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## الجمعية العامة



## مجلس حقوق الإنسان

الدورة الخامسة والأربعون

14 أيلول/سبتمبر - 2 تشرين الأول/أكتوبر 2020

البند 3 من جدول الأعمال

تعزيز وحماية جميع حقوق الإنسان، المدنية والسياسية والاقتصادية والاجتماعية والثقافية، بما في ذلك الحق في التنمية

## الزيارة إلى توغو

## تقرير المقررة الخاصة المعنية بأشكال الرق المعاصرة، بما في ذلك أسبابها وعواقبها

## موجز

أجرت المقررة الخاصة المعنية بأشكال الرق المعاصرة، بما في ذلك أسبابها وعواقبها، زيارة إلى توغو في الفترة من 27 إلى 31 أيار/مايو 2019.

وبعد إجراء تحليل للإطار المعياري والهيكل المؤسسي القائم لمكافحة أشكال الرق المعاصرة، تتناول المقررة الخاصة على سبيل الأولوية مسألة أسوأ أشكال عمل الأطفال، ومن ضمنها العبودية المنزلية في البلد. وتعتبر هذه المسألة رئيسية في ضوء الغاية 7-8 من أهداف التنمية المستدامة، التي تقتضي من الدول إنهاء جميع أشكال عمل الأطفال بحلول عام 2025.

وتعترف المقررة الخاصة بالإطار التشريعي الراسخ الذي لدى توغو لمنع عمل الأطفال والتصدي له، ولكنها توجه الانتباه إلى ضرورة سد الثغرات في السياسات وتنفيذ القوانين القائمة تنفيذاً أكثر فعالية وتنسيقاً. ويختتم التقرير بتوصيات لمساعدة الحكومة وغيرها من أصحاب المصلحة في مواجهة التحديات المتبقية.

\* يُعَمَّم موجز التقرير بجميع اللغات الرسمية. أما التقرير نفسه، المرفق بهذا الموجز، فيُعَمَّم باللغة التي قُدِّم بها وباللغة الفرنسية فقط.

\*\* اتُّفق على نشر هذا التقرير بعد تاريخ النشر الاعتيادي لظروفٍ خارجة عن إرادة الجهة المقدمة له.



الرجاء إعادة الاستعمال

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## Annex

### **Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, on her visit to Togo**

#### **I. Introduction**

1. At the invitation of the Government of Togo, the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Urmila Bhoola, conducted an official visit to Togo from 27 to 31 May 2019.

2. In the course of her visit, the Special Rapporteur sought to obtain information on issues pertaining to her mandate, with a primary focus on the worst forms of child labour, including domestic servitude, but also addressing other areas of concern, such as child marriage. In addition, the Special Rapporteur intended to gather first-hand information on issues requiring further attention, such as the working conditions in the Free Trade Zone of Lomé. However, it proved difficult to obtain sufficient information in order to make an assessment about whether there were any worst forms of child labour or other forms of contemporary slavery occurring in that area.

3. After conducting the visit, the Special Rapporteur sent a follow-up questionnaire to the Government of Togo, in March 2020, to request additional information. Replies were received, but some information gaps nevertheless remain on the issues assessed by the Special Rapporteur, including due to limited availability of recent data on child labour, including in its worst forms. This led to limitations in assessing the real scope of child labour in Togo.

4. According to information received during the visit, the lack of systematic, centralized data collection is a result of limited financial resources and lack of adequate technical capacity of the relevant institutions. The fact that eradication of child labour did not appear to be high on the Government's agenda further contributed to the problem.

5. The Special Rapporteur met with officials from a broad range of government departments, including the Ministry of Foreign Affairs, African Integration and Togolese Abroad; the Ministry of Human Rights and of Relations with the Institutions of the Republic; the Ministry of Civil Service, Labour, Administrative Reform and Social Protection; the Ministry of Security and Civil Protection; the Ministry of Social Action, Promotion of Women and Literacy, and the Child Protection Directorate affiliated to it; the Ministry of Justice; the Ministry of Territorial Administration, Decentralization and Local Government; the Ministry of the Interior; the Ministry of Primary and Secondary Education and Literacy; and the National Police.

6. The Special Rapporteur also met with representatives of the National Human Rights Commission, civil society organizations, and members of the United Nations country team. She visited Lomé, and Sokodé and Tabligbo where she also engaged with survivors of child labour.

7. The present report was shared with the Government of Togo before its publication. The Special Rapporteur extends her appreciation to the Government of Togo for the invitation to visit the country, and to officials from the various State entities for engaging in a fruitful and meaningful dialogue. She also thanks the Office of the Resident Coordinator and the United Nations Development Programme for their comprehensive assistance in the planning and conduct of her visit, and the United Nations Information Centre for the support provided with the media conference. She further expresses her sincere gratitude to all civil society organizations and individuals who took the time to meet with her, and the child victims (and their caregivers, guardians and families) who were willing to speak to her.

## II. Background

8. Togo, a low-income country with an estimated population of 7.8 million, as of 2018,<sup>1</sup> ranks second among the top 10 reforming countries in Africa over the past decade.<sup>2</sup> During that period, Togo experienced a steady annual growth rate of 5 per cent and reduced poverty by 8 per cent. Despite this progress, poverty remains widespread, and broadly speaking it increases incrementally as one moves northwards, away from the wealthier coastal Maritime region, to the Plateaux and Kara regions, then to Centrale, and finally to the driest region, Savanes. Just over three quarters (77 per cent) of poor people live in rural areas, which have a higher incidence of poverty (68.7 per cent) than does Lomé (34.8 per cent). According to the World Bank's worldwide governance indicators, Togo has continued to rate poorly in areas related to the control of corruption, the rule of law<sup>3</sup> and access to justice.<sup>4</sup>

9. The participation of women and youth in decision-making remains limited. Furthermore, women and girls continue to experience inequality and discrimination<sup>5</sup> in economic, legal, social and political aspects of their lives. Many women and girls are also subjected to sexual and gender-based violence.<sup>6</sup> Child marriage remains a worrying problem, disproportionately affecting girls despite the efforts of the Government and of traditional and religious leaders.

10. The main drivers of economic growth in Togo include agricultural production, which accounts for approximately half of the country's gross domestic product and over 60 per cent of employment. Extractive industries and manufacturing are among other major sectors driving the country's economy. As is highlighted in the National Development Plan 2018–2022,<sup>7</sup> the Government has been investing in the expansion of these economic sectors to address poverty through the promotion of economic growth and the creation of jobs.

11. The Special Rapporteur was informed that children were routinely engaged in worst forms of child labour in various sectors of the economy. Furthermore, child labour in the domestic work sector appears to be a widespread phenomenon in Togo. It is deeply rooted in social and cultural patterns, and is facilitated by the legacy of poverty and inequality.

## III. Legal framework

### International legal framework

12. Togo has signed or ratified many of the international human rights instruments that address contemporary forms of slavery. Although it is not a signatory to the Slavery Convention of 1926, Togo ratified the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, on 8 July 1980. It has also ratified a number of relevant human rights instruments, including the Convention on the Rights of the Child, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention for the Protection of All Persons from Enforced Disappearance, the Convention on the Rights of Persons with Disabilities and the International Convention on the Elimination of All Forms of Racial Discrimination.

