



Statement of the Institute for Human Rights and Development in Africa (IHRDA) to the African Committee of Experts on the Rights and Welfare of the Child (ACERWC), at the 39th Ordinary Session of the Committee

- Presented by Mr. Godwin ETSE -

Honourable Chairperson of ACERWC,

Honourable experts in your respective ranks and grades; all protocol strictly observed,

IHRDA, in collaboration with members of Pools of Lawyers and Human Rights Defenders in Togo and in Sierra Leone, welcomes the opportunity to share with you its concerns about the situation of children's rights in these two countries.

During the review of Togo's report in 2011, the Committee raised concerns about the literacy rate, the budget allocation for the promotion and protection of children's rights, as well as the full territorial coverage of the implementation of children's rights and welfare.

In recent years, Togo has achieved a 94% access rate to primary school. This is due to measures such as free primary education. However, in practice, in many schools, parents are asked to pay additional fees. As a result, school is not accessible to children whose families do not have the means to cover these costs.

We note with concern that the child protection services do not have the necessary resources for the protection and effective support of children, especially those who are victims of violence or harmful traditional practices. During advocacy work carried out at local level by CREUSET Togo, an NGO and member of the Togo Pool of human rights defenders, councils mentioned that the budgetary structure does not allow for a specific budget line on child matters. Furthermore, in Togo, despite a reform of the law on the organisation of the judiciary, which introduces a high court in each region, and consequently better access to child tribunals, these courts are still not operational.

Despite a legal framework that protects and guarantees the rights and welfare of the child in accordance with provisions of the Charter, the Togo Pool of human rights defenders has documented several cases in which children are victims of various forms of violence,

particularly domestic violence, violence in schools and forms of modern slavery. The situation is such that the Multiple Indicator Cluster Survey (MICS) conducted by UNICEF revealed that 91.8% of children aged 1 to 14 have been subjected to at least one form of violent discipline, 48.5% of children aged 5 to 17 are involved in economic activities or household chores. Of these, 28.2% are girls and 37.2% work in hazardous conditions.

This lack of protection for children is compounded in some areas by the poverty of the population, and demonstrates a disparity in the implementation of children's rights and welfare. There is concern about the persistence of harmful cultural practices, including early marriage, swapping, infanticide, and the persecution of so-called witch children. A study in 2021 by an NGO member of the Togo Pool revealed that these practices are still very present in the localities of OTI, Oti sud and Dankpen.

We would also like to draw the Committee's attention to the impunity enjoyed by the perpetrators of attacks on the lives of children who have died during public demonstrations in the country. Between August 2017 and December 2020, four (04) children lost their lives during repression of public demonstrations by the forces of order. This is the case of:

- Rachad Maman AGRIGNA, a 16-year-old student in the Form 4 (10th grade) in Bafilo,
- Yacoubou ABDOULAYE, a 9-year-old student,
- Kokou Joseph ZOUMEKEY, known as Jojo, a 13-year-old student in Lomé,
- Idrissou Moufidou, a pupil mechanic shot dead in Lomé.

The outcome of these investigations is still unclear and the perpetrators are not known.

IHRDA would also like to bring to the attention of the Committee that many children have undergone female genital mutilation (FGM) in Sierra Leone as a rite of passage to adulthood. In many of these cases, there is no prosecution of the perpetrators, largely because there is currently no law criminalising FGM in the country. In our view, the lack of criminalisation of FGM is a violation of Articles 1(3), 5, 14(1) and 16 of the African Charter on the Rights and Welfare of the Child.

In view of the above, we invite the Committee to urge Government of the Republic of Togo to:

- Take steps to ensure that, in practice, access to primary school in rural areas is made free by abolishing indirect fees and contributions;
- Improve the legislative framework, to ensure that harmful practices such as the persecution of children as witches are considered offences;
- Operationalise the juvenile courts provided for in the Code on the set-up of the judiciary, and provide adequate resources to the children's social assistance services;
- Equip judicial police officers specialised in juvenile justice and disseminate the rules for the protection of minors deprived of their liberty to the population and decentralised public authorities;

- Successfully investigate and punish perpetrators of murder of children during public manifestations;
- Involve civil society and various actors in the revision of the Child Code which started in 2020, in order to finalise and adopt the Code.

We further urge the Committee to work with the Government of the Republic of Sierra Leone towards the adoption of a law criminalizing FGM on children.

Thank you for your attention!

Banjul, 22 March 2022

Gaye Sowe

Executive Director, IHRDA