

Togo

Observations on Togo's report under the Optional Protocol on the involvement of children in armed conflict (August 2023)

Summary

- **Reporting.** The State Party's report was submitted 13 years late, though it is thorough and follows the guidelines closely.
- **Military schools.** Despite the welcome prohibition on child recruitment, it remains unclear whether children admitted to certain military schools and academies are classified as members of the armed forces and/or could be mobilised.
- **Possible financial coercion.** Students of at least one military school are required to repay all fees if they decide not to pursue a military career, which may amount to child recruitment by financial coercion.
- **Weapons training.** Children at military schools receive weapons training.
- **Migrant children.** The State Party's claim that it 'has not hosted any unaccompanied foreign children who have been involved in armed conflict' is unevicenced.

Introduction

The Child Rights International Network (CRIN) and Conscience and Peace Tax International (CPTI) present these comments as part of their project to monitor worldwide compliance of all states with the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (OPAC).

OPAC came into force in February 2002. Under article 8, each State Party is required within two years of ratification to submit a report to the Committee on the Rights of the Child (the Committee) on the treaty's implementation. The Committee has now considered such reports from 98 states. Togo's report is the first to be considered since 2019.

Country situation

Togoland was a German protectorate from 1885 until 1914 when it was occupied by Britain and France, which then shared control under a League of Nations mandate and subsequently UN Trusteeship. Following a plebiscite in 1956, the territory under British stewardship was incorporated into the then Gold Coast, now Ghana. The remainder, present-day Togo, gained independence from France and joined the UN in 1960.

The armed forces were prominent in the development of the independent State. The first President, Sylvanus Olympio, was assassinated in 1963 in a coup by Togolese soldiers

decommissioned from the French colonial army. In 1967 Olympio's assassin, Gnassingbé Eyadéma, then Chief of Staff, seized power by force and ruled until his death in 2005. His son Faure Gnassingbé has since been returned as president in successive elections.

Upon independence a system of selective military conscription took effect, though appears not to have been implemented.

When power transferred to Gnassingbé in 2005, security forces crushed mass protests killing hundreds of people, according to a UN report.¹ The country has since largely escaped the intercommunal armed violence which has marked the history of many other states in the region, and we are unaware of any reports of government forces or armed factions using child soldiers. In recent years, it has however suffered cross-border raids by Islamist militants from Burkina Faso.

Togo ratified the Convention on the Rights of the Child in 1990 and OPAC in 2005 without reservations.

Key data

Population (November 2022, est.):	8.5 million ²
Armed forces: (November 2022, est):	13,450 ³
Other security forces:	- Paramilitary gendarmerie (750) ⁴ - National police, prison guard corps, the Waterways and Forest Service and the Customs and Indirect Tax Authority (strength unknown)
Recruitment model:	Voluntary. Conscription is not practised.
Minimum recruitment age:	18
Conscientious objection:	Not known to have arisen. Right not recognised.
OPAC:	Ratified 2005 (without reservations); report submitted 2020 .

Issues arising

Reporting delay

Togos' report under OPAC was submitted in 2020, 15 years after ratification and thus 13 years late.

Nevertheless, its eventual arrival must be welcomed; it is comprehensive and follows the reporting guidelines closely.

¹ <https://www.iol.co.za/news/africa/500-killed-in-togo-electoral-violence-un-254481>.

² *The Military Balance 2023* (International Institute of Strategic Studies, London).

³ *Ibid.*

⁴ *Ibid.*

‘Straight-18’ policy

It is welcome that compulsory recruitment is not practised and that the State Party has clearly declared that a strict age limit of 18 years applies to recruitment into all military and paramilitary forces.⁵ There is no reason to doubt that this is enforced, meaning that the possibility of the deployment of children in hostilities does not arise.

It remains unclear whether children admitted to military schools and academies are classified as members of the armed forces and/or could be mobilised. The State Party’s report explains:

‘The minimum age for voluntary recruitment to the Togolese armed forces being 18 years, there are no children serving in the armed or paramilitary forces. However, the Togolese Officer Training School and the Lomé Military Health Services School are authorized to admit children from the age of 16 years with written consent from their legal representative (General Armed Forces Regulations, art. 61). To date, only the Lomé Military Health Services School has admitted any minors – a total of five between 2007 and 2018.’⁶

Since these are military training schools, it is possible that cadets at these institutions are classified as military personnel, trained as such, and subject to military law and discipline.

The State Party makes clear that ‘written consent from their legal representative’ is required⁷ before a child can enrol in these institutions. It does not explain whether this amounts to fully informed consent, by whom, or how such consent is verified.

Recommendation

- ***In view of the risks that a military setting can pose to children, we recommend the Committee urge the State Party to close this loophole and allow only adults from age 18 to enrol into its military training schools.***

Other military schools

According to the State Party report:

‘The Eyadéma military college in Tchitchao is the only school administered by the Togolese armed forces. It has the status of a national school with regional responsibilities and admits children from French-speaking West African countries, Chad and the Central African Republic. General education at the college is the same as at all other schools and is taught by an entirely civilian teaching staff. The military personnel assigned to the college are responsible for managing the school and supervising instruction.’ (para 53)

⁵ The Binding Declaration submitted on ratification of OPAC states: ‘In accordance with article 3 (2) of the Optional Protocol, the Government of the Republic of Togo: (i) Declares that the minimum age at which voluntary recruitment into its national armed forces is permitted is eighteen (18) years; (ii) The following is a description of the safeguards that the Government has adopted to ensure that such recruitment is not forced or coerced: - Any person under 18 years of age cannot be recruited, neither accepted for recruitment, even voluntarily, nor registered as a member of the Togolese Armed Forces (FAT). - National military service does not exist in Togo. - The recruitment is national, voluntary, conducted in public upon presentation of a birth certificate, a school or training certificate and of diplomas obtained. - All recruits undergo a rigorous medical examination.’

⁶ [CRC/C/OPAC/TGO/1](#), para 24.

⁷ *Ibid.*

Although students are not members of the armed forces, the report appears to imply that students undergo weapons training (they 'learn about weapons') in their last two years at the school.

Recommendations

- ***Students at Eyadéma military college who choose not to pursue a military career after graduating are required to repay all school fees, which may amount to recruitment by financial coercion. We encourage the Committee to recommend that the State Party remove this condition of enrolment.***
- ***No statistics about military schools are provided. We encourage the Committee to ask the State Party for enrolment figures disaggregated by age, gender, ethnicity, and socio-economic status.***
- ***It is unclear whether human rights and peace education form part of the curriculum at military schools and military training academies. We encourage the Committee to recommend this.***

Protection, recovery, and reintegration

The State Party report declares: 'Togo has not hosted any unaccompanied foreign children who have been involved in armed conflict.'

This claim is unverifiable and insufficient. Togo borders Burkina Faso, which has been suffering with the rest of the Sahel from armed conflict, including the abduction and use in hostilities of children.⁸ It is impossible to verify that no children in the State Party's territory have been victims of acts contrary to the Protocol.

Recommendation

- ***We encourage the Committee to recommend that the State Party adopt a strategy to identify refugee children who may have been involved in armed conflict, and to provide for their physical and psychological recovery and social reintegration.***

Other issues for clarification (also raised in the List of Issues)

Other significant questions for clarification have already been raised in the List of Issues pending responses from the State Party:

1. Age verification of military recruits; and
2. The operation of extraterritorial jurisdiction with regard to actions contrary to OPAC.

⁸ UN General Assembly, Children and armed conflict: Report of the Secretary-General 2023, [A/77/895-S/2023/363](#).