



# Convention on the Rights of the Child

Distr.: General  
18 April 2011  
English  
Original: French

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## Committee on the Rights of the Child

### **Consideration of reports submitted by States parties under article 12, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography**

**Initial reports of States parties due in 2006**

**Togo\***

[3 March 2009]

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

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## Abbreviations and acronyms

AHUEFA	Association Humanitaire pour l'Union et l'Education des Femmes à l'Auto-promotion
AJA	Association Jeunesse Afrique
ECCAS	Economic Community of Central African States
ECOWAS	Economic Community of West African States
ECPAT	End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purpose
FAME	Force en Action pour le Mieux-être de la Mère et de l'Enfant
FODDET	Forum des Organisations de Défense des Droits de l'Enfant au Togo
ICCB	International Catholic Child Bureau
ICPO-INTERPOL	International Criminal Police Organization
ILO	International Labour Organization
ILO-IPEC	International Labour Organization – International Programme on the Elimination of Child Labour
NGO	Non-governmental organization
PSI	Population Services International
RELUTET	Reseau de Lutte contre la Traite des Enfants au Togo
UNICEF	United Nations Children's Fund
WAO-Afrique	World Association for Orphans

## **I. Introduction**

1. The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography was adopted by the General Assembly of the United Nations by resolution 54/263 on 25 May 2000.
2. The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography entered into force on 18 January 2002 and was ratified by Togo on 22 June 2004.
3. Administrative and financial constraints have prevented the Togolese Government from honouring its commitment to submit its report within the scheduled deadline.
4. Mindful of the constructive and fruitful dialogue that should exist between States parties to the Protocol and international treaty bodies, the Togolese Government has resolved to make every effort to fulfil its obligations under the Protocol.
5. Accordingly, this report, drafted in accordance with article 12, paragraph 1, of the Optional Protocol, describes existing measures as well as legislative, regulatory and practical measures the Togolese Government has taken to give effect to the provisions of the Protocol.
6. The report is divided into two parts. Part I focuses on the legal, judicial and institutional framework protecting children against exploitation and violence in general, while Part II describes the legislative, judicial, administrative and other measures taken to give effect to the provisions of the Protocol.

## **II. Part I Legal, judicial and institutional frameworks for the protection of children against exploitation and violence in general**

### **A. Legal and judicial framework for the protection of children in Togo against exploitation and violence in general**

7. Togolese law provides a judicial system for the protection of citizens against violence and any form of exploitation and manipulation; this protection is guaranteed by the Constitution and in prevailing legislation and regulations, whereby the judicial system also provides considerable general procedural safeguards for both victims and perpetrators.

#### **(a) Legal framework**

8. Legal protection is provided through a number of texts, as detailed in the following paragraph.

9. The Constitution of 14 October 1992 recognizes the principle of non-discrimination in articles 31 and 35; the right to development in articles 12 and 34; freedom of opinion in articles 25 and 26; and the best interests of the child in articles 31, 32 and 35. Articles 13 and 21 provide protection for physical and mental well-being, life and personal safety; article 36 safeguards young people against all forms of exploitation and manipulation; article 21 prohibits torture and other forms of cruel, inhuman and degrading treatment; and article 28 establishes the requirement to respect the life, dignity, honour and image of all persons.

10. Act No. 2007-017 of 6 July 2007 establishing the Togolese Children's Code contains provisions prohibiting the sale of children, child prostitution and child pornography.
11. Act No. 2005-009 of 3 August 2005 on trafficking in children in Togo contains provisions aimed at preventing such trafficking and establishes the criminal penalties for perpetrators.
12. The Togolese Criminal Code of 13 August 1980 criminalizes and punishes indecent assault (arts. 84 to 86), rape (art. 87), procuring (art. 92), immorality (art. 89), criminal association (arts. 187 to 189), offences committed by legal entities (arts. 42 and 43), and offences committed by parents or third parties against a child (art. 47, para. 1; arts. 65, 70, 74, 78 and 79; and arts. 81 to 83).
13. Ordinance No. 80-16 of 31 January 1980 establishing the Individuals and Family Code includes provisions for protecting the best interests of the child.
14. The Labour Code of 13 December 2006 sets the minimum age for admission to employment at 15 years and establishes penalties for offences committed in the workplace (arts. 150 and 151).
15. The Act of 16 March 1984 on the protection of girls and boys duly enrolled in schools or vocational training centres criminalizes and punishes impregnation of a girl or engaging in sexual relations with any boy or girl enrolled in one of these establishments.
16. Act No. 98-16 of 17 November 1998 prohibits female genital mutilation (arts. 2 and 4). Female genital mutilation is defined as the total or partial removal of the external genitalia of girls and women and/or any other surgical procedure involving the female genital organs, excluding procedures performed on medical prescription.
17. Togo is also a party to virtually all the international human rights instruments and has formally incorporated these instruments in its Constitution.
18. Togo is a party to the following international instruments concerning children:
  - The Convention on the Rights of the Child of 20 November 1989, ratified by Togo on 1 August 1990
  - The African Charter on the Rights and Welfare of the Child of 9 July 1990, ratified by Togo on 5 May 1998
  - The International Labour Organization (ILO) Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (No. 182) of 17 June 1999, ratified by Togo on 19 September 2000
  - The International Labour Organization (ILO) Convention concerning Minimum Age for Admission to Employment (No. 138), ratified by Togo in July 1999
  - The Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 2 December 1949, to which Togo acceded on 14 March 1990
  - The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography of 25 May 2000, ratified by Togo on 22 June 2004
  - The Optional Protocol to the Convention on the Rights of the Child on involvement of children in armed conflicts of 25 May 2000, ratified by Togo on 22 June 2004

19. The provisions of the Optional Protocol on the sale of children, child prostitution and child pornography, like those of all other international instruments to which Togo is a party, may be invoked before the courts or the administrative authorities and applied directly by them insofar as the Constitution provides, in its article 50, that the rights and obligations set forth in the Universal Declaration of Human Rights and in the international human rights instruments ratified by Togo form an integral part of the Constitution.

20. The provisions of article 140 of the Constitution stipulate that: "Subject to their implementation by the other party, treaties and agreements that have been lawfully ratified or approved shall, once published, take precedence over domestic laws."

**(b) Judicial framework**

21. The judicial protection system is organized on the basis of the following texts:

- Ordinance No. 5-69 of 17 February 1969, creating juvenile courts in Togo.
- Ordinance No. 78-34 of 7 September 1978, establishing the organization of Togo's judicial system. This Ordinance establishes that the juvenile courts shall constitute specialized courts. The legal texts provide that there should be a juvenile court attached to every ordinary court, but in practice there is just one children's court in the entire country, located in Lomé. However, 14 juvenile court judges have been assigned to the Kara Court of Appeal and received training in children's rights and juvenile justice in July and October 2006. Between April and December 2007, court officers (judicial police officers, social workers and lawyers) and judges received instruction in the applicability of legislation on trafficking in children in Togo.

22. The third of the six subprogrammes of the justice system modernization plan (2006–2011) provided not only for an increase in the powers of the children's court in Lomé but also for the establishment of specialized divisions within all ordinary courts outside the capital.

23. The aforementioned provisions also apply to labour courts in Togo and there is, likewise, currently only one labour court in the country, situated in Lomé. Under the Togolese judicial reform Ordinance of September 1978, labour courts constitute specialized divisions of the ordinary courts just as juvenile courts do. These specialized divisions operate alongside the ordinary court system composed of the courts of first instance, the courts of appeal and the Supreme Court. In Togo, therefore, justice is administered by two types of court – ordinary courts and the specialized courts attached to them.

24. The Children's Code of 6 July 2007 contains a subsection establishing rules for the protection of minors who have committed offences. These include rules governing examination proceedings before juvenile judges and the juvenile court.

25. The Children's Code also establishes the right to be assisted by counsel (art. 303, para. 2) and the right to compensation for injury caused by the offence (art. 311-f).

26. The Children's Code enshrines procedural safeguards such as the presumption of innocence, the right to a fair and prompt trial before an independent and impartial court (art. 300), the right to be informed immediately of the charges brought (art. 303) and the right to be treated in a manner that respects the individual's dignity and physical and mental well-being and contributes to his or her social reintegration (art. 301).

## **B. Institutional framework for the protection of children against exploitation and violence in general**

27. A distinction needs to be drawn between governmental organizations, independent agencies and non-governmental organizations.

### **(a) Governmental agencies**

28. **The government agencies involved in the protection of children against exploitation and violence are the following:**

- The Ministry of Social Action, Advancement of Women and Protection of Children and the Elderly
- The National Committee on the Rights of the Child
- The Division of the Ministry of Human Rights and Democracy tasked with protecting the rights of children, women and other vulnerable groups
- The Mother and Child Division of the Ministry of Health
- The National Commission for the Care and Social Reintegration of Child Victims of Trafficking, established by Decree No. 518 of the Ministry of the Civil Service, Labour and Employment of 29 April 2002
- The National Anti-Drugs Commission
- The National Steering Committee of the Child Labour Abolition Programme
- The National Adoption Committee created by Decree No. 0539 of the Ministry of Social Action, Advancement of Women and Protection of Children of October 2002, amended by the Decree of 20/06/2006

29. The following administrative and practical measures have been taken:

- A nationwide public information campaign on the Optional Protocol was held in February 2007
- A child protection focal points has been established in all ministries involved in child protection issues (the Ministry of Security and Civil Protection; the Ministry of Territorial Administration, Decentralization and Local Communities; the Ministry of Justice; the Ministry of Primary and Secondary Education, Technical Education, Vocational Training and Literacy; and the Ministry of the Civil Service, Administrative Reform and Relations with Institutions of the Republic)
- School curricula include instruction in human rights in general and the rights of the child in particular, and teaching staff are kept abreast of child protection issues
- Pupils are supervised in school, as provided in the handbook of school legislation and regulations
- The Ministry of Primary and Secondary Education, Technical Education, Vocational Training and Literacy provides support for the legal provisions against trafficking in children by appointing teachers to serve on the local commissions fighting such traffic
- The Government-run programme of awareness-raising and training to address violence against women and children has reached at least half a million (500,000) people since its launch in 2000

- More than 200 radio and television programmes on violence have been broadcast, 50 of them aired on television, national radio and community radio stations
- Decree No. 357 of the Ministry of the Civil Service, Labour and Employment created the National Steering Committee for the child labour abolition project and determined its composition
- Seven counselling and advice centres for victims of violence have been opened throughout the country (two in Lomé, one in Kara, one in Dapaong, one in Sokodé, one in Kpalimé, and one in Atakpamé)
- A psychosocial and legal support centre for victims of violence was established at Tokoin University Hospital in April 2004 to prevent after-effects and provide care for those already undergoing them.

