OBSERVATIONS AND REQUESTS FOR CLARIFICATION
ADDRESSED TO THE GOVERNMENT OF TOGO BY THE AFRICAN
COMMITTEE OF EXPERTS ON THE RIGHTS AND
WELFARE OF THE CHILD
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The Committee would like to inform the Togolese Government that it held its third Pre-Session for the preliminary consideration of the reports submitted by States Parties including Togo on 8 November 2010 in Addis Ababa, Ethiopia.

The objective of the Pre-session was to enable the Committee to draw up the list of questions and observations to be sent to States Parties in order to enable them to prepare for the presentation of their reports before the Committee.

Following the preliminary consideration of the Report of Togo, the Committee has the honour to send to the Togolese Government, the following observations and requests for clarification:

A. Regarding the form

On the form, the Committee congratulates the Togolese Government for having followed the Directives for the elaboration of the reports, however, it is necessary to observe that the Report lacks data on the location of the country and does not contain a geographical map. It is also observed that data on the political, socio-economic and cultural situation of the country is inadequate as well as data on the status of ratification of legal instruments for the protection of human rights.

B. Regarding the content

On the content, the following observations and requests for clarifications were made:

II. GENERAL IMPLEMENTATION MEASURES:

1. What is the nature of cooperation between the Government, Civil Society Organizations and Technical and Financial Partners?

2. The Committee would like to have additional information on children in emergency situation, children whose mothers have been imprisoned, the economic exploitation of children and any new or unforeseen phenomena affecting children?

3. What is to be understood by «monitored sexual relations »?

4. Are there social centres in all the big towns?

5. What are the collaborative relations between the Commission on the Rights of the Child and the Commission on Human Rights?

6. Has the National Committee on the Rights of the Child elaborated a pilot study on legislative and statutory texts designed to ensure better respect of the rights of the
child? In which area? Has the Committee submitted it to the Government? The Committee would like to have a summary of the content.

**Article 2 : DEFINITION OF THE CHILD**

1. The Committee would like to have further clarification on the emancipation of the child acquired from the age of 16 years by judicial decision or as one’s right or still as a matter of course through pregnancy of the young girl.

2. At what age is the child considered a « discerning child » and on what basis?

3. What are the compelling motives and criteria on which the Judge relies to authorize the marriage of a sixteen year old child?

**IV. GENERAL PRINCIPLES**

1. What are the strategies put in place to promote the rights to information and the participation of the child?

2. Does the state media broadcast sign language programmes in a bid to facilitate access to information for deaf children?

**V. CIVIL RIGHTS AND FREEDOMS**

1. Is the registration of birth free for children from 0 to 6 years?

2. What are the initiatives envisaged in order to find a solution to the problem of distance to the registry office; the lack of motivation of officers of the registry office; the irregularities and fraud observed in the issue of notarial deeds as substitutes for birth certificates?

3. Are the figures quoted as example with regard to Sokodé and Sotouboua also available in other regions of the country?

4. In terms of statistics, what is the significance of these figures in relation to children who really need these national documents?

5. What are the measures envisaged in order to find solutions to the non-permanent situation of members of the Commission on the preparation of certificates of nationality, the lack of training of its members, the centralization of the mechanism for the issue of certificates of nationality in Lome and the delay in the delivery of documents?

6. Concerning the protection of children against abuse and bad treatment, what is to be deduced from the flow of children to the borders and to households requesting the services of children?

7. Has a statistical and overall evaluation of the fight against abuse and exploitation been made?
8. What is the content of the coordination of this fight between the State, national NGOs, Development Partners and the Technical and Financial Partners (TFP)?

VI. FAMILY ENVIRONMENT AND ALTERNATIVE CUSTODY

1. What is the share of responsibility of parents as regards child trafficking and child labour?

2. Are there ties between parents and perpetrators of these offences?

3. Are there Government structures which support poverty-stricken families in pursuance of the fight against poverty?

4. In case of separation from the parents, is there a monitoring system for the judicial decisions which order parents to pay maintenance allowance for the children?

5. Is there a mechanism for the monitoring and care of children whose mothers have been imprisoned?

6. Are there structures for the monitoring of children entrusted to the care of one of the parents in case of divorce?

7. How is the care of children who are victims of trafficking and repatriated from neighbouring countries as well as other countries like Côte D’Ivoire and Nigeria organized?

8. Has the national budget provided for an allocation for the care of children who are victims of trafficking? What is the distribution in the ministries concerned?

9. Are there mechanisms to ensure the regularity of procedures and particularly to supervise the welfare of the adopted child, as far as adoption is concerned?

10. Does the lack of control of the exorbitant costs of adoption not contribute to the phenomenon of the « sale of children »?

11. Would the inexpensive adoption with a definition of specific and rigorous criteria for families wishing to adopt not be better in reducing costs?

12. What is the national organ responsible for the implementation of the Hague Convention on International Adoption?

13. What are the measures taken by the Brigade for the protection of minors when there are cases of abuse, negligence and exploitation of children?

I. PRIMARY HEALTH CARE AND WELFARE

1. How are health services which offer free services to children organized?
2. What are the measures envisaged for the health cover of remote areas and to facilitate access to health care for people in these areas?

3. What is the status of progress in the implementation by Togo of the Maputo Plan on Maternal and Child Health and Reproductive Health in Africa?

4. What is the policy on the care of orphans and disabled children in Togo?

5. What is the content of activities for raising the awareness of the youth on unwanted pregnancies, STDs, HIV-AIDS, etc…?