<sup>1</sup> See <https://data.worldbank.org/country/togo?view=chart>.

<sup>2</sup> DP/DCP/TGO/3, para. 1.

<sup>3</sup> See <https://databank.worldbank.org/reports.aspx?source=worldwide-governance-indicators#>.

<sup>4</sup> DP/DCP/TGO/3, para. 5.

<sup>5</sup> See Gender Inequality Index, available at <http://hdr.undp.org/en/content/gender-inequality-index>.

<sup>6</sup> DP/FPA/CPD/TGO/7, para. 6.

<sup>7</sup> See <http://togoembassylondon.com/wp-content/uploads/2019/02/Pr%C3%A9sentation-du-PND-du-Togo-2018-2022-Anglais.pdf>.

13. Togo has also ratified the eight fundamental International Labour Organization (ILO) conventions, namely the Forced Labour Convention, 1930 (No. 29); the Abolition of Forced Labour Convention, 1957 (No. 105); the Worst Forms of Child Labour Convention, 1999 (No. 182); the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87); the Minimum Age Convention, 1973 (No. 138); the Equal Remuneration Convention, 1951 (No. 100); the Discrimination (Employment and Occupation) Convention, 1958 (No. 111); and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

14. Furthermore, Togo has ratified all key international conventions concerning child labour.<sup>8</sup> As defined in the ILO Worst Forms of Child Labour Convention, 1999 (No. 182), the worst forms of child labour comprise the following: (a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict; (b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances; (c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties; (d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

15. Article 3 (a) of the Worst Forms of Child Labour Convention, 1999 (No. 182) recognizes the sale and trafficking of children, debt bondage, serfdom and forced or compulsory labour (including in armed conflict) as “slavery or practices similar to slavery”. This complicates the relationship between slavery, the “institutions and practices similar to slavery”, and forced labour set out above by including trafficking and forced labour under the umbrella of slavery or practices similar to slavery in the context of child exploitation. This reflects international jurisprudence on slavery of adults, through the ambiguous recognition of “contemporary forms of slavery” as a more encompassing category than slavery alone,<sup>9</sup> and the blanket inclusion of human trafficking in the prohibition of slavery and forced labour.<sup>10</sup>

16. During her visit, the Special Rapporteur received information that the Government of Togo was taking steps to ratify the ILO Domestic Workers’ Convention, 2011 (No. 189).

17. Togo has also ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, as well as a number of regional instruments such as the African Charter on the Rights and Welfare of the Child, the Multilateral Cooperation Agreement to Combat Child Trafficking in West Africa and the Multilateral Cooperation Agreement to Combat Trafficking in Persons, Especially Women and Children in West and Central Africa.

18. Togo participated in a voluntary national review within the framework of the Sustainable Development Goals in 2016, 2017 and 2018, but these reviews did not focus on Goal 8 which, in target 8.7, requests States to “take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the

<sup>8</sup> The ILO Minimum Age Convention, 1973 (No. 138); the ILO Worst Forms of Child Labour Convention, 1999 (No. 182); the Convention on the Rights of the Child; the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict; and Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

<sup>9</sup> See, for instance, International Tribunal for the Former Yugoslavia, *Prosecutor v. Dragoljub Kunarac, Radomir Kovač and Zoran Vuković*, case No. IT-96-23-T & IT-96-23/1-T, judgment of 22 February 2001; and Inter-American Court of Human Rights, *Caso Trabajadores de la Hacienda Brasil Verde v. Brasil*, judgment of 20 October 2016 (preliminary objections, merits, reparations and costs).

<sup>10</sup> See, for instance, European Court of Human Rights, *Rantsev v. Cyprus and Russia* (application No. 25965/04), judgment of 7 January 2010.

prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms”.

### **Domestic legal framework**

19. Slavery is not explicitly prohibited in the Constitution of Togo. However, article 4 of the Labour Code, of 2006, prohibits forced and compulsory labour, with prescribed penalties of three to six months’ imprisonment. Furthermore, forced labour and other forms of exploitation are explicitly prohibited under article 338 of the Penal Code, of 2015: “Any person who, by whatever means, commits the offence of forced labour or services shall be punished by a penalty of 5 to 10 years in captivity and a fine of 5 million to 20 million CFA francs.” Slavery is explicitly mentioned in the same paragraph: “Any person who practises, facilitates or derives financial or material benefit from the slavery of others or a similar practice, as defined in article 150 of this Code, shall be punished by a penalty of 10 to 20 years in captivity and a fine of 10 million to 30 million CFA francs.” The sentence may be increased to up to 20 years in captivity if violence has been used.

20. Article 351 of the Penal Code prohibits working and living conditions contrary to human dignity. For example, the “provision of unpaid services or in exchange for remuneration clearly unrelated to the importance of the work performed” is prohibited if the “vulnerability or state of dependence” of the person performing the work is apparent or known to the employer. Similarly, article 353 of the Penal Code establishes that “any person who subjects another person to working conditions or conditions of accommodation contrary to the dignity of the person shall be punished by a prison sentence of one to five years and a fine of 1 million to 5 million CFA francs or one of these two penalties”.

21. Forced or servile marriage is prohibited under article 341 of the Penal Code. Offenders are liable to a penalty of three to five years of imprisonment and a fine of 1 million to 5 million CFA francs.

22. In 2007, Togo introduced the Children’s Code, which sets the minimum legal age for marriage at 18 years. However, marriage at 16 years is possible for serious cause with permission from judicial authorities and parental consent. The Special Rapporteur notes that the Government has been considering a revision of the Code to bring it into line with ratified conventions.<sup>11</sup>

23. Togo did not yet have a comprehensive strategy to eradicate child labour at the time of the visit, and the national action plan to end child labour, including the worst forms of child labour, had yet to be finalized. However, the Special Rapporteur was informed that since her visit in February 2020, the Government of Togo has validated a new National Plan to Combat the Worst Forms of Child Labour, for the period 2020–2024.

24. The National Child Protection Policy, which was adopted in 2009, includes 12 guidelines focused on supporting and strengthening the childcare capacity of families. These guidelines are aimed at identifying children at risk more effectively in order to meet their needs.

25. Forced begging is prohibited in Togo, and section 151 (1) of the Labour Code of 2006 prohibits forced labour, which is defined as one of the worst forms of child labour. According to the provision, children over 15 years of age can do light work but children under the age of 15 may not be employed unless an exemption is provided for by order of the Minister for Labour, taken after consulting the National Labour Council. Such decisions are taken after consideration of “local circumstances, and the tasks which may be required of them”.<sup>12</sup> In this regard, employers are required to send a prior declaration to the Labour and Social Security Inspector, who has eight days to notify any disagreement. In addition, the ministerial order determining light work and prohibiting the employment of children in hazardous work adopted in 2007 was revised by Order No. 1556/MFPTRAPS of 22 May 2020 to reflect developments regarding worst forms of child labour in Togo.