30. **Internal security measures** adopted include those established in Act No. 2005-009 of 3 August 2005 on trafficking in children in Togo, which also sets out police measures. Article 9 of this Act establishes that special authorization taking a child not accompanied by the parents or guardians outside the country requires special authorization, procedures for which are laid down by a Council of Ministers decree, and that the measures taken must safeguard the higher interest of the child and respect for his or her dignity.

31. Civil society organizations have also taken certain administrative measures, in support of the Government's efforts to combat trafficking and the sexual exploitation of children, including:

- The establishment in 2003, by the Group for Policy and Action, Women, Democracy and Development (GF2D) of emergency committees to combat sexual harassment in schools in the coastal, central and plateau regions.
- Training by GF2D of 100 paralegals and legal assistants and 120 judges and judicial police officers, with support from the Government and donors (United Nations Population Fund and the German Technical Cooperation Agency).
- Establishment of the Togolese League for the Rights and Welfare of the Child in 1993 to protect and promote human rights in general and the rights of women and children in particular. The League carries out national and community campaigns to alert the population to the fact that the practices proscribed in the Optional Protocol are deemed to constitute inhuman and degrading treatment.
- Establishment by the NGO Force en Action pour le Mieux-Etre de la Mère et de l'Enfant (FAMME) (Forces in Action for the Improved Well-Being of Mother and Child) of a medical clinic in Lomé to provide care for girl porters and sex workers.
- The Togolese arm of Population Services International (PSI-Togo) "Sœur à Sœur" (sister to sister) project to combat child and teenage prostitution.
- The 15-strong Réseau des Organisations de Lutte contre la Maltraitance, l'Abus et l'Exploitation Sexuelle des Enfants (ROMAESE) (Network of Organizations for Combating the Ill-Treatment, Abuse and Sexual Exploitation of Children) which runs awareness-raising campaigns and provides care for child victims of ill-treatment and sexual abuse.

32. A legal adviser and a medical adviser sit on the National Commission for the Care and Social Reintegration of Child Victims of Trafficking. The Commission's mandate is to:

- Arrange for child victims of trafficking to be repatriated to Togo
- Coordinate the intake and care of child victims
- Oversee child victims' reintegration within their family and community

- Establish and maintain a centralized database of statistics and information on child victims
- Mobilize the resources necessary to the repatriation, reception and social reintegration of child victims of trafficking

33. All the measures adopted to promote equal opportunities in education also serve to protect children, since an ineffective education system results in lower enrolment rates and higher dropout rates that expose children to trafficking.

34. The ministries involved in the fight against child trafficking have joined forces with international organizations, associations and non-governmental organizations to develop an awareness-raising and training programme implemented through networks covering the entire country.

35. The efficacy of this programme has been limited by insufficient resource allocation and the suspension of international cooperation aid to Togo, although this was resumed in 2008. The country's meagre domestic resources preclude the development and implementation of any large-scale project capable of producing the desired results.

36. **Security measures adopted at the subregional level** include increased police cooperation in the framework of Interpol, an agreement to combat trafficking in persons, in particular women and children, in West and Central Africa between the Economic Community of West African States (ECOWAS) and the Economic Community of Central African States (ECCAS), signed in Abuja on 6 July 2006; and a multilateral cooperation agreement to combat trafficking in children between Benin, Burkina Faso, Mali, Ghana, Nigeria, Côte d'Ivoire, Gambia, Guinea, Niger and Togo in Abidjan on 27 July 2005.

**(b) Independent agency**

37. Organizational Act No. 2005-004 of 9 February 2005 confers a threefold mandate on the National Human Rights Commission:

- Promoting human rights
- Protecting human rights
- Investigating cases of violation

38. Thus, as can be seen above, the National Human Rights Commission has a general mandate to promote and protect human rights. However, in order better to address the needs of certain specific groups, including children, and take their particular vulnerability into consideration, a division devoted to the protection of women, children and other vulnerable groups has been established within the Commission's permanent secretariat. The division makes proposals for initiatives that promote and protect the rights of the vulnerable groups under its remit — in this case children — and submits them to the Commission. Such initiatives might include awareness-raising tours and campaigns, training workshops and seminars, and education through the media.

**(c) International assistance and cooperation**

39. The living conditions endured by the people of Togo, and disadvantaged segments of Togolese society in particular, remain precarious and worrying.

40. To address this situation, with technical and financial support from a number of development partners the Government has initiated a poverty reduction drive which encompasses the following initiatives:

- A national poverty reduction strategy, drawn up by the United Nations Development Programme in 1995

- A national poverty reduction programme, drawn up by the United Nations Development Programme, the World Bank and the International Monetary Fund in 1996
- The Government's adoption in 2004 of an interim Poverty Reduction Strategy Paper (PRSP) prepared with assistance from the West African Development Bank and the United Nations Development Programme and designed to help the country achieve its Millennium Development Goals

41. After being approved at a workshop held in Lomé on 24, 25 and 26 July 2007, the full-fledged PRSP is to be adopted by the Government prior to its submission to the Executive Board of the International Monetary Fund and the Executive Directors of the World Bank.

42. The Government receives financial assistance from the United Nations Children's Fund (UNICEF) under an international cooperation programme, in support of its efforts to promote and protect the rights of the child.

43. The Government of Togo has signed a Memorandum of Understanding with the International Labour Organization (ILO) to participate in the International Programme on the Elimination of Child Labour (IPEC) in order to facilitate the implementation of its child protection programme.

44. Cooperation in this area is based on the ILO objectives and principles, including those set forth in ILO conventions concerning child labour, in particular, the Convention concerning Minimum Age for Admission to Employment (No. 138) and the Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (No. 182).

45. Cooperation between Togo and the United Nations Population Fund within the framework of the 2002–2006 programme to support the advancement of women and the fight against gender-based violence, administered by the Directorate-General for the Advancement of Women, has enabled the Government to take the following actions:

- Create a network of gender and development trainers
- Organize awareness-raising activities for security officers, media professionals, judges, traditional chiefs and health-care personnel
- Produce information and training materials
- Produce a manual about the initiative and provide psychological support for victims of violence

46. In the fight against HIV/AIDS, violence and illiteracy, particularly among girls, Togo cooperates with a number of non-governmental organizations, including Plan Togo, WAO-Africa (World Association for Orphans, Africa Section), CARE Togo, ActionAid, Caritas Togo (OCDI) and the German Technical Cooperation Agency (GTZ), as well as with United Nations specialized agencies, including the Joint United Nations Programme on HIV/AIDS (UNAIDS) and the United Nations Development Programme (UNDP).

### **III. Part II**

## **Legislative, administrative, judicial and other measures taken to implement the provisions of the Optional Protocol**

#### **A. Provisions relating to the prohibition of the sale of children, child pornography and child prostitution**

##### **(a) Age up to which a person is considered to be a child in the definition of each of the offences listed**

47. In accordance with article 2 of Act No. 2007-017 of 6 July 2007 regarding the Children's Code, a child is understood to be any human being who has not yet reached 18 years of age. Togolese law provides the same definition as that set out in article 1 of the Convention on the Rights of the Child.

##### **(b) Penalties applicable to each of the offences and aggravating or mitigating circumstances**

48. The Children's Code prescribes a prison sentence of between 5 and 10 years and a fine of between 5 million and 10 million CFA francs for anyone involved in the sale of children (art. 421).

49. The Children's Code prescribes double the penalty — in other words, a prison sentence of up to 20 years and a fine of between 10 million and 20 million CFA francs — if the sale results in the disappearance or death of the child (art. 422). The text establishes disappearance and death as aggravating circumstances.

50. There is no mention of mitigating circumstances in the Children's Code. In the absence of provisions in the Children's Code, which is a specific text, reference must be made to the universal provisions of the Togolese Criminal Code of 13 August 1980, particularly to articles 15 and 16, which could be legitimately invoked by an adult or child offender, and more specifically to the two paragraphs of article 15 of the Criminal Code.

51. Paragraph 1 provides as follows: "When applying criminal law, the judge must take into account the requirements of public order, the particular circumstances of the case, the personality of the defendant and, if necessary, his or her dependents."

52. Paragraph 2, which comprises five subparagraphs, three of which refer to criminal penalties, provides as follows: "By virtue of a specially reasoned decision, a penalty below the legal minimum may be imposed:

- Up to 10 years' imprisonment if the crime is punishable by death
- Up to 5 years' imprisonment if the crime is punishable by life imprisonment
- Up to 2 years' imprisonment if the crime is punishable by a prison sentence"

53. Article 336 of the Children's Code provides as follows: "If the offence is classified as a crime under criminal law or if the child reoffends after having benefited from educational measures, the court may, by virtue of a specially reasoned decision, impose a prison sentence of no more than half the maximum prison sentence for adult offenders, which may not exceed 10 years, on a child who is over 16 on the date of the adjudication."

