



Inter-
Parliamentary
Union

EXPANDING PARLIAMENTARY ACTION FOR IMPROVED RESULTS IN THE FIGHT AGAINST CHILD TRAFFICKING IN TOGO

National Seminar for Parliamentarians and Their Collaborators,
Jointly Organized by the Inter-Parliamentary Union and the
National Assembly of Togo

Lomé, 23-24 November 2010



National Assembly
of Togo

SUMMARY AND RECOMMENDATIONS OF THE SEMINAR

The rise of child trafficking demands strategic convergence and execution by all actors, including parliament, to respond effectively and in concert to the devious means deployed by traffickers to perpetuate this disastrous scourge. Accordingly, we, parliamentarians, representatives of the executive branch, international institutions, local communities, civil society and international institutions, have gathered at Lomé, from 23 to 24 November 2010, to discuss the theme *Expanding Parliamentary Action for Improved Results in the Fight Against Child Trafficking in Togo*.

This national activity followed up on the Regional Conference of Cotonou, which concluded by issuing a roadmap providing orientation for parliamentary action against trafficking. This seminar represents a continuation of that conference and is intended to conduct an in-depth examination of the specific case of trafficking in Togo with a view to identifying areas in which parliament can contribute to national mobilization against this scourge.

We have been enlightened by the experts who have enabled us to grasp the specificity of this practice in our country, familiarize ourselves under with international and regional instruments for protection against child labour, learn more about the actions being taken and the challenges to be met in this area, and identify how we can best contribute.

We have felt consternation and serious concern to learn: that trafficking in our country is a domestic as well as transnational phenomenon (to and from neighbouring countries); that the victims' ages range between six and 18, and that traffickers resort to all possible and unimaginable means – including disguising children as Celestial Christians¹ – to escape the vigilance of law enforcement officers when crossing borders. We have been profoundly moved by the testimony given on the conditions to which the victims of child trafficking were exposed during transport at sea.

From an internal standpoint, all regions – Savanes, Kara, Centrale, Plateaux and Maritime – are touched to varying degrees by this scourge. Trafficking has taken on the most alarming proportions, however, in the large urban centres, such as Lomé, Kpalimé, Atakpamé, Sokodé, Kara and Dapaong, where commercial activities are concentrated attracting an exodus from villages to towns and offering the mirage of a better life overnight. Apart from poverty, other causes, such as oppressive sociocultural norms, violence or mistreatment toward children, lack of schooling, porous borders, corruption, family breakups, and the inadequacy of the legislative framework, have all contributed to the displacement of children who suffer the physical, psychological and social consequences of trafficking.

¹ The Celestial Church of Christ is a religion that claims to derive from Christianity, whose followers dress entirely in white and are always barefooted.

During our exchanges, we also learned about other, less perceptible causes. In fact, the income-generating activities that are supposed to facilitate the reintegration of children rescued from traffickers can become a motive for neighbours to send their children out into the world in the hope of also enjoying such advantages should their children also be saved from trafficking!

The candour of our discussions has enabled us to take a critical look at ourselves, as members of the professional class. We create demand for children as servants in our households while sending our own children to school. We have at the very same time denounced women merchants who exploit young girls for harsh and exhausting labour.

We have nonetheless welcomed the activities undertaken to eradicate this scourge. Togo's arsenal of legal instruments and ratification of the principal texts that prohibit trafficking and promote the rights of the child assure us of a legal base on which to build future strategies in the fight against trafficking. Key legislative acts include: Law 2005-009, of 3 August 2005, concerning child trafficking, article 8 of which stipulates the creation of a national commission for the fight against child trafficking; Law 2007-017, of 6 July 2007, establishing the Children's Code, whose adoption of the term "trafficking" was inspired by the United Nations Convention against Transnational Organized Crime and Its Additional Protocol to prevent, suppress and punish trafficking in persons, especially women and children (Palermo Protocol, to which Togo has acceded). Endorsing this terminology, we consider that "trafficking" effectively captures the reality of a scourge characterized by the mobility or displacement of its victims.

We were also pleased to learn: that the Penal Code is in the process of being revised so as to reflect the conventions to which Togo is party and to adapt the sanctions to the crimes committed; and that preliminary draft legislation, in the process of being validated, would permit an expansion of the legislation's scope to include adults and criminalize infractions targeted by the fight against trafficking in persons.

We have expressed our support for the various public awareness campaigns on the harm caused by trafficking. The Head of State personally attended one such event in March 2008, to disseminate information about the law on trafficking. We have called for a renewal of these initiatives so that more such results can be recorded.

We found various institutional measures particularly noteworthy, including development of the national plan for the fight against child labour, the national plan for the fight against trafficking in persons, especially women and children, the national policy for the protection of children, and the training of actors engaged in the fight against child trafficking. These strategies represent significant progress in terms of the efforts deployed and the strength of the fight against this scourge. The proof is that from 2005 to the present, approximately 9760 children being subjected to trafficking were identified and repatriated, and approximately 3744 benefited from socio-professional support.