<sup>11</sup> CAT/C/TGO/3, para. 42.

<sup>12</sup> Art. 150 of the Labour Code; see [www.ilo.org/dyn/natlex/docs/ELECTRONIC/75548/78675/F152868207/code%20travail.pdf](http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/75548/78675/F152868207/code%20travail.pdf).

26. Togolese law prohibits the employment of children in the worst forms of child labour, including trafficking, prostitution, pornography, and the use of children in armed conflict. If a child has been trafficked with the purpose of subjecting that child to the worst forms of child labour, the Penal Code provides for a prison term of 20 to 30 years and a fine of 20 million to 50 million CFA francs.

27. Under the Penal Code, the recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation is considered as trafficking in persons. If the victim of the offence is a child, defined as being under the age of 18 years, the offence of trafficking in persons is constituted even in the absence of the means referred to in article 317 which defines “trafficking in persons”.

28. Act No. 2005-009 on the smuggling of children was repealed by the new Penal Code of 2015, which makes reference to trafficking in persons and smuggling of migrants in its article 317 and subsequent articles.

29. The Labour Code, the Organization of Civil Status Act and the Law on the Protection of People with HIV/AIDS all include provisions for child protection. The Organization of Civil Status Act mandates the registration of children at birth. To encourage birth registration, the Government extended the registration deadline from 30 to 45 days after the birth of a child, in 2009.

30. The minimum age for employment in hazardous work, such as some types of industrial and technical employment, is 18, with two exceptions for children aged 16 and 17. Under Order No. 1464/MTEFP/DGTLs of 12 November 2007, which determines the types of work prohibited for children, domestic work is considered to be a hazardous type of work prohibited for children under 18 years of age.

31. Article 35 of the Constitution recognizes the right of children to education and requires the “creation of conditions favourable to accomplish this objective”. School is obligatory for children until the age of 15 years, and the State is required to progressively ensure that public education is free. Togo has a Sectorial Plan for Education 2010–2020 in place, which defines guiding principles and priority themes for education. The objective of the Plan was to achieve universal primary education by 2020.

32. The national collective bargaining agreement sets minimum wages for different labour categories, ranging from unskilled to professional positions. The minimum wage is CFAF 35,000 (\$60) per month. The Government set the poverty level at the internationally recognized level of \$1.25 per day (equivalent to CFAF 735), that is, \$38 per month (equivalent to CFAF 22,344).

33. According to domestic law, the working hours of all employees, in any enterprise, except in the agricultural sector, are not to exceed 40 hours per week. At least one 24-hour rest period per week is compulsory, and workers are to receive 30 days of paid leave each year. Working hours for employees in the agricultural sector are not to exceed 2,400 hours per year (46 hours per week). The law requires overtime to be compensated, and there are restrictions on excessive overtime work. Under section 154 of the Labour Code, the daily rest period for children must be at least 12 consecutive hours.

## **IV. Issues of concern as related to child labour**

### **A. Terminology**

34. Under international law, an important distinction must be made between child work, child labour and child slavery, particularly with regard to article 3 (d) of the Worst Forms of Child Labour Convention, 1999 (No. 182). The legitimacy of child work is determined under the ILO conventions according to the child’s age and the nature of the work. The Minimum Age Convention, 1973 (No. 138) provides that from the age of 16, children are permitted to work on condition that their health, safety or morals are fully protected and that they have received adequate instruction or vocational training (art. 3 (3)). Children from 13 to 15 years of age can undertake “light” work, defined as work which is (a) not

likely to be harmful to their health or development; and (b) not such as to prejudice their attendance at school, their participation in vocational orientation or training programmes approved by the competent authority or their capacity to benefit from the instruction received (art. 7 (1)). As a transitional measure, the ages 12 and 14 may be substituted for the ages 13 and 15, and the age 14 for the age 15, where a State's economy and educational facilities are insufficiently developed (art. 7 (4)).

35. In addition, children under the age of 13 may undertake household chores in their own homes, in reasonable conditions. These are considered an integral part of family life and are not generally classified as child labour, given that the employment element is missing. Nevertheless, there are circumstances where workloads and conditions amount to child labour, servitude or slavery-like conditions.<sup>13</sup>

## B. Scale of the problem

36. During her visit, the Special Rapporteur was informed about the widespread prevalence of child labour in Togo. In 2014, Togo had reportedly one of the highest rates of child labour in the Economic Community of West African States (ECOWAS) region,<sup>14</sup> with most children being active in sectors such as domestic work, agriculture, commerce/trade and construction, and as informal vendors in markets. More recent government statistics relating to child labour were not available at the time of the visit, but partial statistics were received from the United Nations Children's Fund (UNICEF), which indicated that, for example in the city of Tsévié, 368 girls and 467 boys had been identified as working in gravel quarries between January and November 2019.<sup>15</sup>

## C. Examples of manifestations of the worst forms of child labour

### Domestic servitude as part of the *confiage* system

37. On the basis of information received during the visit, domestic servitude of children continues to be a common practice in Togo. The large majority of child domestic workers are girls from poor families in rural areas. Isolated from their families, they are vulnerable to exploitation, including sexual abuse and forced labour.

38. Children's engagement in domestic work is often connected to *confiage*, a long-standing cultural practice of placing children from rural areas with relatives in cities, mostly for domestic work. *Confiage* is also resorted to in case of sickness, divorce or death within families, as traditionally the extended family takes care of the children in such circumstances. The Special Rapporteur noted through testimonies that the *confiage* system had proven advantageous for some children who had been able to attend school while being placed with family members. However, degeneration of the *confiage* practice leads in some cases to the trafficking of children within Togo and across borders for the purpose of labour exploitation, often in domestic work or in the agricultural sector, or for sexual exploitation. When the children reach their destination, they are often forced to work long hours, deprived of sleep and food, and are sometimes exploited sexually. Girls are mainly exploited in the domestic sector, while boys engage in activities related to vulcanizing, and peanut and water vending, among other jobs.

39. The *confiage* practice has a long history and continues to have a high level of social acceptance. Generally, there is low awareness of the potentially exploitative nature of this practice. Traditionally, *confiage* has been considered a natural way of "socializing" children as young as 6 or below. However, poverty is also one of the root causes of the *confiage* practice, because if parents are unable to care for a child, they send the child to relatives in an urban area. Often, such arrangements are made with the parents' intention being to

<sup>13</sup> See the ILO Domestic Workers Convention, 2011 (No. 189).

<sup>14</sup> ILO, "The twin challenges of child labour and educational marginalisation in the ECOWAS region" (2014), p. 16.

<sup>15</sup> Partial statistics received from UNICEF after the visit, in April 2020.

ensure their child's access to education. In practice, children often work as housemaids and do not go to school. Girls are disproportionately affected by that practice and by its consequences, which perpetuates and further increases their disadvantage in society.

40. Since families are smaller nowadays, children are often sent to cities on their own, instead of sending them to relatives as was the traditional practice. Even larger families are often unable to care for a child for reasons of economic precarity.