54. Article 16 of the Criminal Code provides as follows: "Should there be mitigating circumstances, a prison sentence may be replaced by a fine, or the fine may be waived when the law provides for a fine and a prison sentence together."

55. In addition, a child in conflict with the law and an adult offender may invoke the provisions of articles 56 and 57 of this Code with regard to mitigating circumstances.

56. Under article 56: “There shall be grounds for mitigating sentence:

(a) In the case of homicide and wilful violence, if those acts have been provoked by serious assault or threats against individuals;

(b) If those acts were committed while the perpetrator was resisting a daylight break-in of an inhabited place or its appendage;

(c) If those acts were committed by a husband or wife against his or her spouse and lover when the former surprises them in the act of adultery.”

57. Article 57 provides as follows: “When the mitigating circumstance has been established:

(a) If the crime is punishable by death or by life imprisonment, the penalty may not exceed 5 years of imprisonment;

(b) For any other crime, the penalty may not exceed 2 years of imprisonment.”

58. Article 389, paragraph 2, of the Children’s Code prescribes a prison sentence of between 1 and 5 years and a fine of between 100,000 and 1,000,000 CFA francs for child prostitution.

59. The Children’s Code further prescribes a prison sentence of up to 10 years if the child prostitute is under 15 (art. 389, para. 3). If the child is aged 14, this constitutes an aggravating circumstance.

60. The Children’s Code prescribes a prison sentence of between 5 and 10 years for any person involved in child pornography (art. 392, para. 2).

61. In contrast to its provisions on the sale of children and child prostitution, the Children’s Code does not provide for aggravating circumstances in the case of child pornography. However, since a repeat offence is considered an aggravating circumstance, it is necessary to apply article 10 of the Criminal Code, which provides as follows: “In the event of a repeat offence, the maximum fine and custodial sentence are doubled, while the death sentence may replace a prison sentence.” Thus, a person committing a repeat child pornography offence is liable to a prison sentence of 10 to 20 years.

62. In the case of extenuating circumstances and grounds for mitigation, reference must be made to analysis of the provisions of the aforementioned articles 15, 16, 56 and 57 of the Criminal Code.

**(c) Statutory limitation for each of the offences**

63. In accordance with article 7 of the Togolese Code of Criminal Procedure of 2 March 1983, a public prosecution is subject to a statutory limitation “if the offence has not been referred to the jurisdiction of a court either by summons or committal order within a period starting from the date the offence was committed, which is set at:

- 10 years for a crime
- 5 years for a criminal offence
- 1 year for a misdemeanour”

64. The statutory limitation for the sale of children and child pornography offences is set at 10 years. However, child prostitution is categorized as both a serious offence and a crime. As a serious offence, its statutory limitation is set at 5 years. When it concerns a

child aged 15 or under, it is categorized as a crime and has a statutory limitation of 10 years.

**(d) Other relevant acts or activities classified as offences under the State party's criminal law but not referred to in article 3, paragraph 1, of the Optional Protocol**

65. The Children's Code also penalizes the following acts: the abduction, kidnapping or removal of children (art. 378); sequestration (art. 380); paedophilia (art. 393); sex tourism (art. 394); sexual harassment (art. 395); sexual abuse (art. 396); indecent assault (art. 397); rape (art. 398); trafficking (art. 410); female genital mutilation (art. 363); and incest (art. 366).

**(e) The liability of legal persons for the acts and activities referred to in article 3, paragraph 1, of the Optional Protocol, including the definition given to legal persons in the State party**

66. The criminal liability of legal persons is governed by the provisions of articles 42 and 43 of the Criminal Code. Article 43 of the Criminal Code does not define the concept of a legal person but alludes to businesses, corporations and companies.

67. The possibility of rendering legal persons liable is referred to in article 42, which provides as follows: "Any legal person may be convicted of offences committed by agencies acting solely in his or her interests within the limits of their remit." The text excludes the criminal liability of legal persons when the leadership has exceeded its powers.

68. Article 43 of the same Code lists the penalties applicable to legal persons:

- A fine of up to five times that imposed on natural persons (art. 43, para. 1)
- Temporary or permanent exclusion from public markets or loss of benefits deriving from the implementation of the Investment Code may be imposed as additional, optional penalties (art. 43, para. 2)
- Temporary closure of a business or of one of its establishments instead of imprisonment (art. 43, para. 3)
- Dissolution as a substitute for imprisonment (art. 43, para. 4)
- Forfeit of the culpable administrator's or director's right to administer or direct a company for a maximum of five years (art. 43, para. 2)
- Publication, at the expense of the convicted legal person, of any conviction other than a fine in the Official Gazette or publication of the conviction in the press (art. 43, para. 3)

**(f) Classification under Togolese criminal law of attempts to commit and complicity or participation in committing any of the aforementioned offences**

69. Attempts to commit an offence are regulated by article 4 of the Criminal Code, which provides as follows: "An attempted crime or offence shall be punished as a committed crime once its execution has been initiated if it is suspended or fails to achieve its full effect only for reasons beyond the perpetrator's control."

70. On the subject of participation and complicity in an offence, article 12 of the Criminal Code provides as follows: "If several persons act in unison, each is liable to the penalties prescribed for the joint offence."

71. Article 13 of the Criminal Code provides as follows: “Accomplices to a crime or offence are liable to the same penalty as the main perpetrator, unless the law provides otherwise.”

72. Article 14 of the Criminal Code considers as accomplices to the offence anyone who knowingly:

- Incites the commission of the act by providing information or instructions
- Procures instruments, weapons, vehicles or any other means used in preparing or committing the act or to help the perpetrators escape punishment
- Aids or abets the perpetrators of the offence in preparing, facilitating or committing the act

73. On the subject of participation in an offence, reference should be made to the provisions of articles 187 to 189 of the Criminal Code relating to criminal gangs.

74. Article 187 of the Code comprises two paragraphs: the first prescribes a prison sentence of between 1 and 5 years for anyone belonging to or participating in a group intent on preparing or committing crimes against persons or possessions, regardless of the duration or number of meetings held by the members of that group. However, paragraph 2 of the same article prescribes a prison sentence of between 5 and 10 years for the organizers or leaders of such criminal groups. If both paragraphs of article 187 are taken together, it may be surmised that participation in the offences referred to in article 3, paragraph 1, of the Optional Protocol will result in the perpetrator receiving a correctional sentence, as prescribed in article 25 of the Criminal Code, while the organizers or leaders of such gangs are liable to the criminal penalties provided for in article 17 of the Code, including a prison sentence of between 5 and 10 years.

75. Article 188 prescribes the same penalties for those who knowingly and regularly provide a meeting place or shelter to members of the group or store the weapons or instruments used or that will be used in their criminal activities.

76. Article 189 of the Code exempts from punishment anyone who reports the existence of a criminal group to the authorities prior to participating in any of the crimes prepared by that group.

77. Therefore, articles 187 to 189 of the Code fully meet the requirements set forth in article 3, paragraph 2, of the Optional Protocol on the sale of children, child prostitution and child pornography.

*Bilateral and multilateral agreements applicable in Togo to ensure that all persons involved in the adoption of a child act in accordance therewith*

78. In Togo, adoption is not currently regulated by any bilateral or multilateral agreement.

79. The Children’s Code should be referred to for the legal provisions. The legislator has regulated adoption in an effort to combat the sale of children, illegal adoption and child trafficking. Articles 101 to 104 of the Code set out the various conditions that must be met before international adoption may take place.

80. A national adoption committee has been established, firstly, to better administer international adoption procedures and, secondly, to combat the sale of children. By virtue of Order No. 734/2006/SE/MPASPF/PEPA-MJ of 20 June 2006, the Government has expanded the national adoption committee and strengthened its prerogatives, which include:

- Assisting the Ministry of Social Action, Advancement of Women and Protection of Children and the Elderly

- Providing safeguards for the adoption of children, and their best interests
- Placing children who are up for adoption with suitable adopting families

## **B. Criminal Procedure**

*Legislative, judicial and administrative measures taken by Togo to establish its jurisdiction over any of the offences set forth in article 3, paragraph 1, of the Optional Protocol for specific cases*

### **(a) Offences committed on the national territory or aboard a ship or aircraft registered in Togo**

81. The jurisdiction of Togolese criminal law over an offence committed on the national territory or aboard a ship or aircraft registered in Togo is partially set forth in article 6, paragraph 1, of the Criminal Code, which provides as follows: “The Togolese courts are competent to try any offence committed on Togolese territory, including maritime and air space and vessels or aircraft recognized by law, treaties or international custom as having national sovereignty.”

82. The phrase “vessels or aircraft recognized by law as having national sovereignty” does not presuppose that acts committed aboard vessels and aircraft registered in Togo are covered by the principle of territoriality, as it makes no specific reference to that effect. Therefore, in order to align the text with article 4, paragraph 1, of the Optional Protocol, the text of paragraph 1 should be amended by replacement of that wording by the following: “and acts committed aboard a ship flying the Togolese flag or an aircraft registered in compliance with Togolese legislation”.

83. Furthermore, the jurisdiction of the Togolese courts does not extend to offences committed aboard foreign military vessels sailing or anchored in Togolese waters, as provided for by article 6, paragraph 2, of the Criminal Code, which enshrines the implementation of the law of flag.

