF WOMEN AND THE PROTECTION OF CHILDREN**

5. The Ministry for Social Affairs was established in 1959 and has undergone restructuring several times; on the last occasion, on 8 October 2000, emphasis was placed on the protection of children. The Ministry is responsible for drawing up policies and programmes for social protection, the advancement of women and the protection of children and has a number of technical departments, including the Department for the Protection of the Family and Children, which has the following functions:

- (a) To design, draft, supervise, coordinate and evaluate all activities for the protection of the family and children;
- (b) To ensure implementation of legislation for the social protection of the family, children and young people in difficulty, and, where necessary, to propose new provisions;
- (c) To combat all forms of exploitation of children (trafficking in children, child labour and child prostitution);
- (d) To ensure that the rights of children and the family are respected; and
- (e) To prevent the ill-treatment of children and child abuse.

## **II. NATIONAL COMMITTEE FOR THE PROTECTION AND PROMOTION OF CHILDREN'S RIGHTS**

6. Pursuant to the recommendations drawn up at the World Summit for Children (New York, 1990), a National Committee for the Protection and Promotion of Children's Rights was established by order No. 16/93/MBES-SN of 7 December 1993. The Committee, placed under the authority of the Ministry for Social Affairs, the Advancement of Women and the Protection of Children, is composed of representatives of various ministries, non-governmental organization (NGOs), associations and religious societies involved in activities for the protection and promotion of children's rights.

7. The Committee has the following functions:

- (a) To inform the population and make them aware of the rights of the child;
- (b) To defend the rights of the child when they are threatened;
- (c) To draw up a plan of action for children in the social and legal domains;
- (d) To ensure follow-up to the recommendations of the World Summit for Children; and
- (e) To prepare the periodic reports on implementation of the Convention on the Rights of the Child.

### **Part Two**

#### **Information requested by the Committee on the Rights of the Child**

##### **I. GENERAL MEASURES OF IMPLEMENTATION**

8. The concluding observations of the Committee on the Rights of the Child of 21 October 1997 (CRC/C/15/Add.83) have been widely circulated throughout Togo. They have been put on an Internet web site. Many of the observations and recommendations have been cause for concern on the part of the Government and civil society, as may be seen from the various points developed in this report. In this connection, the Government has prepared a preliminary draft children's code, taking the Committee's observations into account.

9. The National Committee for the Protection and Promotion of Children's Rights was reactivated in 1998. In accordance with its rules of procedure, it needs to be restructured, but socio-economic problems have impeded this. It has no premises or budget and is under the authority of the Ministry for Social Affairs, the Advancement of Women and the Protection of Children, where it is currently housed.

10. Despite these problems, the Committee has taken significant action in two areas. On the one hand, it has conducted public information campaigns to raise awareness of the problems addressed by the Convention on the Rights of the Child and, on the other, it has gone round the country setting up regional committees on children's rights in all five regions and Lomé.

11. Under the programme of cooperation between Togo and the United Nations Children's Fund (UNICEF) for 1997-2001, the action plan related to the section entitled "Monitoring the situation of children and women" provided for the establishment of a unit for that purpose, which acts as a source of information for all development partners. Such a unit was set up by ministerial order in July 1998 and is now operational, working on capacity-building of all kinds (financial, material, human and logistical).

12. In order to facilitate the work of compiling and analysing data, it has been necessary to harmonize the indicators and procedures used. The point concerning the implementation of policies to guarantee the economic, social and cultural rights of children will be dealt with as soon as the indicators are available.

## **II. DEFINITION OF THE CHILD**

13. According to the Convention, a child is any person below the age of 18 years. Before the Convention was ratified, the following ages of majority were variously applicable: (i) age of civil liability, 21 years; (ii) age of criminal liability, 18 years; (iii) voting age, 18 years; (iv) marriageable age for boys, 20 years; and (v) marriageable age for girls, 17 years.

14. Since ratification, the age of majority for all purposes has been standardized at 18 years, in accordance with article 1 of the Convention. This is because article 140 of the Togolese Constitution provides that all duly ratified or published conventions automatically become part of the national legal order. In the event of a conflict with the law, the provisions of a ratified convention take priority.