41. Child domestic workers often perform potentially hazardous tasks in private homes. Children who live in the house of their employers have a strong dependency on the latter, which increases their vulnerability to abuse and exploitation. If children are asked to contribute economically to their extended families, the risk of exploitation increases. During the Special Rapporteur's visit, statistics on the number of children in *confiage* were not available, as the practice is not systematically assessed.

42. Due to the informality of the *confiage* practice, it is generally difficult to detect abuses in private homes and to hold abusive or exploitative hosts in a *confiage* arrangement to account. Even if the parents are aware of abuses taking place, they are often reluctant to file a complaint against their own relatives.

43. While the Special Rapporteur is concerned that children continue to be subjected to exploitative and in some instances abusive domestic work, she was told that, generally, children in domestic servitude are no longer below the age of 15.

44. At the time of the visit, there were no mechanisms in place to monitor and protect children living in informal alternative care arrangements, which perpetuates the impunity of exploitative *confiage* situations resulting in domestic servitude.

#### **Other forms of child labour**

45. Government actors, human rights institutions and civil society organizations shared concerns with the Special Rapporteur regarding the continuing engagement of children in hazardous work in the informal sectors of economy. This includes the commercial sector, where children are seen to work in markets as porters and vendors; as well as construction sites and carpentry. In rural areas, children are reportedly engaged in agricultural work, including in the cotton fields, as well as on cocoa and coffee plantations. Anecdotal information suggests that children also perform hazardous work in extractive industries, including crushing rocks. However, the Special Rapporteur was unable to verify this information first-hand.

#### **Facilitation by criminal networks; and internal and regional trafficking**

46. As highlighted in the case of the *confiage* practice, labour exploitation and sexual exploitation of children in Togo often occur as a result of trafficking. Togo is a source, transit, and to a lesser extent, destination country for men, women and children subjected to trafficking for forced labour and sexual exploitation. The majority of the victims of trafficking are Togolese children exploited within the country. Traffickers reportedly bring children from rural areas to Lomé, where they are subjected to forced labour as domestic servants, roadside vendors, and porters. The Special Rapporteur was equally made aware of cases of trafficking of children for the purpose of commercial sexual exploitation. According to the national authorities, Togo is a country of origin for trafficking to neighbouring countries, namely Benin, Burkina Faso and Ghana, as well as Côte d'Ivoire, Mali and Niger.<sup>16</sup> There are reports of violence, abuse and other human rights violations affecting some of these children.<sup>17</sup> Most of the victims detected in Togo are Togolese nationals, but foreign victims are also trafficked from neighbouring countries.

<sup>16</sup> See [www.unodc.org/documents/data-and-analysis/glotip/Glotip16\\_Country\\_profile\\_Sub-Saharan\\_Africa.pdf](http://www.unodc.org/documents/data-and-analysis/glotip/Glotip16_Country_profile_Sub-Saharan_Africa.pdf).

<sup>17</sup> INTERPOL, "Human trafficking: hundreds rescued in West Africa" (2019), available at [www.interpol.int/es/Noticias-y-acontecimientos/Noticias/2019/Human-trafficking-hundreds-rescued-in-West-Africa](http://www.interpol.int/es/Noticias-y-acontecimientos/Noticias/2019/Human-trafficking-hundreds-rescued-in-West-Africa).



47. In 2016, the National Commission for the Reception and Reintegration of Child Victims of Trafficking identified 281 child victims of trafficking, including 194 girls, of whom 225 were intercepted before arrival at their destination and 53 were repatriated from Benin, Gabon and Nigeria. The Government reported that in 2017 it assisted 213 child victims of trafficking. According to information received, the number of reported cases has decreased, with 147 children assisted, including 139 girls, in 2019.

48. The Special Rapporteur notes with concern the discrepancies and gaps relating to the collection of data by various governmental agencies and other stakeholders on the number of child victims of trafficking. For example, in 2018, the Government reported that through the fund established in 2013 to cover the expenses for food, medical assistance and travel as well as the costs for social and professional reintegration of victims of trafficking,<sup>18</sup> 2,987 child victims, including 1,861 girls, had been identified and supported in 2013 and 2014 and in the first six months of 2017.

49. Given the hidden nature of these crimes, it is likely that the real figures for children subjected to trafficking are significantly higher but that many cases are not reported. Also as a result of the existing impunity in such cases, the majority of child victims of trafficking within the country continue to be subjected to child labour, including worst forms of child labour such as domestic servitude.

50. According to information received by the Special Rapporteur, it appears that prosecutions of perpetrators of trafficking in persons are rare. A lack of investigative and prosecutorial capacity, porous borders and sociocultural factors reportedly lead to this situation. If prosecuted, perpetrators are often given light sentences. For example, in 2015, the Government recorded 124 reports of child trafficking cases, followed by 112 investigations, 101 prosecutions and 60 convictions. Some perpetrators are allegedly released because of the corruption of public officials.

#### **Poverty as a driver of child labour**

51. Child labour can have multiple causes, which may be of an economic, political, legal or cultural nature. Impunity of perpetrators who subject children to hazardous and exploitative work, for example, is one of the root causes of child labour in Togo, and so is poverty. The following sections will focus on the latter, as poverty was frequently mentioned as a factor in this regard.

52. According to UNICEF, more than 60 per cent of children lived in poor families in 2018, and more than 80 per cent, particularly in the rural areas, suffered from at least one form of deprivation related to nutrition, health, water, sanitation, housing, protection, information or education.<sup>19</sup> Poverty is often associated with isolation and greater reliance on agriculture. An estimated 60 per cent of the population of Togo, and 97 per cent of the rural population, are engaged wholly or primarily in agriculture. At the same time, most farmers live below the poverty line, and the rate of rural poverty is 69 per cent.<sup>20</sup>

53. Furthermore, climate change-related weather shocks, such as drought or badly timed rainfalls, are a recognized driver of poverty among the population engaged in farming. In this context, child labour remains a survival strategy for many families, as well as for children themselves.

<sup>18</sup> The Special Rapporteur was informed that the fund had an allocated annual budget line of between 18 million and 20 million CFA francs.

<sup>19</sup> E/ICEF/2018/P/L.21, para. 1.

<sup>20</sup> World Bank, *Togo: Future Sources of Growth* (2019), p. 84.

## V. Other contemporary forms of slavery and slavery-like practices affecting children, including the worst forms of child labour

### A. Child marriage

54. Forced marriage continues to be practised in Togo, in spite of its prohibition under the Children's Code. The Special Rapporteur noted during her visit that the country had made progress in addressing this scourge in recent years. Togo was among five countries in West Africa with the greatest decline in levels of child marriage.<sup>21</sup> However, while the rate of women married before the age of 18 has decreased, it remains high, with the latest estimates at 21.8 per cent.<sup>22</sup> Based on information received by the Special Rapporteur, the practice of forced marriage is mainly prevalent in the northern part of the country.