84. That rule accords with articles 2 and 17 of the Convention on the Law of the Sea of 7 October 1982, ratified by Togo on 19 February 1985. This Convention defines territorial sea as an area over which the coastal State has full sovereignty, and broad powers to control maritime traffic, and establishes fishing regulations, and the exclusive right to exploit the seabed of its territorial waters provided that it guarantees the right of innocent passage.

### **(b) The alleged offender is a Togolese national or habitually resides on Togolese territory**

85. This concern is taken into account by article 403, paragraph 1, of the Children’s Code, which states: “When acts of sexual violence are committed abroad against a child by a Togolese national or by a person who habitually resides on Togolese territory, Togolese law shall apply.”

### **(c) The victim is a Togolese national**

86. Such an eventuality is provided for under article 7, paragraph 4, of the Criminal Code, which requires the victim to file a complaint before legal proceedings may be instituted: “Legal proceedings may be instituted only once the victim has filed a complaint or the authorities of the country where the offence was committed have reported the offence.”

87. The text, which covers extraterritorial implementation of the Togolese Criminal Code in the event of a crime committed by a Togolese national abroad (art. 7, paras. 1 and 2), appears to empower the Togolese courts to declare themselves competent in cases of

crimes committed by a Togolese national, or by foreigners against a Togolese national. The former brings into play the active personality principle, which punishes offences committed abroad by Togolese nationals who subsequently seek refuge in Togo in search of impunity. The latter scenario calls for application of the passive personality principle of jurisdiction, when the victim is a Togolese national and the offence has been committed by a foreign national abroad.

**(d) The alleged offender is present on Togolese territory and Togo does not extradite him or her to another State party on the ground that the offence was committed by a Togolese national**

88. The Togolese Constitution of 14 October 1992 prohibits the extradition of Togolese nationals from the national territory in these terms: “No Togolese national may be extradited from the national territory.”

89. Togo may only refuse to extradite if a crime committed by a Togolese national abroad falls within the scope of the implementation of the provisions of article 7, paragraphs 1 and 2, of the Criminal Code. Article 7, paragraph 1, establishes the exclusive competence of the Togolese courts to rule on any act classified as a crime under Togolese law and committed by a Togolese national abroad. However, paragraph 2 of the same article subjects the extraterritorial jurisdiction of the Togolese courts to the double criminality requirement for any act categorized as a serious offence: “(Togolese courts) are also competent to try any offence committed by a Togolese national abroad if the act is also punishable under the law of the country in which it was committed.”

90. Any refusal to grant an extradition presupposes that an extradition application has been issued to Togo as the requested State party for the purpose of prosecuting or penalizing the Togolese national who has committed one of the offences referred to in article 3, paragraph 1, of the Optional Protocol. The requested State party is not obliged to proceed with the extradition if it has reason to believe that granting the request will cause the Togolese national to suffer prejudice on account of his or her gender, race, religion, nationality, ethnic origin or political opinions.

91. This is reflected in the provisions of article 16, paragraphs 13 and 14, of the United Nations Convention against Transnational Organized Crime of 12 December 2000, ratified by Togo on 2 July 2004. By ratifying the Convention, Togo accepts that, in the default of any domestic provisions, the text of article 16 on extradition may be used as the legal basis to combat directly or indirectly the practices prohibited in article 3, paragraph 1, of the Protocol.

*Other provisions in force at the national level, including legislative, judicial or administrative measures governing Togolese criminal jurisdiction*

92. Other provisions relating to the criminal jurisdiction of Togo as a State party include article 7, paragraphs 3 and 5, of the Criminal Code, which refer to the extraterritorial jurisdiction of the Togolese courts in general terms.

93. Article 7, paragraph 3, provides as follows: “The same is true if the accused has acquired Togolese nationality only after the act for which he or she is being prosecuted was committed.”

94. In such cases, the enforcement of Togolese criminal law, and the jurisdiction of the Togolese courts rely on the active personality principle, which recognizes a State’s legislative and judicial competence when a national of that State or even a foreigner commits a crime or serious offence abroad.

95. Article 7, paragraph 5, of the Criminal Code provides as follows: “The Togolese courts are also competent to try foreign nationals who, outside of the national territory, are found to be authors of or accomplices in offences against State security, in forging the State seal or the State’s legal tender, when they have been arrested in Togo or have been duly extradited.”

96. With regard to extradition, in domestic law a distinction must be drawn between judicial procedure and administrative procedure.

97. In the former, it is the indictments chamber of the Court of Appeal that takes the decision on the extradition order on the basis of a referral from the Director of Public Prosecutions. The President of the Republic then grants the extradition on the basis of that decision.

98. In the latter, the respective States’ police departments make the handover of an extradited person, in accordance with the Agreement on Police Cooperation signed on 10 December 1984 between Benin, Ghana, Federal Republic of Nigeria and Togo. The course of action instituted by the Agreement runs counter to article 23 of the Constitution of 14 October 1992, which enshrines the right of the person to be extradited to defend himself or herself before a judicial authority, as follows: “Foreigners may be expelled or extradited from Togolese territory only following a decision taken in accordance with the law. They must be given an opportunity to mount a defence before the competent judicial authority.” From a procedural point of view, an extradition order is issued by the authorities of the requesting State to the Ministry of Foreign Affairs of the requested State, which then transmits the order to the Minister of Justice, who in turn transmits it to the Director of Public Prosecutions of the State in which the individual is resident. The latter then takes a decision on whether handover is the appropriate course of action. On occasion, he may reject this course of action or request additional information in order to take a final decision.

#### *Extradition*

99. Togo is signatory to several legal instruments on extradition, in particular:

- The United Nations Convention against Transnational Organized Crime, adopted in 2000
- The general agreement on judicial cooperation signed by the States of the African Union and Madagascar on 12 September 1961 at Antananarivo
- The judicial agreement between the Togolese and French Governments, signed at Lomé on 23 March 1996
- The ECOWAS extradition agreement of 6 August 1996

100. Attention should also be drawn to the Agreement on Police Cooperation between ECOWAS member States, signed on 19 December 2003, providing for handover to be made by the police departments of the respective States.

101. Many States that are party to the Agreement have relaxed the regulations governing the handover of offenders from one police department to another in order to remain consistent with their Constitution, which guarantees the individual to be extradited an opportunity to defend himself or herself before a judicial authority.

102. Regarding the number of extradition orders received, there have been six cases in which the handover was made by the police departments of the respective States, four of them involving the Beninese police department and two the Nigerian police department in cases concerning child trafficking. In cases relating to other criminal offences, to date,

similar handovers have involved the police departments of Mali, Ghana, Nigeria, Côte d'Ivoire and Burkina Faso.

*Measures taken, including legislative, judicial and administrative measures for the seizure and confiscation of goods or proceeds referred to in article 7 (a) of the Optional Protocol; and the temporary or definitive closure of premises used to commit the offences referred to in article 3, paragraph 1, of the Optional Protocol*

#### **Closure of premises**

103. The confiscation and seizure of the goods or proceeds referred to in article 7 (a) of the Optional Protocol are provided for in articles 40 and 95, paragraph 3, of the Criminal Code. In 2006, the implementation of these provisions led to closure of the Okavango restaurant, located in an area of Lomé, following the arrest of the owner, who was said to be engaging in lewd behaviour with young girls, some of them minors. He also took pornographic photographs of his victims. Tapes and camera film with pornographic content were confiscated from his bedroom, where he was caught with an under-age victim.

104. His female accomplice, who was responsible for procuring the girls, was also arrested. The man in question was banished from Togo and the restaurant was closed by a court decision.

105. The Arizona bar, located in a district of Lomé, was closed down by instruction of the prosecution service following a police raid on the premises, where several under-age girls were found living for the purpose of prostitution. The pimps were arrested and brought to justice.

106. A private radio station in Lomé was ordered by the High Audio-visual and Communications Authority to cease broadcasting a programme called "Haya Haya.com", which it had been promoting, as the Authority considered it immoral.

### **C. Protection of the rights of child victims**

*Measures taken to this effect, including legislative, judicial and administrative measures, taking into consideration paragraphs 3 and 4 of articles 8, 9 and 10 of the Optional Protocol*

#### **(a) Ensure that the best interests of the child are the primary consideration in domestic laws and regulations governing the treatment of child victims in the criminal justice system**

107. The Children's Code governs the treatment of child victims within the Togolese criminal justice system, taking their best interests into consideration. In fact, Title II, subtitle IV, of the Children's Code concerning special protection for children is entitled "Protecting children against violence" and comprises 75 articles and divided into five chapters as follows:

- Chapter I covers the protection of children against physical or psychological abuse in the home, at school or in institutions
- Chapter II deals with protection against physical or psychological abuse perpetrated by a third party, including abduction and unlawful confinement and sexual abuse, harassment and exploitation
- Chapter III is dedicated to protection against drugs

- Chapter IV concerns protection against trafficking, sale and begging
- Chapter V concerns specific protection in the event of armed conflict

108. Article 8 of the Children's Code takes into consideration the principle of the best interests of the child by stipulating that: "The best interests of the child must be considered in all actions or decisions concerning children, whether taken by parents, public or private social protection institutions, courts, administrative authorities or legislative bodies."

109. Articles 13 and 36 of the Constitution of 14 October 1992 should also be mentioned. Article 13, paragraph 1, of the Constitution requires the State to guarantee the physical and mental integrity, life and security of all persons living in the country. This clause is of general application and can be invoked by child or adult victims if infringed. Article 36 concerns young people, whom it protects against all forms of exploitation or manipulation.