15. Steps are now being taken to harmonize the various laws with the Convention. It is in this context that the preliminary draft children's code has been prepared.

## **III. GENERAL PRINCIPLES**

16. Efforts have been made to uphold the general principles of the Convention, including non-discrimination, the best interests of the child, participation, and survival and development.

17. Several measures have been taken with a view to upholding the principle of non-discrimination. In the area of inheritance, the Individuals and Family Code refers expressly to respect for customary practices, but most such practices discriminate between girls and boys in this area. The Code is now being amended to make it gender-neutral, and the preliminary draft of a children's code takes the same approach.

18. The measures taken in relation to children's upbringing and education and to children in difficult circumstances or in conflict with the law are described in chapters VII and VIII below, on education and special protection measures (paras. 55-90).

19. With regard to the best interests of the child, Togo has ratified International Labour Organization (ILO) Convention No. 138 concerning Minimum Age for Admission to Employment and Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

20. In the context of the implementation of ILO Convention No. 182, a nationwide study was carried out in 1999 on child labour and trafficking in children. Pursuant to this study, activities have been implemented with the assistance of the International Programme on the Elimination of Child Labour (IPEC) of the International Labour Office to combat the worst forms of child labour (children working as domestic servants, porters or apprentices). The aim is to protect children from practices that hinder their intellectual, cognitive or psychological and emotional development, as discussed below.

21. Non-governmental organizations such as the African branch of the World Association for Orphans and Abandoned Children (WAO-Africa), Plan International and the International Catholic Child Bureau (ICCB), to name but a few, are working hard to combat the worst forms of child labour.

22. In judicial matters, judges respect the views of children, giving them a hearing and accepting their statements to the courts as legally valid. They take the child's views into account when taking decisions on placements or custody when couples break up.

23. The services provided by some government offices and NGOs give children an opportunity to refer any violations of their rights to the administrative and judicial authorities.

24. In addition, awareness campaigns have been organized to remind parents of the need to respect the child's views in decisions affecting the child. The emphasis is therefore on upholding the principle of involving children in decisions that affect their plans for school or work or their family life.

25. A number of activities have been organized that reflect a proactive policy on children's rights, notably:

- (a) Workshops introducing the Convention on the Rights of the Child;
- (b) The translation and dissemination of the Convention in national languages;
- (c) Awareness campaigns around the country, particularly in the areas where child labour and trafficking in children is prevalent;
- (d) Renaming the Ministry for Social Affairs and the Advancement of Women as the Ministry for Social Affairs, the Advancement of Women and the Protection of Children.

#### **IV. CIVIL RIGHTS AND FREEDOMS**

26. The Individuals and Family Code provides for the child to bear the father's name. However, the child may bear the mother's name if the putative father disowns the child or the father is not known.

27. With regard to nationality, article 3 of the 1998 Nationality Code stipulates that “Every child born of a Togolese father shall have Togolese nationality.” The Code did not resolve the question of children born of a Togolese mother. However, article 32 of the Constitution of 14 October 1992 stipulates that “Children born of a Togolese mother or father shall have Togolese nationality.” The 1998 Nationality Code simply needs to be brought into line with article 32 of the Constitution to put an end to the problems faced by women seeking to pass their nationality on to their child.
28. Progress in granting nationality to refugee children is described below, in the section on special protection measures.
29. Birth registration has become a government priority, as it makes it possible to plan ahead and ensure that the child’s existence is recognized. It is a key issue in the section of the Togo-UNICEF cooperation programme for 1997-2001 dealing with monitoring the situation of children and women.
30. A needs assessment in this area was carried out in 1999. A pilot project was carried out in the prefecture of Zio in 2000 and was evaluated in 2001 with a view to extending it throughout the country. The aim is to recruit registrars, train them, retrain those already in place, provide them with the tools and premises they need for their work, encourage prefects to cut registration costs, simplify procedures, and persuade not only parents but also others involved in the birth that they have a part to play in the process, with a view to ensuring that virtually all births are registered.
31. With regard to information that is harmful to children, there are undoubtedly shortcomings in the functioning of the administrative arrangements for controlling, for example, pornography. To remedy this situation, the Government has organized special meetings to alert video club owners to the dangers of distributing certain violent or pornographic films. However, the sheer abundance of information (through the Internet and multimedia) makes it difficult for the authorities or families to monitor the situation.
32. Children’s freedom of expression is curbed in some areas - particularly in the areas of sexuality and politics - by customary practices. Awareness campaigns aimed at parents and children have been organized by NGOs and public services to encourage families to discuss these matters. Sex education has been included in the school curriculum for this purpose.
33. As far as freedom of conscience and religion is concerned, extreme liberalization has sometimes led to problems among neighbours.
34. Only adults are authorized to set up associations in this respect, but children are free to join the associations of their choice.
35. Parents do not always respect children’s right to privacy, including in correspondence.