6. What are the measures envisaged by the State to find a solution to the stigmatization of disabled persons?

7. What measures have been adopted for the care of children with mental disorders?

II. EDUCATION, RECREATION AND CULTURAL ACTIVITIES

1. What is the rate of school dropouts and what are the steps taken to reduce this rate?

2. Are there school canteens in the rural areas?

3. Do pregnant girls have the right to pursue their education?

4. What is the situation of children with special educational needs?

5. What is the share of the budget devoted to the education of disabled children?

6. Have there been any decrees of application specifying conditions for access to benefits granted by the State, scholarships, dispensations for access to specialized schools and subsidies to institutions for disabled persons?

7. What are the measures envisaged to raise the percentage of disabled children in full time education above the current rate of 1%?

8. What is the proportion of girls who drop out of school?

9. What is the proportion of pupils per teacher, the number of pupils per classroom?

10. What is the current number of teachers per cycle?

11. What is the number of public and private schools per cycle?

12. What measures have been taken on violence against children at school?

13. What are the accompanying measures for free nursery and primary education?

14. Is free secondary education envisaged?
15. What are the steps taken for equitable access of adolescents to secondary education?

16. In the area of vocational training, what is the description of rural centres established in the prefectures, following the scientific council held in Avetonou and training centres called: Rural Centres for Socio-Educational Activities established by Ministerial decision?

17. What are their admission capacities, the number of apprentices and staff, the annual amount of State subsidy and other possible subsidies, etc....?

18. What are the steps taken to support the normal, regular and sustainable functioning of these centres?

19. Does Togo have an apprenticeship law?

20. What are the specific measures on the rights of the child, taken to regulate and improve apprenticeship in the informal arts and crafts sector in order to avert certain practices such as:
   - Cheap-rate training;
   - Corporal punishment;
   - Exorbitant and fanciful apprenticeship expenses;
   - Exploitation of the labour of the apprentice;
   - Expensive graduation ceremonies;
   - Small scale prostitution of girls.

21. Are arts and crafts trainers in the informal arts and crafts sector familiar with the notions of the rights of the child?

22. What are the measures taken for the viability of the CRASE (Rural Centres for Socio-educational Activities)?

23. Are the centres mixed or only for boys? In latter case, what are the equitable measures taken in favour of girls? What measures are envisaged in case of pregnancy of girls?

24. Has a study on vocational training in the informal arts and crafts sector been conducted?

25. How is the choice of occupation made?

26. Since promises for employment are not fulfilled, what are the measures taken for apprentices after training?

27. Most of the apprentices often have a low level of education; What are the measures taken to upgrade their level in French and in national languages?
28. What are the measures taken for the maintenance of relations between the centre and young graduates?

29. Do the curricula of vocational training programmes include alternative training of aptitude in the management of a vocational workshop such as:

- Drawing up of estimates;
- Attitudes to be adopted toward clients;
- Financial and administrative management;
- Human resource management;
- Marketing;
- Organisation of work;
- Choice of raw materials, equipment and materials;
- Dues to the State;
- Prevention of industrial accidents;
- Social welfare;
- Etc…

30. As regards recreational activities, what are the measures envisaged to fight against pornographic videos which attract many children and in clandestine places?

III. SPECIAL PROTECTIVE MEASURES

1. What are the measures taken to monitor the enforcement of laws on violence against children in general?

2. What are the measures taken to monitor the enforcement of laws on trafficking of children for the exploitation of their labour?

3. What measures have been taken to prevent infanticide and the abandonment of children?

4. What is the share of the budget allocated by the State to destitute childhood and how is mobilization of resources done?

5. Has the theme for the celebration of the Day of the African Child, edition 2010, contributed to a qualitative and quantitative improvement in the planning and budgeting of resources in favour of children?

6. How were the protective measures for children in case of armed conflicts implemented during the socio-political crisis experienced by Togo in 1991, 1993 as well as in 2005?
7. How did children live through these eventful periods and what is the current situation?

8. What cooperation mechanisms were put in place with border countries for displaced children during and after these crises?

9. Are detained children separated from adults in places of detention or imprisonment?

10. Has the penal code of Togo provided for a minimum age below which children are declared criminally irresponsible?

11. Are children assisted by a lawyer in procedures involving children?

12. Is there a mechanism for monitoring or for vocational or educational training of detained children in order to enable them to be rehabilitated?

13. Regarding harmful cultural practices, what are the other accompanying measures taken to reconvert excisers and avoid recurrence, apart from the unsuccessful action in Tchamba vis-à-vis excisers?

14. Is data available on Female Genital Mutilation?

15. Is the rehabilitation of the support project for excisers in Tchamba possible?

16. Is there partnership between Togo and Benin for the fight against FGM particularly, in the Tchamba region, on the Bassila border?

17. Does the Government have a list of cults and information on all the practices of convents with a view to monitoring initiation rites of the Voudou cult which influence children’s education?

IV. RESPONSIBILITIES OF THE CHILD

1. Apart from the legal instruments presented in the report, what are the steps taken by the Government to insist on the accomplishment of the duties of the child?

2. What are the national children’s organizations which exist in Togo? What are their activities?

3. What were the contributions of the children’s organizations and the CSOs in the elaboration of the country report?

4. What are the relations between the children’s organizations, the Government and the CSOs?

5. Does Togo have a children’s Parliament?

The Committee intends to consider this report at its 17th Session scheduled for March 2011 in Addis Ababa, Ethiopia, in the presence of Representatives of the Togolese Government who will be called to present the report and respond to
questions from Committee members. An invitation will be sent for that purpose. Prior to that date, the Committee would like to receive written responses to the questions posed.

The African Committee of Experts on the Rights and Welfare of the Child seizes this opportunity to renew to the Government of the Republic of Togo, the assurance of its highest consideration.

Done in Addis Ababa, on 31 January 2011