110. Prior to the adoption of the Act of 3 August 2005, law practitioners, particularly judges and criminal investigation police officers, had found it difficult to prosecute child traffickers, who acted with impunity owing to the legal vacuum in which Togo had developed. Since the Act was passed, however, criminal investigations have been opened in 27 child trafficking cases. As part of the fight against child trafficking, in March 2006 the Lomé court convicted a child trafficker and gave her a suspended sentence of 12 months' imprisonment for the trafficking of five girls between the ages of 12 and 21. In February 2007, Mr. Y.P., who was prosecuted for the trafficking of four children under 15 years of age (three girls and one boy), was convicted and sentenced to 2 months' imprisonment and payment of legal costs.

111. On the occasion of the Day of the African Child, celebrated on 16 June 2007 with the theme "the fight against child trafficking", four sentences were handed down in cases of child trafficking by the courts of first instance of Niamtougou and Sokodé.

112. In this connection, a certain I.O.Z., prosecuted for child trafficking before the court of first instance of Sokodé, was sentenced to 24 months' imprisonment (ruling No. 023/2007 of 13 June 2007).

113. Also, in ruling No. 027/2007 of 13 June 2007, the court of first instance of Niamtougou gave the individual known as B.K.P. a suspended sentence of 12 months' imprisonment for the exploitation of children.

114. In addition, in its ruling No. 025/2007 of 13 June 2007, the court of first instance of Niamtougou declared Mr. K.A. guilty of attempted child trafficking and sentenced him to 12 months' imprisonment, 7 months suspended, and a fine of 1 million CFA francs.

115. Lastly, Mr. L.K.S, prosecuted before the court of first instance of Niamtougou for attempted recruitment or kidnapping of a child for purposes of exploitation, was sentenced to 18 months' imprisonment by ruling No. 026/2007 of 13 June 2007.

**(b) Ensure that criminal investigations are opened, even when the actual age of the victim cannot be established**

116. Age has never posed an obstacle to the opening of criminal investigations in Togo. In cases where the victim does not possess a birth certificate (which is most of the time), the criminal investigation is opened if the prosecution deems the facts to be sufficiently serious to warrant classification as a criminal offence. In other words, an offence has been committed regardless of the individual's age. It is in this context that temporary care orders are regularly issued in favour of victims even if they are over 18 years of age.

117. In the case of other sexual offences, such as rape, an expert doctor may be called upon to use modern medical techniques to ensure due process of law, but this is rare.

118. The following measures are taken to determine a person's age:

- Local enquiries
- Counting of the victim's teeth (a method used in medicine)

**(c) Adapt procedures to take into account children's vulnerability, particularly with regard to their dignity, sense of worth, and background, including procedures for examining, questioning and judging child victims and witnesses, and cross-examining them; the right of a parent or guardian to be present and the right to legal representation and free legal aid**

119. Articles 275 et seq. of the Children's Code govern protection for children in danger or in a difficult situation or who are victims of an offence. According to the definitions set forth in the Code, the term "children in danger or in a difficult situation or who are victims of an offence" is understood to include all ill-treated children; that is, victims of physical abuse by their parents or other caregivers or by persons outside their family unit. The Code reflects various situations that may qualify as difficult or dangerous for children and may lead to their placement in an institution or foster care, or any other kind of educational measure.

120. Legal protection for children who are victims of aggression, in a difficult situation or in danger focuses on two areas: referral to the juvenile court judge and investigative action.

**The referral**

121. The persons who can bring a case before the judicial authorities are identified in article 285 of the Children's Code as follows:

- One or both of the child's parents
- The child's guardian or person responsible for him or her
- The public prosecution office
- The social assistance services of a court of first instance or of any other body responsible for child protection
- Any child defence or protection body
- The children themselves
- Public or private institutions
- Individuals who have taken in an abandoned child
- The juvenile court judge

122. Children have the option of lodging a complaint of violation of their rights by telephone, although there is not yet a hotline reserved exclusively for them in Togo. In all cases, only the juvenile court judge may order placement or educational measures for children.

**Investigative action**

123. Investigations by the juvenile court judge are provided for in articles 286 to 292 of the Children's Code. The juvenile court judge, after hearing the child and the child's parents, guardians or persons responsible for him or her, and after receiving any observations made by the representative of the public prosecutor's office, social services

and, if applicable, the lawyer, may determine what protection measures could be taken in the best interests of the child. Such measures may include:

- (a) Conducting a medical or psychological evaluation of the child or placing the child in a medical or psychological-educational establishment;
- (b) Placing the child under guardianship or with a family, a public or private specialized school or an appropriate educational institution for protection or rehabilitation;
- (c) Placing the child in an appropriate training centre or school.

124. However, in the light of the recent adoption of the Children's Code, further action is needed in the areas of dissemination, awareness-raising and training for all persons involved in the field of child protection so that these provisions may be fully implemented.

125. As part of the legal protection guaranteed to children in conflict with the law (Children's Code, arts. 300–346), the juvenile courts must give priority in their rulings to measures of protection, supervision, assistance and education. These educational measures must take precedence over criminal sanctions, and no criminal sanctions may be imposed on minors under 14 years of age. Minors over 14 years of age must benefit from a regime of diminished responsibility and special rules of procedure adapted to their age.

126. The law provides that legal aid should be offered to all destitute victims of criminal offences. In reality, however, this aid is unfortunately lacking. For this reason, in order to promote access to justice for the poorest or most vulnerable population groups, the National Programme to Modernize the Justice System (2006–2011) includes a pilot experiment providing legal aid in the Lomé and Kara jurisdictions under subprogramme VI, entitled "Improvement of legal assistance".

127. The French association La Voie de la Justice, based in Paris, in collaboration with the Togolese Bar Association, has been providing free legal assistance to children in conflict with the law since October 2006.

128. Non-governmental organizations (NGOs) sometimes provide free legal assistance to child victims of offences referred to in the Optional Protocol. Thus, with the financial support of the United Nations Children's Fund (UNICEF), the International Catholic Child Bureau (ICCB) provides free legal assistance in its areas of activity in Lomé and in the south-eastern coastal region to child victims of sexual exploitation and violence referred by local protection committees and other persons under its integrated project for the protection and promotion of children's fundamental rights. ICCB also provides systematic legal assistance to minors who have committed offences and are apprehended by the brigade for minors, from the examination stage up until the judgement. Another NGO, Terre des Hommes, provided free legal assistance to 58 children in 2007, while le Réseau de Lutte contre la Traite des Enfants au Togo (RELUTET) assisted 11 children between June 2007 and January 2008.

129. Plan Togo, an international NGO, supported the Government in assigning a lawyer to act in the Lomé court of first instance in three cases of rape of minors between January and April 2007.

**(d) Keep the child informed throughout legal proceedings**

130. Article 303 of the Children's Code stipulates that "all children suspected of committing a criminal offence must be immediately informed of the charges against them. They have the right to be assisted by counsel during the preliminary investigation stage and to express their views at any time during the proceedings".

131. During the course of the legal proceedings, the child victim of any practice prohibited under the Optional Protocol is placed in a home for vulnerable children and is

informed of developments at all stages of the proceedings by the caregivers at the home or by the defence lawyers.

132. The persons authorized to access this information are: the criminal investigation police officers, the prosecution, the judge hearing the case and the social workers familiar with the proceedings.

**(e) Allow the child to express his or her views, needs and concerns**

133. Article 9 of the Children's Code guarantees the right of children capable of forming their own views to freely express their views in all legal or administrative procedures or issues concerning them.

**(f) Provide appropriate support services to child victims throughout the legal process**

134. State support services or structures include the Directorate-General for Child Protection (DGPE), the social services offered throughout the country, the social assistance department of the Lomé court and the Centre for Psychosocial and Legal Assistance for Victims of Violence at the University Hospital Centre in Lomé.

135. To complement Government efforts, several NGOs and networks working in the area of children's rights have formed a national umbrella organization called Forum des Organisations de Défense des Droits de l'Enfant au Togo (FODDET). The Forum provides social protection and legal services, psychological support and material assistance as needed.

136. Development partners, UNICEF and international NGOs such as Plan Togo, PSI Togo, Save the Children Sweden, WAO Afrique, ICCB and Terre des Hommes also provide the Government with related financial, technical and material support.

**(g) Protect, as appropriate, the privacy and identity of child victims**

137. Protection of the privacy of all children is guaranteed in article 31, paragraph 1, of the Children's Code: "All children have the right to respect for their privacy, honour, reputation and image and for the confidentiality of their correspondence and communications."

138. However, a recent case showed that victim protection is only partial, as reflected in the case of the paedophile known as P.D., a French expatriate who appeared before the criminal chamber of the court of first instance of Lomé in February 2006.

139. In this case, the press, carried away by a desire to help eradicate paedophilia, disclosed the victim's full identity, which could place the victim under physical or psychological duress.

140. In September and October 2005, UNICEF, in collaboration with the Journalists' Network for the Defence of Children's Rights, organized two training workshops on the situation of children in Togo for 65 journalists from the public and private media.

**(h) Protect, in appropriate cases, the safety of child victims and that of their families, witnesses on their behalf, and persons or organizations involved in the prevention or protection and rehabilitation of child victims, by ensuring their freedom from intimidation and retaliation**

141. With regard to safety, the legal foundation for ensuring freedom from intimidation and retaliation for the persons referred to herein is the duty of confidentiality and professional secrecy to which judicial personnel are bound, and the penalties for violating this duty, which can be either criminal or disciplinary in nature.

142. First of all, violations of the duty of confidentiality are punished under article 14 of Act No. 91-14 of 9 July 1991 on the special status of members of the Togolese police force, which reads as follows: “Above and beyond the provisions of the Criminal Code relating to violations of professional secrecy, the police are bound by the duty of confidentiality with respect to all the facts and information that come to their attention in or in connection with the performance of their duties. Any wrongful act they commit in or in connection with the performance of their duties makes them liable to disciplinary sanctions and, where appropriate, to the penalties prescribed by criminal law.”