## **V. FAMILY ENVIRONMENT AND ALTERNATIVE CARE**

36. As the measures concerning the transmission of nationality have been described above, this section will address ill-treatment within the family, adoption, child labour and juvenile justice.

37. Ill-treatment within the family takes the form of abuse or violence that can sometimes leave a child disabled, or depriving children of food. It also includes forcing them to do menial or dangerous work that is beyond their capabilities. The relevant provisions of the Criminal Code are always invoked to punish violence against children, including violence within the family. To combat this persistent phenomenon, an awareness campaign is being conducted by the Ministry for Social Affairs and NGOs with a view to persuading the population to drop these practices and encouraging them to report cases of ill-treatment systematically and thus help protect the children who are victims.

38. The Individuals and Family Code recognizes only full adoption. An adopted child should have no contact with his or her biological parents. The preliminary drafts of the children's code and a revised version of the Individuals and Family Code now reflect the concerns raised in connection with the Convention that simple adoption, international adoption and all subsequent adoption-monitoring procedures should be facilitated. At the administrative level, an adoption-monitoring committee has already been set up to check that proper procedures are followed before the judicial phase begins.

39. Togo has not ratified the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption of 29 May 1993, but its provisions have been taken into account in drawing up the preliminary draft children's code.

40. Child labour will be discussed below, in the section on special protection measures, as will juvenile justice.

41. As far as street children are concerned, a study was carried out in 1998 by Terre des hommes in conjunction with the NGOs Action pour la promotion de l'enfance rurale and Action développement-Togo (AD-Togo). The study revealed that over 3,000 children of both sexes were living in the streets of Lomé. Their activities varied, but their main activity was carrying luggage.

## **VI. BASIC HEALTH AND WELFARE**

42. In 1998, the Ministry of Health updated national health policy to focus on primary health care and on decentralization to the prefecture level, with the introduction of 35 health districts.

43. Under the section of the Togo-UNICEF cooperation programme dealing with health, water and nutrition, and in collaboration with other partners such as the World Health Organization (WHO), the United Nations Population Fund (UNFPA) and the World Bank, clinics have been set up in outlying areas so that rural children have access to basic health care. At the same time, access ramps for the disabled have been installed in hospitals. Despite this, the disparities in access to health care between those living in the cities and those living in the countryside, and in access for the disabled, have not entirely disappeared.

44. As far as the human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS) is concerned, screening capacity and the safety of blood transfusions are still inadequate, particularly as regards equipment and the supply of reagents. Medical and psychosocial treatment for people living with HIV and those suffering from AIDS, including treatment to prevent mother-to-child transmission, is still not widely available. There is no national solidarity fund to offer medical treatment and no legal protection to defend the rights of those infected, particularly in the field of employment and the preservation of the family unit. Contraceptives and condoms are funded by outside sources and distributed separately from basic medicines.

45. The incidence of HIV/AIDS is 5.9 per cent. A national anti-AIDS programme has been established: its activities basically cover information, education and communication, training and the distribution of male and female condoms, and they are carried out in cooperation with the various actors concerned in the education, social affairs, home affairs and transport sectors, NGOs, associations and partners such as WHO, UNICEF and the Joint United Nations Programme on HIV/AIDS (UNAIDS). These activities are aimed at men, women, couples, young people and orphans. A special scheme to reduce mother-to-child transmission was introduced in 2000.

46. In the area of reproductive health, a predefined minimum package of activities is an integrated part of each level of the "health pyramid". The document on standard policy and procedure in reproductive-health matters sets out the key operational elements. A review of the institutional framework in the area of reproductive health led to the establishment of the Family Health Division, which includes the National Health Service for Children and Young People, which was set up in May 1996.