55. There is a close relationship between child marriage, exploitation and slavery. For example, domestic servitude is inherent in child marriage, while sexual slavery often results from servile marriage.<sup>23</sup> These connections do not necessarily make all child marriages slavery, but in cases in which marriages have an exploitative purpose, the Special Rapporteur considers them to be a contemporary form of slavery.<sup>24</sup>

56. In 2010, the rate of child marriage in Togo before the age of 15 was still 7 per cent.<sup>25</sup> In 2015, the Ministry of Social Action, Promotion of Women and Literacy identified 453 girls as being victims of child marriage, and provided them with rehabilitation services. In 2016, the Government recorded 393 cases of child marriage. Furthermore, in 2018 and 2019, 29 cases of child marriage, and 180 child victims of sexual violence including 171 girls, were reported through the *Allo 1011* toll-free hotline, also known as the *ligne verte* (green line). This hotline was set up in January 2009 for reporting child abuse and exploitation, including child marriage and sexual violence, as well as trafficking, child labour and other child protection concerns.

57. In January 2018, it was reported that 600,000 women and girls, had been married as children in Togo.<sup>26</sup> Furthermore, UNICEF and the United Nations Population Fund (UNFPA) estimated in 2018 that 41 per cent of girls and young women in the West and Central Africa region were married before the age of 18, and 14 per cent before the age of 15.<sup>27</sup>

58. Child marriage is driven by gender inequality, gendered perceptions of societal and work roles and traditional structures of decision-making in Togo that are detrimental to the rights of women and girls. Research and data show that poverty, and living in a rural area, increase the risk of child marriage globally. This holds true in West Africa, where child marriage is more than twice as common in rural areas as it is in urban areas.<sup>28</sup>

59. As in the case of child labour, child and servile marriage persist in Togo due to social acceptance, and cultural and religious traditions; the practice of dowry; and high levels of violence against girls, with at least 5.5 per cent of girls aged from 9 to 18 years subjected to sexual violence, according to UNFPA.<sup>29</sup> At the same time, according to information received from the Government, only 258 perpetrators of crimes of sexual and gender-based violence were brought to justice between 2017 and 2019. The Special Rapporteur is concerned that out-of-court settlements in cases related to child marriage

<sup>21</sup> See [www.unicef.org/wca/reports/achieving-future-without-child-marriage](http://www.unicef.org/wca/reports/achieving-future-without-child-marriage).

<sup>22</sup> DP/FPA/CPD/TGO/7, para. 6.

<sup>23</sup> See A/HRC/21/41.

<sup>24</sup> See also A/74/179.

<sup>25</sup> Data received from UNICEF during the Special Rapporteur's visit.

<sup>26</sup> UNICEF, "Child marriage in West and Central Africa at a glance" (2018), available at [www.unicef.org/wca/media/2596/file](http://www.unicef.org/wca/media/2596/file), p. 5.

<sup>27</sup> Ibid., p. 4.

<sup>28</sup> Ibid., p. 5.

<sup>29</sup> DP/FPA/CPD/TGO/7, para. 6.

appear to be an ongoing problem, despite the recommendations of the Committee on the Rights of the Child, made in 2012.<sup>30</sup>

60. The Special Rapporteur noted that as a result of cultural bias and discrimination, girls suffer from unequal access to education in comparison to boys. According to the Gender Inequality Index, 26.3 per cent of adult women have reached at least a secondary level of education, compared to 52.5 per cent of their male counterparts.<sup>31</sup> Families affected by poverty and isolation are forced to make difficult decisions, and in some cases, they marry their daughters off at an early age. Marriage can be seen as the next best alternative for girls without an education, and a way to alleviate a family's expenses.

## **B. Placement of children in convents**

61. The Special Rapporteur is also concerned about the risks of exploitative situations associated with the harmful impact of cultural and religious traditions, such as the practice of placing children in "voodoo convents". Some communities practising voodoo place boys and girls in such a convent for up to 45 days as a way of initiation into religious practice.

### **"Witch children"**

62. In this context, the Special Rapporteur looked specifically into the issue of so-called "witch children" who are confined in "voodoo convents". Witchcraft accusations are usually made by a child's family, and as a result, the child is handed over to a voodoo priest who then keeps the child in such a convent. These children are deeply stigmatized by their families and communities, to the extent that they are often ostracized and unable to reintegrate after they have been held in a convent. Some children are taken in by local non-governmental organizations after having been released from a convent. According to the National Federation of the Voodoo Cult, there are more than 2,000 such convents in Togo where children are interned to follow the cult's initiation rites according to tradition or to undergo "treatment".<sup>32</sup>

63. The Government informed the Special Rapporteur that the most recent data on the number of "witch children" dated back to 2016 and had been provided by the Child Protection Dashboard. Thus, 157 "witch children" (56 girls and 101 boys) were counted during this period.<sup>33</sup>

64. Witchcraft is not criminalized in Togo, and generally, there continues to be a strong social acceptance of this practice. The Special Rapporteur is not aware of any concrete activities focused on identifying, rehabilitating and reintegrating children subjected to witchcraft accusations.

65. Civil society actors providing assistance to children affected by witchcraft accusations informed the Special Rapporteur that the majority of such cases were commonly not reported to the authorities. Without access to justice and adequate rehabilitation assistance, these children are further marginalized and even more vulnerable to human rights violations. The affected children commonly have no means of accessing justice regarding the human rights violations suffered and very limited chances of receiving adequate rehabilitation assistance.

66. Furthermore, the Special Rapporteur received first-hand reports that children who were confined to convents did not have access to education and health care and that their freedom of movement was restricted. Furthermore, concerns were raised by various stakeholders that the priests may subject "witch children" to abuse which may include severe acts of physical abuse while engaging in exorcism. The latter reportedly takes place with the aim of freeing the affected children from the spirits that allegedly possess them.

<sup>30</sup> CRC/C/TGO/CO/3-4, para. 70 (c).

<sup>31</sup> See <http://hdr.undp.org/sites/default/files/Country-Profiles/TGO.pdf>.

<sup>32</sup> Information received from UNICEF after the visit, in April 2020.

<sup>33</sup> Information provided in a follow-up questionnaire sent to the Government in March 2020.

67. During her visit, the Special Rapporteur was informed that “witch children” were often used as an excuse for expelling undesired children from their families and communities. Such children are often from fragmented families in which they are perceived to be a burden. The ostracized children, many of them children with a disability, become vulnerable to exploitation, trafficking in persons and child labour, including in its worst forms.

## **VI. Government response: institutional framework for child protection and for poverty alleviation**

### **Protection from child labour, child marriage and other forms of abuse**

68. Togo has achieved progress in introducing a comprehensive legislative, policy and institutional framework related to child protection, and specifically related to addressing child labour. The estimated rate of children aged 5 to 14 engaged in the worst forms of child labour reportedly declined from 46.7 per cent in 2010 to 21.7 per cent in 2017.<sup>34</sup>

69. Although a comprehensive cross-sectoral strategy to end child labour is not yet in place, the Government has established institutional mechanisms for the enforcement of laws and regulations on child labour. This includes a National Steering Committee against Child Labour, which is part of the obligations of Togo related to its membership in the ECOWAS Regional Action Plan for the Elimination of Child Labour, Especially the Worst Forms.<sup>35</sup>

70. The Unit to Combat Child Labour, under the Ministry of Civil Service, Labour, Administrative Reform and Social Protection, is tasked with removing children from child labour, awareness-raising and the collection of data. The situation of child labour is monitored in all five regions of the country by focal points appointed by the Unit to Combat Child Labour.