143. Furthermore, article 176 of the Togolese Criminal Code of 13 August 1980 stipulates that persons who violate professional secrecy shall be subject to 3 months’ to 1 year’s imprisonment or a fine of 30,000 to 1 million CFA francs.

144. Also, aware of the risks posed by irresponsible journalism on the part of the press, Parliament has established safeguards in article 3 of Organizational Act No. 2004-021 of 15 December 2004 on the High Audio-visual and Telecommunications Authority, which states that: “Audio-visual and written communication is unrestricted. This facility shall be exercised with respect for:

- The dignity of the human being
- The protection of children and adolescents”

145. Moreover, with regard to threats, article 50 of the Criminal Code stipulates that:

“Anyone who threatens a person’s life or physical safety in writing, in a drawing or emblem, verbally or in a recorded message shall be subject to punishment of:

(a) Two to 5 years’ imprisonment if the threat is made subject to an order or on condition that an act which is illegal or harmful to others is committed or allowed to occur;

(b) Two months’ to 2 years’ imprisonment or a fine of 30,000 to 500,000 CFA francs if the threat is not accompanied by any order or condition.

146. In practice, the security needs of persons referred to in section (h) above are addressed as follows:

- In the courthouse, they are placed in a separate waiting room to shield them from any contact with the abductors, friends, or members of their family.
- Once the ruling has been handed down, their place of residence or their identity documents may be changed. If the individuals in question are children, the Directorate-General for Child Protection may place them in specialized institutions such as child rights protection associations or NGOs.

147. In 2004, therefore, in a case involving a French expatriate known as J-CI.P. who was involved in child pornography, the Minister of the Interior and Security placed the child informant with a family for over two months in order to ensure the child’s physical safety.

148. Following the investigations that led to charges against the accused, the police and Ministry authorities responsible for child protection considered it too dangerous for the child to remain in Lomé.

149. He was therefore sent to his parents’ home, which was in a place about 80 km north of Lomé. He lived there in complete safety until the day he decided on his own initiative to leave the village secretly and return to Lomé. Unfortunately, he was then savagely attacked by accomplices of the French expatriate, who at that time was in detention.

150. On a related point, article 8 of Ordinance No. 78-35 of 7 September 1978 on the administration of justice in Togo prohibits the use of any sound recording device, television

camera or still image camera inside courtrooms during proceedings without the express authorization of the president of the court.

151. While public hearings and judgements are strictly forbidden in the juvenile court, the judge of an ordinary court, before deciding whether a hearing involving a minor should be public, must ensure that doing so would not pose any risk to the minor.

**(i) Ensure that all child victims have access to adequate procedures to seek, without discrimination, compensation for damages from those legally responsible, and avoid unnecessary delay in sentencing and the execution of orders or decisions granting compensation to child victims**

152. With regard to the applicable laws, and in the absence of a specific provision giving effect to point (i), reference needs to be made to the generally applicable provisions on physical, psychological, material or moral damages suffered by child victims (see articles 2–5, 131 and 142 of the Togolese Code of Criminal Procedure of 2 March 1983).

153. In practice, very few cases of sale of children, child prostitution or child pornography are brought before the Togolese courts. The primary reason for this is twofold: the victims' ignorance of their rights, and the difficulty of identifying the perpetrators, including for fear of retaliation (as is the case in Devissime<sup>1</sup> in Lomé). Therefore, the few cases that have gone to court have not been enough to establish well-founded case law on the subject. Two relevant examples can be cited, however. The first is the case of the French expatriate Ph.D. who appeared before the criminal chamber of the court of first instance of Lomé in February 2006 for indecent assault. A civil suit for damages suffered by the victim was brought against him, in which he was sentenced to pay 20 million CFA francs to the victim. Unfortunately, this compensation was not paid. As the accused did not have the means to pay the amount immediately, and as he was the owner of a restaurant, it was decided to turn over the management of the restaurant to another individual (since the perpetrator had also been given a prison sentence). The income from the restaurant under the new management was to be used to compensate the victim. However, the accused was freed for health reasons and transferred to France, and the restaurant was shut down. Consequently, to date the victim has still not been compensated.

154. The second case of prostitution concerns a French expatriate J-CI.P., who, under the pretext of humanitarian work in support of children, collected a number of children in a house that turned into a brothel. Unfortunately, the case was still before the court of first instance of Lomé when the accused died in prison in 2005. The proceedings were therefore discontinued without providing any clear case law.

**(j) Ensure all appropriate assistance to child victims, including their full social reintegration and their full physical and psychological recovery**

155. The issues dealt with in the Optional Protocol are very rarely publicly discussed in Togolese communities. As the subject is often considered taboo, most child victims remain silent, or if they do confide in their parents, the latter prefer to resolve the problem amicably or very discreetly.

156. From a psychological point of view, the Government is aware that these victims require care from specialists in the field of psychology, which is why training for such specialists was introduced a few years ago at the University of Lomé.

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<sup>1</sup> Child prostitution market.

157. Social reintegration of child victims of prostitution forms part of the activities conducted by the Centre La Providence, PSI Togo, BICE Togo and the Centre KEKELI.

158. In 2007, BICE trained social workers from the Lomé commune and the coastal region in the provision of psychosocial and legal assistance to child victims of sexual abuse and violence. This training strengthened the capacity of these social workers to provide care in cases of sexual exploitation, abuse and violence.

159. These are community outreach activities that provide medical and psychosocial assistance to young girls and establish a relationship through aid and educational activities.

160. Each of these organizations includes a shelter that provides institutional care for young girls rescued from prostitution for a period of three months to three years depending on the institution, or non-institutional care in a day centre.

161. The activities are varied and include psychosocial assistance, organized socio-educational activities (theatre, dance, handicrafts), medical assistance, or vocational and literacy training. Family mediation is undertaken in order to re-establish family ties as part of the rehabilitation process. Upon completion of this process, the girls are reintegrated into their family or move in with close relatives or friends and are provided with assistance in finding a job.

162. The main result of the activities carried out from 2001 to 2006 is that, of 8,666 girls affected, 128 were registered for training and reintegration. The mobile unit held consultations with 558 minors between 2004 and 2006.

163. Despite their relatively small number, local NGOs and religious institutions are active in certain areas, including child sponsorship, combating trafficking, and raising awareness of AIDS and other sexually transmitted diseases. Some NGOs care for child victims of sexual abuse, exploitation and violence, despite their lack of means or specialized training.

164. The NGOs WAO Afrique, Terre des Hommes, the Centres La Providence and the Carmelite nuns provide temporary housing and care for children in distress in Lomé. They each have suitable facilities to provide temporary shelter for child victims of all types of abuse and exploitation.

165. The NGO known as AJA, with the support of Plan Togo in Sokodé in the central region, provides care for child victims of sexual abuse, exploitation and violence in cooperation with the basic community organizations.

166. In the Kara region, the Sisters of Saint Catherine and the NGOs SOS Children's Village and COR Afrique help to care for child victims of sexual abuse, exploitation and violence.

#### **D. Prevention of the sale of children, child prostitution and child pornography**

##### **(a) The measures, including of a legislative, judicial and administrative nature, and the policies and programmes adopted to prevent the offences referred to in the Optional Protocol**

167. The prevention of the sale of children, child prostitution and child pornography involves the adoption of legislative measures and the establishment of mechanisms for the implementation of legislation and Government policy.

168. **In terms of legislation**, alongside accession to the Protocol and other texts relating to the rights of the child, Togo's Children's Code contains provisions relating to the

prohibition and suppression of child trafficking. These stipulate that any process by which a child is recruited or abducted, transported, transferred, harboured or taken in, inside or outside the country, by one or more persons for the purpose of exploitation is an offence.

169. Under article 420 of the Code: *“Taking a child not accompanied by his or her parents or guardian outside the country requires special authorization, procedures for which are laid down by a Council of Ministers decree. The measures taken must safeguard the higher interest of the child and respect his or her dignity.”*

170. In the same vein, under the regulation relating to the obtention of passports, the issue of a passport to a child requires the authorization of the father and mother or the legal guardian.

171. To facilitate the implementation of Act No. 2005-009 of 3 August 2005 concerning child trafficking in Togo and make better use of all those involved in child protection, the Government has started to train magistrates and social workers. This training will continue to be made available in order to cover a large number of service providers.

172. **In terms of administration**, the Ministry of Social Action, Advancement of Women and Protection of Children and the Elderly is responsible for coordinating and implementing the Government’s child protection policy.

173. The Ministry of Social Action, Advancement of Women and Protection of Children and the Elderly is extremely concerned at the scale of child prostitution in Togo, and, between 2001 and 2002, it requested the Ministry of the Interior and Decentralization to conduct an investigation and to take punitive measures to combat the phenomenon. In July 2005, the Togolese Government launched a major campaign of raids and “crack downs” in an attempt to clean up certain districts of the capital. However, those operations failed to produce the expected results owing to a lack of coordinated strategies for the support of victims removed from places of prostitution.

174. Along the same lines, the Government undertook a nationwide study for an improved strategy to combat these horrific practices. This study was endorsed in November 2006 and provided the basis for the national child protection policy currently being developed.

175. With regard to the prevention of sexual exploitation, it is important to highlight efforts to support and monitor victims of sexual violence and sexual abuse. This work is mainly carried out by the Directorate-General for Child Protection (DGPE), which is responsible for taking in and interviewing victims with a view to placing them in an institution. The Directorate-General either sends victims to hospital for a medical examination or leaves it up to the receiving social care institution to do so.