47. Notwithstanding the national programme on children's and young people's health drawn up in 1997, little has been done to set up special facilities for this age group. Indeed, such facilities are virtually non-existent, particularly at the regional level, and are limited to health services provided by the State and some NGOs. Preventive strategies have been more successfully developed in schools, with the introduction of subjects like reproductive health and the prevention of sexually transmitted infections and HIV/AIDS in the curriculum in both the formal and informal education sectors; the courses are delivered by peers and run by NGOs and youth associations.

48. Generally speaking, the availability of reproductive health services has been improved. Coverage by family planning services has been extended to 77 per cent of public-sector health facilities and that of basic obstetric care to 94 per cent. A range of different family planning methods is available.

49. In the area of nutrition, the following activities have been carried out to improve the situation of children:

(a) The designation of villages for growth monitoring and promotion (CPC) activities, which consist of weighing children under 3 years of age every month, organizing learning sessions for mothers, giving personal advice to mothers, holding cookery demonstrations, removing parasites and giving children over the age of 12 months regular iron

and folic acid supplements, and treating simple illnesses. They also include promoting local foods that are rich in micronutrients (vitamin A, iron and iodine) and gruel enriched with local produce;

(b) The preparation of written material for training in CPC/nutrition, awareness-raising and giving information on micronutrients;

(c) The production of materials for information, education and awareness-raising activities related to children's diet and micronutrients;

(d) The evaluation of hospitals under the Baby-Friendly Hospital Initiative, and the awarding of baby-friendly status to those that earn it;

(e) Support for mothers attending child nutrition centres, in the form of loans to help increase their income and thus improve their children's diet;

(f) Monitoring the iodine content of cooking salt in the home, in markets and at the borders.

50. Of the most serious ailments, malaria remains a top priority. It is the most common reason for seeking medical help and receives special attention; a strategic plan to take care of those affected by it has been prepared and the use of impregnated mosquito nets is being promoted. Treatment is properly codified and health workers are widely trained, with the help of flow charts, in the provision of standard treatment. Moreover, chloroquine is available at an affordable price and efforts in this area have been stepped up by making impregnated mosquito nets available to the population. A plan known as the "2001 strategic plan" was drawn up to reduce the incidence of malaria. Also in 2001, the Government officially launched the new worldwide WHO "Roll back malaria" programme in Togo.

51. Efforts to combat disorders related to iodine deficiency entered a new and more effective phase with the entry into force of regulations on the use of iodized salt at the beginning of 1997; the use of iodized salt by households rose from 1 per cent in 1996 to 73 per cent in 1998. A survey carried out by ThyroMobil on schoolchildren between the ages of 6 and 12 in the area between Lomé and Cinkanssé found that the prevalence of goitre is below 5 per cent. Pending the results of the survey on the prevalence of goitre in schools in inland areas, it would appear that goitre is no longer endemic in Togo.

52. As far as water and sanitation are concerned, in 1999 the rate of access to drinking water was 55 per cent for the country as a whole, and 82 per cent and 41 per cent respectively for urban and rural areas. As regards sanitation, 41 per cent of households have access to satisfactory sanitation facilities (76 per cent in urban areas and 22 per cent in rural areas), as compared with 23 per cent in 1990.

53. Act No. 98-106 prohibiting female genital mutilation was promulgated on 17 November 1998. Since then, several promotional tours to raise awareness of the damaging effects of female circumcision have been organized by the Department for the Advancement of Women and a number of NGOs such as the Togolese League for Women's Rights and the Togo

branch of the Inter-African Committee on Traditional Practices Affecting the Health of Women and Children (CIAF-Togo) in the areas with the highest prevalence, in order to persuade people to give up the practice. This action appears to have had an effect on practitioners, who have publicly apologized for their actions and thrown away their knives. However, the impact of this awareness campaign has not been evaluated. UNICEF has set up a fund to support income-generating activities for former female practitioners. The reader is also referred to paragraph 59 below.