71. The Ministry of Civil Service, Labour, Administrative Reform and Social Protection employs 146 labour inspectors, working across several agencies. Their responsibilities include raising public awareness, investigation of allegations of child labour, and, in collaboration with the respective protection agencies, removal of children from the worst forms of child labour and their rehabilitation.

72. The Special Rapporteur was informed that the provisions of the Labour Code provided the inspectors with a mandate to suspend or close facilities that employed children. Furthermore, labour inspectors can report child labour cases to the public prosecutor. The labour inspectors also collaborate with civil society actors and trade unions, and they may refer cases to the courts. To date, labour inspectors have registered 1,470 children, including 418 girls, in situations of child labour, such as rock quarries (835), forced begging (577) and domestic work (28). During the Special Rapporteur’s visit, it was not made clear whether the labour inspectors and non-governmental organizations systematically submitted complaints to the judicial authorities or not, but it is estimated that the actual figures relating to child labour are higher than in the data provided, due to general underreporting in this regard.

73. The Ministry of Justice is mandated with the enforcement of criminal laws relating to the worst forms of child labour and with the prosecution of perpetrators.

74. In 2019, the Government established a National Committee on the Rights of the Child, which is a key governmental body for child protection. The Committee is composed of representatives from the Ministry of Social Action, Promotion of Women and Literacy, the Ministry of Labour, the Ministry of Health, the Ministry of Education, the Ministry of Human Rights, the Ministry of Finance and the Ministry of Local Authorities. In addition, two representatives from the Government’s child protection entities are part of this body, as

<sup>34</sup> E/ICEF/2018/P/L.21, para. 6.

<sup>35</sup> ECOWAS Child Policy and its Strategic Action Plan (2019–2023).

are child representatives themselves. Members of the Committee are expected to submit annual reports about the situation of children's rights in the country.

75. The Government also set up Children's Advisory Boards – 44 local bodies distributed across the 39 prefectures in the five regions. Their role is to promote child protection activities at the local level and the increased participation of children in these activities, including in areas related to the eradication of child labour, of trafficking of children and of violence against children. Furthermore, these bodies are tasked with contributing to the drafting of periodic reports on the implementation of the Convention on the Rights of the Child.

76. The Ministry of Social Action, Promotion of Women and Literacy includes a Directorate-General for the Protection of Children, which is tasked with enforcing laws against the worst forms of child labour, with providing technical assistance, with leading government efforts to address trafficking in persons and with raising awareness of child labour issues. The Special Rapporteur was also informed about a foster family programme piloted in 2017 by the same Ministry, with 27 families initially; but the effectiveness thereof would need to be assessed further.

77. The Ministry of Social Action also operates the free *Allo 1011* hotline, which is a system for alerting and reporting cases and providing information on situations of vulnerability and violence against children. This system, which is linked to the Centre for Reference, Guidance and Care of Children in Difficult Situations, includes a database that is regularly updated.

78. At the prefectural level, cases are either reported to the police, or to the Ministry for Social Action, or are detected by communities and referred to civil society organizations and/or the police. The Centre for Reference, Guidance and Care of Children in Difficult Situations system is currently operating throughout the country, including for sending SMS messages. Challenges remain, however, regarding the availability of follow-up and case management services, in particular the lack of coordination between the police, social welfare, health services and justice services. In rural areas, access to such services is even more limited.

79. The Government reported that more than 50,000 calls related to child labour, child marriage and other forms of exploitation and abuse of children were made in 2017 to the *Allo 1011* toll-free hotline. Furthermore, the calls received in 2018 and 2019 included reports about 302 child victims of trafficking, including 263 girls. In cases of sexual exploitation, non-governmental organizations usually make referrals to the judiciary, but in cases of labour exploitation, they negotiate with employers and parents. The success rate of these interventions is not systematically monitored.

80. While *Allo 1011* allows children to report perpetrators anonymously and to seek assistance, it is fully operational only in Lomé. The Special Rapporteur received reports that children in remote rural areas might experience difficulties accessing the phone line, and that more needed to be invested into making it accessible.

81. The Special Rapporteur was informed by numerous stakeholders in Togo about the positive impact of initiatives such as the ILO-supported Global Action Programme on Child Labour Issues, for 2011–2017, which was focused on building the capacity of national stakeholders and developing relevant policies and responses to child labour, and specifically on ensuring protection of child domestic workers.<sup>36</sup> The programme also aimed to eliminate child labour in domestic work by supporting the Government in putting relevant regulatory and policy frameworks into place.

82. The Ministry of Security's division on drugs, morals and pimping is mandated with the investigation of crimes involving child victims, including child trafficking. At the national and the regional levels, this entity operates as part of the National Police. The National Commission for the Reception and Reintegration of Child Victims of Trafficking was established in 2002.

<sup>36</sup> See [www.ilo.org/ipec/projects/global/WCMS\\_355744/lang--en/index.htm](http://www.ilo.org/ipec/projects/global/WCMS_355744/lang--en/index.htm).

83. The Togolese education, gender and health ministries developed a National Programme against Child Marriage and Teenage Pregnancy which was implemented in the period between 2014 and 2019 and was not extended further. The programme's multisectoral approach was centred on five areas: improving legal frameworks, keeping adolescent girls in the education system, providing adolescent-friendly information and sexual and reproductive health services, encouraging adolescent girls' leadership, and strengthening the capacity of families, communities, and traditional and religious leaders. Furthermore, as a member of ECOWAS, Togo has adopted the Strategic Framework for Strengthening National Child Protection Systems, which prioritizes protecting children from marriage.

84. The judicial system of Togo is based largely on the French model,<sup>37</sup> with a network of ordinary and specialized courts, including one specialized juvenile court in Lomé. The country has 39 prefectures, 30 tribunals, 2 appeal courts and a supreme court. Juvenile justice is delivered in all ordinary courts of first instance, with juvenile judges presiding over the proceedings. The Court of Appeal has a special chamber for minors. Article 151 of the Labour Code provides that "subjecting children to the worst forms of labour is punishable by criminal penalties". The ordinary courts are responsible for prosecuting cases relating to child labour.

85. The Special Rapporteur was informed that all 30 first instance courts had juvenile judges appointed. This includes 25 dedicated juvenile judges and an additional number of judges serving in this capacity. These specialized judges are responsible for following up on judicial processes related to the rights of the child. They have the power to preside over criminal cases, when children are accused of committing offences, and over administrative proceedings, when children are at risk and in need of protection.