176. Moreover, the Ministry of Social Action, Advancement of Women and Protection of Children and the Elderly was instrumental in implementing the national plan to combat child trafficking, launched on 4 October 2001 and placed under the aegis of the Department of Labour and Social Security.

177. The technical departments of this ministry carried out a census of the areas most affected by trafficking.

178. Also, the National Steering Committee of the National Programme for the Abolition of Child Labour was set up, along with the National Commission for the Care and Social Reintegration of Child Victims of Trafficking and its branches, whose actions have contributed significantly to the fight against the trafficking and exploitation of children.

### Judicial action

179. In June 2005, for example, two Togolese minors were sold twice over for prostitution in Nigeria. They were first sold to a trafficker in Lomé, who then resold them to a procurer in Nigeria, who delivered them to the clients. This horrific example of exploitation drew the attention of the neighbours who alerted the security forces. Upon being informed of the situation, the Togolese authorities proceeded to repatriate and reintegrate these two victims.

180. As to the offenders, the Nigerians were arrested by the Nigerian security forces. Their Togolese accomplices fled and efforts are ongoing to locate them.

181. Recently, in October 2007, a 12-year-old girl was abducted in Lomé and sexually exploited. Following a complaint by her parents, police authorities (INTERPOL), conducted an investigation, in cooperation with the judicial authorities. She was found two months later in Ghana. The perpetrator, a 30-year-old Ivorian citizen, was detained and is currently being held at the Lomé civil prison. His case is being prepared for a court trial.

182. The Government's preventive policy for the eradication of the offences described in the Optional Protocol in order to ensure that the rights of children are respected is based on the following:

- The preparation of projects providing support and assistance to disadvantaged children or children in difficulty, including the social reintegration and readaptation of child victims. One example of such work is the launch of the International Labour Office/International Programme on the Elimination of Child Labour (ILO/IPEC) programme.
- The United Nations Children's Fund (UNICEF)-TOGO cooperation programme.
- The Plan-Togo protection programme.
- The punishment and prosecutions of perpetrators of violations of the rights of the child, as well as their accomplices.

### (b) The means used to raise awareness within the population at large about the offences prohibited under the Optional Protocol

183. The Government is aware that a culture of human rights is the best way of ensuring respect for rights and freedoms and of decreasing the number of violations. It has always placed particular emphasis on information, education and communication.

184. Between June 2004 and June 2005, following a study carried out by UNICEF in 2002 on all forms of violence involving children, the Government launched national awareness-raising campaigns to combat the practices prohibited by the Optional Protocol. These campaigns focused on the administrative, local, religious and military authorities, as well as civil society, trade union and children's organizations, schoolchildren, apprentices, traditional chiefs, local leaders, village development committees and the general population.

185. Among other themes, the campaigns addressed:

- The damaging effects of all forms of violence involving children
- The harm done by child trafficking and child labour
- The protection of children against violence, exploitation and sexual abuse

186. A few weeks after the adoption of the child trafficking Act, the Ministry with special responsibility for the protection of children and the elderly, at the time a Secretariat,

undertook a national campaign from 5 to 23 December 2005, aimed at raising awareness of the Act in the six regions of Togo and its prefectures.

187. Campaigns to raise awareness of the damaging effects of the sale and trafficking of children, domestic violence, violence in schools, rape and child labour were held from 17 to 25 July 2006 in several regions of the country.

188. Government educational measures are supported and continued through work carried out by civil society and the media.

189. Mention should also be made of the implementation of a programme entitled "COMBAT" (Combating Child Trafficking in Togo through Education), launched by the Togo branch of CARE, La Colombe, Terre des Hommes and Association Humanitaire pour l'Union et l'Education des Femmes à l'Auto-Promotion (AHUEFA). The aim of the programme is to combat the trafficking and exploitation of children, through community awareness-raising series and the promotion of school enrolment, in particular, among girls.

190. Likewise, in the wake of the adoption of the child trafficking Act of 3 August 2005, Plan Togo and its partners in the prefectures of Tchamba and Tchaoudjo (areas known to be major suppliers of children for trafficking) carried out a large-scale campaign to publicize and disseminate the Act.

191. Furthermore, in order to promote the participation of children in actions designed to raise awareness at the various levels of society of the dangers linked to the phenomena targeted by the Optional Protocol to which children often fall victim, 5 children per prefecture, 170 in total, received transformational leadership training in ways of fighting those practices, thanks to financial support from Plan Togo. Those children also regularly host radio and television programmes on the inherent dangers.

192. The Network for Combating Child Trafficking in Togo (RELUTET) endeavours to strengthen the capacities of its members, as well as those of the families of vulnerable children, in order to reduce such practices.

193. In the context of prevention of the sexual exploitation of minors, the non-governmental organization End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes (ECPAT) and the Network of Organizations for Combating the Mistreatment, Abuse and Sexual Exploitation of Children (ROMAESE) have launched a targeted awareness-raising campaign in Togo's tailors' workshops, hairdressing salons and educational establishments, as well as large-scale awareness-raising campaigns involving radio and television, and a sketch competition hosted by children.

**(c) Prohibition of the broadcasting of material publicizing proscribed practices**

194. The prohibition of the production and broadcasting of materials publicizing the practices proscribed in the Optional Protocol is enforced, above all, through the provisions of the Children's Code, which punishes such practices.

195. Articles 400 and 401 of the Children's Code are of particular significance in this regard. Article 400 states that: "*Any person who by speech, writing or any other means of communication, publicly disseminates or causes a child to disseminate incitement to obscenity shall be punished with six months' to two years' imprisonment and a fine of CFAF 20,000 to 200,000 or with only one of those two sanctions.*"

196. The same sanctions shall apply to any person who distributes or encourages a child to distribute, on the streets or by post, or from door to door, any indecent books, brochures, catalogues, prospectuses, images, films or audio or audio-visual recordings, even with the prior consent of the child.

197. The objects, images, films, books, brochures, catalogues, prospectuses and audio or audio-visual recordings referred to in the above paragraph shall, in all cases, be seized and confiscated for destruction. The perpetrators of such offences may be deprived of the right to edit, sell or reproduce printed matter, images, recordings or films for a maximum of five years.

198. Under Article 401: “Any person, who broadcasts pornographic audio-visual representations in a video club for children, using any type of equipment, shall be subject to the sanctions provided for in article 399 (1) of the present Code.”

199. Under the Press and Broadcasting Code, printers, producers, publishers and editors are obliged to deposit a certain number of copies of all printed, photographic, non-musical phonographic and audio works (whether periodicals or not), edited in Togo or abroad, with the Minister of Communication, Culture and Civic Education, the Ministry of Security and Civil Defence, the National Film Censorship Commission and the High Audio-visual and Communications Authority.

## **E. International assistance and cooperation**

*Actions designed to promote international cooperation with a view to eliminating the main factors, notably poverty and underdevelopment, which render children vulnerable to the sale of children, prostitution, pornography and child sex tourism*

### **UNICEF-assisted actions**

200. UNICEF has contributed to the prevention of the sexual exploitation of children through community awareness-raising campaigns targeting female minors and adolescents engaging in or at risk of prostitution in Lomé.

201. In 2006 UNICEF and Plan Togo helped the Government to conduct a study entitled “Sociological Study: Sexual Violence, Abuse and Exploitation of Children – Togo” in order to improve understanding of the phenomena of sexual violence, abuse and exploitation.

202. Thanks to actions aimed at assisting and reintegrating child victims, girls who were being sexually exploited for profit have been removed from their previous environment. Training, health and psychological care and voluntary and anonymous HIV/AIDS testing have been provided as part of a support project offering such assistance, as well as social and vocational training, to female minors or adolescents engaging in or at risk of prostitution in Lomé.

203. The Government received support to develop both an action plan to combat trafficking in persons, especially women and children, and the training of the security forces and magistrates in the investigation and punishment of such trafficking.

204. In conclusion, UNICEF has supported the process of harmonizing Togolese domestic child legislation with international standards, through the revision and adoption of the Children’s Code, including provisions on the sale of children, child prostitution and child pornography.

### **Actions by non-governmental organizations**

205. Working through its representative in Togo, WAO-Afrique, the global network of the non-governmental organization ECPAT International has carried out various actions to combat the sexual exploitation of children for profit, including a study on the connection between HIV/Aids and the sexual exploitation of children for profit; an information and awareness-raising campaign targeting apprentice tailors and hairdressers; and Make-IT-

Safe, an information and awareness-raising campaign aimed at protecting children and young users of information and communications technology from sexual exploitation.

206. Since 2004, Population Services International-Togo (PSI-Togo) has been running a project entitled “*Petite Sœur à Sœur*” (PSAS) with the support of the British Government Department for International Development (DFID), the Clothworkers’ Foundation and the UNICEF Togo office, in response to the “juvenilization” of sex work in Togo. The PSAS project adopts a holistic approach, combining health, education and advocacy in order to improve the health and well-being of vulnerable girls aged 10–24 and engaging in or at risk of prostitution.

207. The International Catholic Child Bureau (ICCB) has spent several years developing a project to support the school enrolment of disadvantaged or vulnerable children under age 15. This action contributes to the strengthening of efforts to combat child trafficking and all forms of child exploitation.

*Victim protection*

208. Child prostitution and child pornography can flow from child trafficking or the sale of children. However, alongside international cooperation between States, a number of non-governmental organizations in Togo are in contact with several organizations working towards the same goal in other countries, both in and outside of Africa. Togolese child victims of trafficking intercepted in other countries are put in touch with the Togolese authorities, who contact non-governmental organizations in Togo with a view to reintegrating those children. Even after the victims’ reintegration, the non-governmental organizations provide the children with the services required for their social reintegration, as well as carrying out monitoring.