54. Action in the field of drugs will be discussed below, under the heading “Special protection measures”.

## VII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES

55. Under the provisions of the 1995 education reforms, schooling is compulsory for children of both sexes up to the age of 15. To support the reforms and promote schooling for girls, Act No. 15/84 of 10 May 1984, on the protection of girls and boys duly enrolled in schools, authorizes pupils who become pregnant to resume their studies after the birth if they are fit to do so. Under Order No. 058/MENR/MEFP of 3 November 2000, school fees are less for girls than for boys in order to encourage parents to send their daughters to school.

56. Thanks to the Togo/UNICEF cooperation programme for 1997-2001 and concerted action by ICCB, the Togolese branch of Plan International, Action Aid and Børnefonden, school enrolment rates for young girls have been improved in some prefectures. The plan is to set up nurseries so that girls do not have to look after younger sisters and brothers and to provide extra financial support to cover school fees, school supplies and other items.

57. Children with a physical or mental disability and blind children attend special schools set up in Lomé and some towns in the interior by the Government, the NGOs Envol and Ephata and other associations to give them effective access to schooling and vocational training. The preliminary draft of the children’s code proposes that care for disabled children should be made more widely available.

58. In March 1998, a campaign to publicize the Convention was organized in markets, railway stations and health centres and in primary, middle and high schools.

59. In November 1999, the Department for the Advancement of Women organized a nationwide information and awareness campaign on Act No. 98-106 of 17 November 1998 prohibiting female genital mutilation. The campaign was aimed at the general public throughout the country, but particularly in areas with a high prevalence of female circumcision. The same department organized training sessions for:

- (a) Decision makers from the ministries of social affairs, justice, education, the promotion of democracy and the rule of law, communications and good citizenship, and health;
- (b) The elected representatives of the people (National Assembly);

(c) International organizations, NGOs and women's associations: UNICEF, WHO, UNFPA, the United Nations Development Programme (UNDP), Plan International, Women in Law and Development in Africa (WILDAF), the Togolese Family Welfare Association (ATBEF), CIAF-Togo and the Association of Midwives;

(d) Other parties concerned, including former practitioners of female circumcision, opinion leaders, the Muslim Union of Togo, the Catholic and evangelical churches, traditional chiefs and representatives of the National AIDS Control Programme (PNLS), the Department for Population Planning (DPP), the National Committee for the Protection and Promotion of Children's Rights (CNE) and the National Committee on Follow-up to the Beijing Platform for Action.

60. In April 2000, the Department for the Advancement of Women also organized a campaign to publicize the African Charter on the Rights and Welfare of the Child and other legal instruments such as the Convention on the Rights of the Child and ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour. The campaign was run in schools and public places and was targeted at pupils, teachers, local authorities, the leaders of village development committees and local NGOs in each prefecture.

61. The Convention on the Rights of the Child has been widely distributed and translated into national languages. In 1999, a special children's version was produced. Human rights in general and the rights of the child in particular are included in the school curriculum.

62. The International Committee of the Red Cross, WAO-Africa and Plan International organized training sessions on human rights, children's rights and international humanitarian law for assistant judges, customs officers, officials dealing with social affairs, young people and sports, and soldiers.

63. Article 46 of the Criminal Code punishes all forms of violence against others. The Code therefore covers cases of corporal punishment but, for cultural reasons, is not applied to them. Some parents take corporal punishment too far and commit child abuse. Campaigns have been run to make people aware that such practices are prohibited by the Convention and that they should talk to their children before using the stick to give them a lesson.

64. As far as schools legislation is concerned, an order of 1980 by the Ministry of Education and Research prohibits corporal punishment in schools. Inspectors and educational advisers are responsible for making sure that teachers are aware of the harmful consequences of such punishment and have the authority to sanction them if need be. Despite this, the practice persists in some places.

65. The Government, with the support of bilateral and multilateral institutions, NGOs, parent associations and local authorities, has focused on factors that might increase access by girls and boys to basic education and on the quality of learning and skills acquisition (see, for example, the section on basic education for girls in the Togo-UNICEF cooperation programme for 1997-2001). This has involved providing textbooks for pupils (in 1997, 1998 and 2001), manuals for teachers, refresher courses for teaching assistants and teaching support, as well as building or renovating classrooms.