86. The Special Rapporteur was made aware that the juvenile courts in Togo continue to lack capacity to deliver justice to children effectively. This appears to be consistent with the 2019 report of the Committee against Torture, signalling the insufficient number of judges in Togo and the slowness of the judicial system.<sup>38</sup>

87. Togo has a National Human Rights Commission which is in line with principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).<sup>39</sup> This Commission continues to raise awareness regarding ratified instruments relating to human rights violations. While it is focused largely on issues related to child trafficking, rather than child labour, it accepts complaints on all human rights issues, including as submitted by individual actors. The National Human Rights Commission is also part of the National Committee on the Rights of the Child.

### **Tackling harmful social attitudes and practices**

88. The Special Rapporteur welcomes information received from the Government and civil society actors regarding a number of initiatives focused on raising awareness among various stakeholders about the negative consequences of child labour and child marriage. Systematic and quality sensitization programmes targeting parents, religious and local community leaders, government actors, business owners and children themselves should be rolled out, given the wide-scale social acceptance of child labour, child marriage and other harmful practices.

89. The Special Rapporteur welcomes initiatives by the National Human Rights Commission focused on raising awareness about anti-trafficking standards in the country at the national and the regional levels, including by involving religious leaders. At the same time, the Special Rapporteur notes that as this initiative is focused primarily on trafficking in persons, it does not sufficiently address issues related to child labour and child marriage.

<sup>37</sup> The country's justice system underwent a reform in October 2019. The present report is based on information received during the Special Rapporteur's visit.

<sup>38</sup> CAT/C/TGO/CO/3, para. 18.

<sup>39</sup> Reaccreditation of this institution took place in October 2019; see <https://nhri.ohchr.org/EN/AboutUs/GANHRIAccreditation/Documents/SCA%20Report%20October%202019%20English.pdf>.

90. The Government informed the Special Rapporteur about another awareness-raising initiative focused on engaging religious leaders. In June 2013, traditional and religious chiefs and priests from the Christian and Muslim communities signed the Declaration of Notsé, which is a commitment to eliminate harmful practices against children, such as worst forms of child labour and child marriage, and to ensure that children do not withdraw from school. Furthermore, the Declaration addresses harmful traditional practices that affect children such as placing girls in voodoo houses (also known as fetish houses), which increases their vulnerability to child marriage, child labour and various harmful practices. At the time of the visit, the Declaration had not yet been translated into legislation at the national level, and therefore its implementation was limited as it was not legally binding.

91. The Declaration of Togblekope, adopted in March 2016, complements the Declaration of Notsé by focusing specifically on child marriage. The Special Rapporteur was informed about a lack of ownership by religious leaders of the provisions of the Declaration of Togblekope, as reportedly not all key stakeholders had participated in this process effectively and with genuine commitment.

92. The Special Rapporteur is concerned that, although the Declaration of Notsé remains symbolically important, it has not effectively deterred religious leaders from continuing to engage in practices that may result in domestic servitude and other forms of child labour. Civil society organizations were also concerned about the non-binding nature of the Declaration, as well as its limited geographic applicability.

93. Furthermore, in the Declaration of Notsé, traditional and religious chiefs committed to no longer supporting child marriage in their respective communities. In practice, however, this commitment made is not always translated into practice, as some chiefs reportedly continue to condone child marriage.

#### **Access to education**

94. The Special Rapporteur recognizes the Government's commitment to improving access to education. The Government abolished fees for primary education and reduced costs for secondary education, which resulted in a significant rise in preschool and primary school enrolment rates.<sup>40</sup> However, about 50 per cent of children do not complete the basic cycle (primary and lower secondary education).<sup>41</sup> The Special Rapporteur was informed that this situation was largely a result of the significant indirect costs related to schooling, which represented a major obstacle for poor families. Other barriers included the fact that many parents did not consider education a priority, and a lack of adequate infrastructure and teaching materials.

95. Children from poor families living in rural areas are more likely to drop out of school. In addition, girls are more affected, with only 28.3 per cent of girls completing basic education, compared to 51.1 per cent of boys.<sup>42</sup> This situation increases the risk of children being put to work, instead of ensuring their access to education.

96. The Government informed the Special Rapporteur that it planned to increase investments in vocational training and rehabilitation, which could serve as an important component in ensuring the permanent removal of children from situations of exploitation, abuse, and in some instances, slavery. The Special Rapporteur looks forward to receiving information about the impact of these initiatives.

#### **Poverty alleviation**

97. The Government has reportedly integrated the Sustainable Development Goals in its National Development Plan. The Plan's overall objective is to "structurally transform the economy to achieve strong, sustainable, resilient, inclusive growth that creates decent jobs and improves social welfare".

<sup>40</sup> E/ICEF/2018/P/L.21, para. 5.

<sup>41</sup> Ibid.

<sup>42</sup> Ibid., para. 3.

98. The National Development Plan 2018–2022 integrates 48 prioritized Sustainable Development Goal targets, and reportedly aims to accelerate economic growth, strengthen economic infrastructure, improve access to basic social services in health, water and power, promote financial inclusion, gender equity, and social and environmental protection, and promote more balanced, participatory and sustainable development.

99. The Special Rapporteur recognizes the efforts of Togo in this regard, but she remains concerned about a lack of information about the existence and effectiveness of concrete procedures focused on identifying the children in the most vulnerable situations, including those at high risk of child marriage and child labour. As observed during the Special Rapporteur's visit, the majority of initiatives in this area continue to be implemented in a largely fragmented manner, which affects access to comprehensive and quality services and assistance.

100. Furthermore, the Special Rapporteur is concerned that the development and investment programmes in Togo are not sufficiently based on a human rights-based approach – which leads to poverty reduction responses that lack effectiveness, participation of the rights holders, inclusiveness and transparency. Overall, the Special Rapporteur observed that poverty reduction strategies were developed with a focus on economic opportunities and resources, but failed to incorporate objectives designed to facilitate an environment where the most vulnerable individuals enjoyed an adequate standard of living and accessed fundamental rights effectively, which is key to preventing contemporary forms of slavery.

#### **Birth registration**

101. The Special Rapporteur noted that despite the Government's efforts to ensure that all children were duly registered at birth, only 40.9 per cent of children under 5 years of age had a birth certificate.<sup>43</sup> This significantly exposes them to the risk of becoming victims of child labour, child marriage and other forms of exploitation, as children without a birth certificate are generally more vulnerable to human rights violations and experience disproportionate limitations in accessing their rights.

## **VII. Conclusions and recommendations**

### **A. Conclusions**

102. **Worst forms of child labour, such as domestic servitude, constitute contemporary forms of slavery. In Togo, not all forms of child labour observed during the Special Rapporteur's visit amount to slavery, but in some cases, the experiences of children working under the *confiage* system, for example, are slavery-like practices. Such children commonly do not have effective access to education and to basic health-care services.**

103. **The Special Rapporteur remains concerned that labour inspectors have insufficient capacity and resources to conduct effective and systematic monitoring in all settings where child labour may be prevalent and to identify individual cases. Furthermore, labour inspectors are not allowed to access private homes, which means that domestic servitude remains a largely hidden and unaddressed issue, resulting in continued impunity. Also, complaints against the employers of domestic servants are rarely filed, because they are often family members. Corruption was mentioned as a factor, which in certain instances obstructs prosecution of perpetrators of child labour, as it is a factor preventing prosecution of criminal cases related to child trafficking.**

<sup>43</sup> Institut National de la Statistique et des Études Économiques et Démographiques, and UNICEF, "Multiple Indicator Cluster Survey, Togo 2017", preliminary report.