209. Likewise, children trafficked to Togo from other countries are rescued by the Togolese authorities, who, with non-governmental organization support, organize their repatriation to their countries of origin.

*International assistance and cooperation at all stages of the criminal procedure*

210. Detection is aided by information networks such as the International Criminal Police Organization (ICPO-INTERPOL) through INTERPOL National Central Bureaus (INTERPOL NCBs), the Internet and local information sources. All of this work requires resources.

**211. Investigations are based on the following procedures:**

- Undercover operations (infiltration, observation, monitoring and surveillance of criminal operations)
- Deployment of specialized staff
- Use of resources allocated to the service

212. **Prosecutions are brought in accordance with the following procedures:** the offenders are arrested and brought before the prosecution service following a hearing for which minutes are kept.

213. **Sanctions and extradition procedures fall within the remit of the courts,** with the assistance of NCB-INTERPOL.

*Agreements, treaties and other arrangements to which Togo is a party and measures taken to ensure cooperation/coordination*

214. These accords consist, for the most part, of the agreements and treaties mentioned under the section on extradition (paras. 99–102), the points referred to in paragraphs 152–154, as well as those listed in the paragraphs below.

215. The Multilateral Cooperation Agreement to Combat Child Trafficking in West Africa, signed in Abidjan on 27 July 2005 by Benin, Burkina Faso, Côte d'Ivoire, Gambia, Ghana, Guinea, Mali, Niger, Nigeria and Togo.

216. The Joint Economic Community of West African States/Economic Community of Central African States (ECOWAS/ECCAS) plan of action on trafficking in persons, in particular women and children, in West and Central Africa (May 2006).

217. The ECOWAS/ECCAS Multilateral Cooperation Agreement to Combat Trafficking in Persons, Especially Women and Children, in West and Central Africa (6 July 2006, Abuja).

**218. The following measures have been taken to ensure cooperation and coordination:**

- Strengthening of police cooperation within the framework of INTERPOL:
  - Between NCB-Lomé and the General Secretariat in Lyon
  - Between NCB-Lomé and the INTERPOL Regional Bureau in Abidjan
  - Between NCB-Lomé and the other ICPO-INTERPOL NCBs
- Togo's participation in ICPO-INTERPOL meetings
- Meeting between representatives of the police forces of the ECOWAS member States
- Bilateral and multilateral meetings between the Togolese security service and its counterparts in neighbouring States

*Financial assistance*

219. The Government, along with certain non-governmental organizations, receives external technical, material and financial support from a number of donors in order to develop child protection activities to combat the practices referred to in the Optional Protocol. Unfortunately, no complete and reliable statistics on the amount of that financial aid were available at the time this report was being compiled.

*Other legal provisions*

220. Togo is a party to a number of instruments aimed at assisting children, which vary in scope from the general to the specific. In order to meet its international commitments, Togo has adopted a series of national texts.

221. The international instruments of general scope to which Togo is a party include:

- The Universal Declaration of Human Rights of 10 December 1948, which forms an integral part of Togo's Constitution through the application of article 50 of the Constitution
- The International Covenant on Civil and Political Rights of 16 December 1966, to which Togo acceded on 24 May 1984; Togo's accession to the First Optional Protocol to the Covenant recognizing the competence of the Human Rights

Committee to receive and consider individual complaints took place on 30 March 1988

- The International Covenant on Economic, Social and Cultural Rights of 16 December 1966, to which Togo acceded on 24 May 1984
- The African Charter on Human and People's Rights of 28 June 1981, ratified by Togo on 5 November 1982
- The ILO Forced Labour Convention, 1930 (No. 29) of 28 June 1930, ratified by Togo on 7 June 1960
- The ILO Abolition of Forced Labour Convention, 1957 (No. 105) of 25 June 1957, ratified on 10 July 1999
- The Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 10 December 1984, ratified by Togo on 18 November 1987
- The International Convention on the Elimination of all Forms of Racial Discrimination of 21 December 1965, to which Togo acceded on 1 September 1972
- The Convention on the Prevention and Punishment of the Crime of Genocide of December 1948, to which Togo acceded on 24 May 1984
- The Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, of 2 December 1949, to which Togo acceded on 14 March 1990
- The United Nations Convention against Transnational Organized Crime of 15 November 2000, ratified by Togo on 2 July 2004
- The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) of 18 December 1979, to which Togo acceded on 26 September 1983
- The International Convention on the Suppression and Punishment of the Crime of Apartheid of 30 November 1973, to which Togo acceded on 24 May 1984
- The International Convention Against Apartheid in Sports of 10 December 1985, to which Togo acceded on 23 April 1987

222. Togo is a party to a number of instruments specifically focusing on children, in particular:

- The Convention on the Rights of the Child of 20 November 1989, ratified by Togo on 1 August 1990, and its Optional Protocol on the involvement of children in armed conflict, ratified by Togo on 22 June 2004
- The African Charter on the Rights and Welfare of the Child of 9 July 1990, ratified by Togo on 5 May 1998
- The ILO Worst Forms of Child Labour Convention, 1999 (No. 182) of 17 June 1999, ratified by Togo on 19 September 2000

#### **IV. Conclusion**

223. The Togolese legal system contains guarantees concerning the protection of the child against the sale of children, child prostitution and child pornography. The Togolese Constitution, article 50 of which integrates the Optional Protocol into the national legal order, clearly demonstrates the willingness of the legislator to ensure the provision of such protection.

224. However, although the Criminal Code and the Code of Criminal Procedure do not contain specific provisions on the sale of children, child prostitution and child pornography, this shortcoming was recently resolved in part by Act No. 2005-009 of 3 August 2005 concerning child trafficking, which punishes child trafficking in Togo and Act No. 2007-017 of 6 July 2007 containing the Children's Code, which punishes the sale of children, child prostitution and child pornography.

225. Furthermore, the revision of the Criminal Code and the Code of Criminal Procedure currently under way within the framework of the programme to modernize the legal system takes into account all the aspects of the Optional Protocol, to which Togo is a party.

226. With the adoption of the Children's Code, the existing legal framework for the protection of the child fully guarantees children all the rights recognized as theirs by the international instruments, including the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

227. In practice, the public authorities and civil society, with the invaluable support of development partners, make concerted efforts to ensure that children are effectively protected.

228. Aware of the importance of specific child issues and the particular attention they require, the Togolese Government is fully prepared to cooperate effectively with the Committee on the Rights of the Child in order to improve child protection in Togo.

## Annex

### **List of members of the Inter-Ministerial Committee for the preparation of initial and periodic human rights reports**

1. Ms. POLO Nakpa: Ministry of Human Rights and the Consolidation of Democracy
2. Mr. MINEKPOR Kokou: Ministry of Human Rights and the Consolidation of Democracy
3. Mr. ODIE Kossi N'kpako: Ministry of Human Rights and the Consolidation of Democracy
4. Mr. ASSAH Koffi Maxime: Ministry of State, Ministry of Foreign Affairs and Regional Integration
5. Mr. WOLOU Sourou: National Human Rights Commission (CNDH)
6. Ms. GBODUI Suetou: Ministry of Youth, Sports and Leisure
7. Ms. TAMAKLOE Massa: Ministry of Social Action, Advancement of Women and Protection of Children and the Elderly
8. Ms. AZANGOU Akati: Ministry of State, Ministry of Health
9. Mr. AWA Yawo: Ministry of Security and Civil Protection
10. Mr. KELEM Diwèda-Mawai: Ministry of Development and Land Management
11. Mr. ALOU Bayabako: Ministry of Cooperation, Development and Land Management
12. Mr. Dossè d'ALMEIDA: Ministry of Justice
13. Commander KONDI Yao K.: Ministry of Defence and Former Combatants
14. Mr. LAÏSON D. Amah: Ministry of the Civil Service, Administrative Reform and Relations with the Institutions of the Republic
15. Ms. YAKPO Ama Essénam: Ministry of the Environment, Tourism and Forest Resources
16. Mr. FENOUE Kossi Enyonam: Ministry of Post, Telecommunications and Technological Innovations
17. KOUGNIGAN Akon Komi: Ministry of Public Works, Transport and Housing
18. Ms. ODOU Baki Adjo: Ministry of Primary and Secondary Education, Technical Education, Vocational Training and Literacy
19. Ms. GOEH-AKUE Maggy Adoudé: Ministry of Communication, Culture and Civic Education
20. Ms. AZAMBO Aquitème: Ministry of Social Action, Advancement of Women and Protection of Children and the Elderly
21. Mr. KONDO Kandalé: Ministry of Social Action, Advancement of Women and Protection of Children and the Elderly
22. Ms. Odette Dédé HOUEDAKOR: Plan-Togo
23. Mr. HOTOWOSSI Martin: UNICEF-Togo

24. Ms. Marceline LETOU: WAO-Afrique
25. AGLÉE Komlavi Didier: Togolese Forum for Organizations for the Defence of Children's Rights (FODDET)
26. Mr. GBEDEMAH Enyo: International Catholic Child Bureau (ICCB)

### **Resource persons**

27. Ms. Marceline KODA: Director General for Labour
28. Mr. Nicolas MARTIN-ACHARD: UNICEF-Togo
29. Ms. ABBEY-KOUNTE Kayi: Magistrate, President of the Children's Court
30. Mr. DWEGGAH Philippe: Togolese Federation of Organizations for the Defence of Children's Rights

### **Secretariat**

31. BADABADI Kaiwé Tchamdja: Ministry of Human Rights and the Consolidation of Democracy
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