

## 4.15 Togo

### 4.15.1 Migration trends

#### 4.15.1.1 Immigration

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 gration. It constitutes an important element of demographical data collection in Togo. The previous  
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DataopulationAU	(lt-LT89 W 76 0 1 193.70 I S 3 /31)TjHfr-CH/Spain <</MC 21M1 2 0 26.15 I S Q

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Foreigners mainly reside in the capital city, Lomé, as well as in the Maritime and the Plateaux regions.

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 RI IHPDOHV

Like nationals, most migrants are likely to be employed in the informal labour market.

7 KH QXPEHU RI VWD\ UHVLGHQFH SHUPLWV GHOLYHU  
 ZDV OLPLWHG WR DS

Despite the absence of a collated database on regular migrants, such numbers give an idea of the limited character of regular migration in Togo.

Tra cking in persons is primarily an internal phenomenon.

Most foreign victims of tra cking in Togo are children from Ghana and Benin, who are forced into domestic servitude.

There are indications of Nigerian women and girls being forced into prostitution.

'LUHFWRQ \*ÜQÜDOH GH OD 6WDWLVLTXH HW GH OD &RPSWDELOLWÜ 1  
 Recensement général de la population et de l'habitat.

Direction Générale de la Statistique et de la Comptabilité Nationale, RGPH4 Recensement Général de la Population 2010,  
 Volume 1: Résultats prioritaires 7DEOHDX 5ÜSDUWLWRQ GH OD SRSXODWLRQ UÜVLGHQ

Ibid.

Ibid.

Kpodar, A. Contribution à l'élaboration du DSRP II. Rapport des Comités sectoriels Justice, Droits de l'homme et Sécurité  
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U.S. Department of State, Tra cking in Persons Report 2013 S

Ibid.; UNESCO, La traite des personnes au Togo: facteurs et recommandations S

8 1 (6 & 2 R S F L W S



4.15.1.2.1 Characteristics of emigrants/nationals abroad

<p>Countries of destination/ residence:</p>	<ul style="list-style-type: none"> <li>a Togolese officials commonly refer to a diaspora distributed as follows: two-thirds in Africa (mostly in West and Central African states) and one third outside of the continent, mostly in France, Germany, Italy, and the U.S. Such estimates, which are not based on specific sources, are to be taken with caution.</li> <li>a According to the DRC database, the Togolese migrant stock is primarily located in West and Central African states. Among these, Nigeria dominates, followed by Benin, Burkina Faso, Guinea, Gabon, and Ghana.</li> <li>a The number of Togolese residents in OECD countries appears to be low. The OECD PLJUDWLRQ GDWDEDVH LGHQWL1HV *HUPDQ\ )UDQFH LQ ,WDO\ LQ DQG as the only significant countries of destination among OECD Member States. The predominance of Germany is somehow surprising given that France is usually considered the main country of destination for Togolese nationals in the EU.</li> </ul>



Ministry of Foreign Affairs and Cooperation	Directorate for Togolese Abroad Unit in charge of the Diaspora Programme	Relations with nationals abroad, including their protection
Ministry of Planning, Development, and Territory Planning		Elaborating and monitoring the implementation of the national development plan

Other public institutions concerned with migration include the Directorate General of Statistics and National Accounts, the Ministry of Economy and Finances, and the Ministry of Social Action, Women Promotion, and Alphabetisation.

#### Inter-institutional coordination

Migration management in Togo is undertaken by distinct ministries and public institutions, with there being little consultation and cooperation between them. The only institutionalised inter-ministerial institution is the unit in charge of the Diaspora Programme. Although its purpose is currently limited to the implementation of a specific project, this institution, initially operating under the authority of the services of the Prime Minister and now functioning within the Ministry of Foreign Affairs and Cooperation, should eventually be granted more permanent functions and operate under the title of the National Agency for Togolese Abroad.