66. An analysis of the obstacles to the enrolment of girls in school from the viewpoint of supply and demand, as identified in a study on girls' enrolment and attendance at school, has made it possible to set out an overall strategy on appropriate action to help girls. The strategy is helping to narrow the gap between school-enrolment rates for boys and those for girls, on the one hand, and, on the other, between regions and between prefectures in the same region (see following table). The increase in the enrolment rates for children, particularly girls, is related to the lowering of the direct cost to parents of sending their daughters to school (Order No. 058/MENR/METFP of 3 November 2000 setting school fees).

#### School-enrolment rates

	Gross rate			Net rate		
	Boys	Girls	Both	Boys	Girls	Both
1997/98	113.6	88.1	101.2	77.4	63.3	70.5
1998/99	117.7	94.7	106.6	82.2	62.1	75.9
1999/2000	108.7	90.1	99.7	78.9	68.0	73.6

*Source:* Education Planning Office.

67. The same strategy has made it possible to increase success rates and improve the teacher-pupil ratio and the retention rate for girls. For example, dropout rates in 1999/2000 were 10 per cent for boys and 9.5 per cent for girls. For the past decade, the State has given priority, under its plans to democratize Togolese schools, to primary education, for which recurrent public expenditure rose from 23.2 per cent of total public expenditure on education in 1990 to 26.2 per cent in 1999.

68. The following projects were carried out by the Department of Literacy in the decade 1990-2000 to reduce the illiteracy rate among adults:

(a) In 1993-1997, the Togo-UNICEF literacy project for mothers working as supervisors in early childhood centres was implemented;

(b) In 1993-1997, project TOG 91/003, on multi-purpose assistance by United Nations Volunteers in participatory local development, helped improve functional literacy among adults;

(c) In 1998-2000, a distance-learning project for those responsible for literacy was implemented.

In parallel with these projects, NGOs and associations have also been working in the field of literacy, with the result that the illiteracy rate fell from 56.7 per cent in 1990 to 46.8 per cent in 1999. The yearly programmes of the NGOs Action Aid and Forces in Action for the Improved Well-Being of Mother and Child (FAMME) include literacy activities for the adults they work with, so as to strengthen their capacity to take ownership of development programmes.

69. The shortage of play areas remains a problem, as the Government cannot afford to compensate landowners; the shortage affects private schools.

### VIII. SPECIAL PROTECTION MEASURES

70. The national coordinating body for refugees, set up on 26 May 1995 to take care of refugees pending their recognition as such by the Office of the United Nations High Commissioner for Refugees (UNHCR), is already at work assisting refugees from neighbouring countries. The Ministry for Social Affairs, the Advancement of Women and the Protection of Children is responsible for refugee issues, paying particular attention to mothers and children.
71. At the legislative level, the new Nationality Code of 1998 grants Togolese nationality to stateless children under the age of 5 who are found in national territory and whose parents are not known.
72. As Togo is not in a conflict situation, the emphasis with regard to the protection of children in armed conflicts is on prevention. In this context, a campaign to raise awareness about peace and the damage caused by armed conflicts was organized, in conjunction with the United Nations Regional Centre for Peace and Disarmament in Africa and UNICEF, at the Organization of African Unity summit held from 4 to 12 July 2000. In a similar vein, the Ministry of Defence, together with WAO-Africa and Plan International in Togo, organized a training course for the armed forces on the protection of children in time of conflict. Stalls publicizing children's rights and child protection before, during and after conflicts were set up by the same organizations during the so-called "Kozah Cohesion 2001" military manoeuvres.
73. The situation of children in conflict with the law is increasingly dependent on economic and social conditions in the country, which have led to a rise in crime and a growing need for social care for young people at risk.
74. The administration of juvenile justice in Togo is suffering from problems related to the lack of human, material and financial resources. The result is that juveniles are being held in custody and pre-trial detention for longer periods. Pre-trial detention is still the only option available before they are examined by the children's judge. No alternative measures, such as close supervision or placement with a family or in an educational setting or home, are available, for lack of appropriate facilities.
75. Courts in the hinterland are still short of children's judges. Young people in conflict with the law are in many ways the victims of the financial problems of the prison service, as a result of which their diet is deficient in terms of both quantity and quality. Limited support is provided by a number of organizations, notably OCDI and ICCB, but cannot meet all the needs.
76. For operational reasons, the organizations that take care of juveniles and their social rehabilitation are able to accept only a limited number of youngsters out of all those in need of a place. The only centres at the moment are the Foyer Avenir Kamina (Kamina "Tomorrow House") and the Cacavelli Centre for Observation and Social Rehabilitation. These two centres, which are already short of places, cater only for boys. The need for a centre for girls remains a concern.