104. The Government of Togo needs to urgently and significantly step up its action to eliminate all forms of child labour by 2025 as per its commitments made under the Sustainable Development Goals, specifically target 8.7 which requires Governments to “take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms”. Also, implementation of target 5.3 on eliminating all harmful practices, such as child, early and forced marriage, should also be considered a matter of priority by the Government of Togo.

105. The Special Rapporteur witnessed the fact that Togo faces a number of complex and cross-cutting challenges that compound the vulnerability of individuals, particularly children, to contemporary forms of slavery. The challenges include resource constraints, the weak enforcement of laws, difficulties in providing universal coverage of services throughout the country, low levels of community engagement, limited access to information suited to the needs of children and adolescents, the persistence of harmful social norms and traditional practices, and generalized patterns of discrimination, including on the basis of gender, sex, age and disability.

106. In spite of the numerous efforts made over the past years, the overall response of the Government of Togo to child labour, including in its worst forms, continues to be fragmented and inadequate. Legislative and policy gaps persist in the national protection system.

107. The multifaceted nature of the worst forms of child labour requires stronger collaboration and cooperation between government agencies, as well as closer involvement by civil society actors, the business sector, religious leaders and other stakeholders. Furthermore, to achieve sustainable change, the mindset of some segments of Togolese society needs to change. Currently, child labour, often conducted through the *confiage* system, continues to enjoy strong social acceptance.

108. The development approach of Togo should be revisited and brought into line with international human rights standards and the Sustainable Development Goals. Also, the allocation of additional financial and human resources is required in order to address the root causes of the economic exploitation of highly vulnerable children.<sup>44</sup> To this end, poverty eradication, education and gender equality should be the focus of renewed attention and action by the Government.

109. The Government must also step up its actions to fulfil its commitments with regard to data collection in order to measure progress against specific indicators related to Sustainable Development Goals targets 8.7 and 5.3. Generally, the national statistical system lacks adequate capacity and resources to produce accurate, systematic, centralized and disaggregated data. Although various agencies seem to be collecting various sets of data related to the worst forms of child labour, trafficking of children, violence against children and child marriage, the data are not comprehensive and systematic.

110. The Special Rapporteur recognizes the difficulties in this area because of the hidden nature of child labour, which often takes place in informal sectors, such as in the domestic sector through *confiage*. Therefore, labour inspections should be strengthened in the informal sector, including the domestic sector, and inspectors should be trained to effectively identify domestic servitude and other contemporary forms of slavery.

111. The Special Rapporteur was encouraged by the constructive dialogue with the authorities throughout her visit and hopes that the Government’s assurances with regard to the existence of political commitment will translate into concrete actions to eradicate manifestations of contemporary forms of slavery addressed in the present report.

<sup>44</sup> CRC/C/TGO/CO/3-4, para. 18 (c).

112. In order to assist those efforts, the Special Rapporteur addresses the following recommendations to the Government, and is committed to continued engagement as regards following up on them.

## **B. Recommendations**

### **Legal framework and access to justice**

113. Consider ratifying the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189).

114. Ensure the abolition of all forms of early and forced marriage, including by increasing the minimum age of marriage to 18 years for girls.

115. Organize systematic training, sensitization and awareness-raising programmes focused on existing laws and regulations on child labour, for judges, other members of the legal profession, civil servants and law enforcement at the prefecture level.

116. Expand the mandate of labour inspectorates to private homes in order to increase the number of inspections and fines for employers for exploitative child labour, in particular in the domestic sector.

### **Human rights-based approach to development and responsibility of private actors**

117. Align the National Development Plan 2018–2022 with relevant targets of the Sustainable Development Goals, in particular targets 8.7 and 5.3, and ensure that strategies and policies to end contemporary forms of slavery such as the worst forms of child labour are human rights-based. This should also apply in relation to plans focused on setting up a prime business centre in the subregion, transforming agriculture and extractive industries, and reducing poverty.

118. Complement a criminal justice approach to the eradication of child labour and child marriage with the creation of development opportunities that are inclusive and hence are also available and accessible to the most marginalized segments of society, such as disadvantaged families in rural and urban areas.

119. Engage with private and State-owned companies to ensure that they take effective measures to prevent, respond to and remedy child labour and other human rights abuses in their businesses, as stipulated in the Guiding Principles on Business and Human Rights. Furthermore, develop concrete mechanisms to ensure that these actors address the risks of child labour effectively in their operations or in products, services or operations to which they may be directly linked, by undertaking due diligence processes.

### **Awareness-raising**

120. Address as a priority the deep-rooted social acceptance of child labour, including through practices such as *confiage*, and the customs and traditional and religious beliefs that may result in abuse and exploitation of children, including in slavery-like situations. The Special Rapporteur highlights the crucial role of nationwide awareness-raising campaigns on the criminalization of child labour, child marriage and other harmful practices. Strong public messaging regarding the prohibition of child labour, child marriage and other harmful practices could make an important contribution to promoting a culture of respect for children's rights and the equality of women and girls.

121. At the local level, strengthen the role of traditional chiefs and religious leaders in ending the exploitation and abuse of children, due to their proximity to the local population and since many of the practices leading to child abuse are of a traditional and cultural nature. Ensure that instruments such as the Declaration of Notsé are implemented more effectively, by regularly monitoring change at the local and the community levels.

**Holistic child protection policies and national strategy to eradicate child labour and other forms of child abuse**

122. With the support of relevant national and international stakeholders, establish a time-bound national action plan on child labour with clear targets and indicators, as well as procedures regulating interministerial cooperation and coordination regarding the identification of vulnerable children and their referral to services. Furthermore, ensure that the action plan is in line with the existing child protection policies and international child rights standards to ensure a holistic approach to preventing and responding to all manifestations of contemporary forms of slavery affecting children.

123. Dedicate resources to strengthen existing initiatives by civil society actors, and develop new strategies focused on the prevention of child labour, including in its worst forms.

124. Ensure child victims' access to justice, and effective access to health care, and to quality education which is free of indirect costs, as well as to other basic services. At the same time, ensure more robust and effective rehabilitation services for victims of child labour, child marriage and other forms of abuse and exploitation.

125. Strengthen the effectiveness and efficiency of the toll-free helpline and expand its coverage to ensure that children living in rural areas are able to access it, including related services. Ensure that data on the number and nature of reported cases are systematically collected and analysed.

126. With regard to witchcraft, develop adequate prevention and response strategies, including effective recovery and reintegration services for child victims of witchcraft.

**Data collection**

127. As part of its commitment to the 2030 Agenda for Sustainable Development, the Government should allocate resources that allow for systematic collection, systematization, analysis and centralization of data on child labour, including in the informal, private and public sectors. Such data should be published on a regular basis to ensure the transparency and accountability of the Government as regards the effectiveness of existing policies and strategies.

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