However, the existing legal framework would benefit from review and consolidation. Given the persistence of trafficking, we believe that all provisions must be made to oppose traffickers wherever they may be and however they might operate. A common strategy for all of the actors, which we wholeheartedly advocate, should not open windows of opportunity to "merchants of children". And yet, we have observed with regret that neither the two laws that can be applied against trafficking nor the Penal Code itself clearly reflect the provisions of the Palermo Protocol with respect to victim and witness protection. Moreover, it turns out that the two existing texts are similar and leave the

disconcerting impression of privileging quantity over quality. At the same time, profiting from this omission, traffickers have gained a considerable head start in this cat-and-mouse game we have been playing for years, much to the detriment of our children. The introduction of measures against trafficking should therefore not exempt us from being attentive to the quality of the tools we adopt.

We have also observed that as we mobilize to eradicate trafficking, the State lacks sufficient structures to provide refuge for and reintegrate trafficking victims into society. As a result, traffickers subjected to interrogation and their victims are held in the same facility in some localities. We have also observed a lack of coordination in the procedures for taking care of victims. We recommend that the necessary measures be taken to close these debilitating gaps as soon as possible.

Considering child trafficking as the sum of a series of interdependent elements, we believe it is necessary to look at all anti-trafficking strategies from a holistic perspective, which means taking account of the mobility of children both within the country and abroad, related or similar offenses involving women and adults. From that standpoint, we believe that a harmonized and comprehensive legal framework adapted to the character of trafficking in Togo, as well as a strengthened and modernized institutional framework, need to be considered fundamental prerequisites in this fight. We call for renewed interest and political will to firmly oppose traffickers in defiance of established norms.

In seeking solutions to combat trafficking, we have given pride of place to the justice system, which must be more involved in all areas of the fight against this scourge and be equipped with an active mechanism for transmitting information. The justice system must be kept informed of all agreements signed by Togo, and in particular the Multilateral Cooperation Agreement to Combat Child Trafficking in West Africa, signed on 27 July 2005, and the Multilateral Cooperation Agreement to Combat Trafficking in Persons, Especially Women and Children, in West and Central Africa, signed on 6 July 2006.

The justice system must also concern itself with victims and ensure that they are safe. Justice must be administered with humanity and equity to avoid feelings of frustration and injustice. It was in that spirit that we debated the sentencing table specified in the law and required discernment in the judgment of cases prior to sentencing, which needs to be in proportion to the severity of the offense. While it is true that in issuing any sentence a judge requires the presence of material, legal and moral elements, we believe that in some cases, even when these elements are not all present, the judge needs to apply the law taking into account the prejudice caused to the victim.

Similarly, in other cases the parent of a victim recognized as guilty of trafficking or of being an accomplice to trafficking has often received a firm prison sentence. Considering that parents represent the authority necessary to protect a child from falling back into the clutches of a trafficker, and that a parent in prison loses this authority, we recommend that the law provide for situations in which parents are not systematically imprisoned. There will of course be sanctions against any parent found guilty of such an infraction. However, at the time of the trial it will be up to the judge to distinguish parents who have been duped from those who have actually and voluntarily taken part in the sale of their children.

We also discussed family planning as the first step to alleviating household poverty, which is the main reason advanced to justify the sale of children. However, we do not believe that this point should be legislated: better to proceed by heightening public awareness about the issue.

With respect to parliamentarians, as elected representatives of the people, we have an essential role to play in the fight against trafficking. We need to inspire and promote all of the initiatives just mentioned and take steps to ensure that they materialize in the field. To do so, we undertake to contribute to the development and implementation of a common national strategy. As representatives of the people, we need to regularly heighten public awareness about the dangers of trafficking and the need to keep children in school, rather than offering them an uncertain future in some distant place.

In terms of concrete action, during development of the national budget, we need to propose and support the taxes needed to finance the fight against trafficking, and to provide quality education and income-generating activities for the families concerned, as a way to alleviate the poverty that leads them to sell their children.

However, we must convince the public that poverty is not a sufficient reason to sell children, who are human beings enjoying inalienable rights, not merchandise. We need to call their attention to the severe punishment that awaits them should they be found guilty of selling children or of being accomplices to traffickers.

Aware that trafficking can only be combated through concerted action by all actors, we need to involve the public in the fight against this scourge. To that end we should canvass their opinion on what should be done against trafficking and to seek their engagement in the development of strategy, since measures that do not reflect the aspirations of the people are destined to fail.

With respect to legislation, we need to align national legislation with international norms for the fight against trafficking and promotion of the rights of the child. We need to expand our mission of spreading public awareness about the laws we adopt. A potential model for such efforts is the law to suppress child trafficking, which was translated and disseminated in the principal national languages of Togo.

In terms of inter-institutional collaboration, we have evaluated the advantages of coordination among the various actors in terms of harmonizing strategies and implementing them in concerted fashion. We are fully committed to collaborating with all of the actors concerned in this fight and reiterate our entire willingness to contribute to national mobilization against trafficking. We invite you to share any suggestions you may have as part of an inclusive approach to contending with this scourge.

All of the recommendations just mentioned are part of the plan of action attached to this summary.

We wish to express our appreciation to the President of the National Assembly, to the Inter-Parliamentary Union and to the organizers who contributed to the success of this seminar.

Done at Lomé, 24 November 2010

The Seminar.