77. The arrangements for monitoring children who have been convicted and returned to their parents do not work properly. Given the constraints facing them in terms of financial, material and human resources, the social services attached to the courts and the Juvenile Division have been receiving support from ICCB and Terre des hommes in monitoring children returned to their parents and reintegrating them in the family, school or workplace.

78. Judicial cooperation funding for court-appointed lawyers in cases involving juveniles has not been available since 1990.

79. The Togolese Government has undertaken to implement strategies to combat child labour. On 18 May and 8 June 2000, the Ministry of Technical Education and Vocational Training amended the provisions on apprenticeships with regard to the various fees and charges associated with apprenticeship contracts, depending on the trade concerned. The draft Togolese children's code defines and prohibits the worst forms of child labour and provides for the monitoring of child labour.

80. The action taken by the various ministries concerned with children's rights (social affairs, employment and labour, justice, the interior and national security) includes steps to arrest and convict employers who ill-treat their child servants.

81. In March 2001, the ILO International Programme on the Elimination of Child Labour was launched under the auspices of the Ministry of the Civil Service, Labour and Employment, which undertook awareness-raising tours and the preparation of sectoral projects to eliminate the worst forms of child labour.

82. Important work has been done by NGOs, including the establishment of the WAO-Africa Centre de l'espérance ("Centre of Hope"), the implementation of an ICCB project to help girl porters, the CARE International project aimed at girls in domestic service, the creation of the Togolese Association of Working Children and Young Persons, a project run by Environmental Development Action in the Third World (ENDA) and WAO-Africa, the Adomi-Abra training centre and WAO-Africa's "Credit - Education" programme.

83. Togo has ratified the three conventions on drugs: the Single Convention on Narcotic Drugs of 1961, the Convention on Psychotropic Substances of 1971 and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988.

84. On 18 March 1998, Act No. 98/008 on drugs control was adopted. On 10 January 2001, a framework law on medicines and pharmaceuticals was passed to make it possible to monitor and combat the black market for medicines and other toxic substances.

85. On 10 April 1996, the National Anti-Drugs Committee (CNAD) was set up by Decree No. 96-040/PR. It reports to the Ministry of the Interior, Security and Decentralization. Decree No. 2000/076/PR of 21 August 2000 put in place a national anti-drugs plan.

86. To prevent young people from turning to narcotics and drugs, some NGOs formed a network and have been running awareness campaigns on this subject since 1996. Some of them, particularly Vie libre et positive (“free and positive life”), the Togolese Association against Alcoholism and Other Addictions (ATLAT) in Lomé and the National Alliance of Volunteers against Drug Abuse (ANVAD) in Sokodé, have centres where drug addicts can go for advice. Similarly, an informal network of doctors has been set up to treat and rehabilitate drug addicts.

87. There is still a need for a special centre for drug addicts, in addition to the psychiatric centre at Zébévi, in the of Lacs district.

88. Trafficking in children is not a separate offence under the law. This legal vacuum makes it difficult to curb the phenomenon. Judges get round this difficulty by making use, where necessary, of related provisions of the Criminal Code. The preliminary draft of the children’s code classifies and penalizes the sale and trafficking of children.

89. The Government, with financial support from UNICEF and the Togo branch of Plan International, ran a major nationwide campaign in March 1999 and August 2000 to raise awareness of trafficking in children among the general public, law-enforcement agencies, deputies in the National Assembly and members of the Children’s Parliament.

90. The International Labour Office, in association with the Ministry of Labour and ICCB, has organized a tour of all prefectures to raise awareness of the need to combat child labour and trafficking in children. The Ministry for Social Affairs, in association with the Oasis centre, Terre des hommes and ICCB, has taken some major initiatives (the return of children to their families, workplaces or schools, advocacy, community mobilization and support for parents) to rehabilitate child victims of trafficking. The repatriation of such children is often made possible by concerted action at the subregional level.

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