## 4.15.2.2 Immigration: national policy framework and institutional practices

## 4.15.2.2.1 General immigration provisions

Legislation/Policy Framework	Description
Law No. 87-12 on Foreigners' Police, 1987 <sup>302</sup>	Law, Art. 5 foresees three types of visas: a entry visas, the validity of which may vary from one day to six months; a stay visas, which may be valid for between one day and two years; and a exit visas.
Decree No. 96-113 on General Conditions for Delivery of Visas, Stay Permits and Special Regimes, 1996 <sup>303</sup>	Decree, Art. 5 makes further distinctions between: a VKRUW WHUP VWD\ YLVDV _ YDOLG IRU D PD[LXP a ORQJ WHUP VWD\ YLVDV _ YDOLG IRU PRUH WKDQ Decree, Art. 8 states that continuous stay under either short- or long-term stay visas is limited to three months per semester. For a longer stay in the country, a stay permit has to be delivered. Law, Art. 6 distinguishes between three types of stay/residence permits: temporary resident stay permit , ordinary resident stay permit , and privileged resident stay permit. Law, Art. 7: The validity of the temporary resident stay permit shall not exceed the duration of validity of the "authorisations and visas obtained by the individual to stay in Togo". It can be extended for periods of one year. Law, Art. 8: The ordinary resident stay permit is valid for three years, and is renewable. Law, Art. 9: The privileged resident stay permit is initially delivered for a period of six years and can be renewed for periods of ten years. It is delivered to foreigners that have resided in Togo in a continuous manner for more than ve years, as well as to spouses of Togolese nationals (without this requirement). Decree, Art. 4; Art. 12: As a general rule, the delivery of visas and permits is submitted on condition of sufficient financial means, an extract of the police register, and a medical certificate.

The legislation does not explicitly define entry and stay visas. It is most probable, given that Togolese immigration legislation is largely inspired by French administrative law that, following the French example, immigration in Togo is subject to the delivery of a long-term visa. The long-term visa serves as an 'immigration visa', the purpose of which is not simply to control entry but also stay and residence in the country. The main consequence of such a system is the requirement that application for an immigration status should be made abroad rather than upon arrival in the country.

Togolese immigration legislation contains a number of gaps. Conditions and procedures for the delivery of visas and permits, as well as the rights attached to the different immigration statuses are not clearly stated. More specifically, the legislation lacks provisions on family migration and the status of ECOWAS Member States' nationals.

Loi No. 87-12 relative à la police des étrangers, 1987.

Décret No. 96-113 déterminant les conditions générales de délivrance des visas et cartes de séjour et fixant des régimes spéciaux, 1996.

Carte de séjour de résident temporaire.

Carte de séjour de résident ordinaire.

Carte de séjour de résident privilégié.







## 4.15.2.2.4 Migrants at risk

Legislation/Policy Framework	Description
Law No. 2005-009 on Child Trafficking <sup>1311</sup>	<p>Art. 10 prescribes penalties comprised of between two and five years in prison for perpetrators.</p> <p>Art. 11: In case of aggravating circumstances – such as subjection of the child to worst forms of labour – penalties are of five to ten years' imprisonment.</p> <p>Art. 12: Parents and legal guardians who facilitate trafficking of children are subject to penalties of six months' to one year's imprisonment.</p>

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 victims and prevention of the crime. It refers to the creation of a national commission against trafficking.  
 In practice, this institution, the National Commission for the Reception and Social Reintegration of Trafficked Children,



#### 4.15.2.3.2 Migration and development

The elaboration of a policy in the field of migration and development in Togo is only at an early stage. Responsibilities in this regard are mainly shared between the Directorate of Togolese Abroad and the unit in charge of the Diaspora Programme, with both being under the authority of the Ministry of Foreign Affairs and Cooperation.

The activities of the Directorate of Togolese Abroad remain limited, although study visits have been organised to Mali and Senegal as well as Europe and the U.S., and NGOs engaged in the mobilisation of the diaspora for the national development have been provided with technical support.

The Diaspora Programme is supported by UNDP and the African Development Bank. Its managing unit is charged with the following responsibilities:

- mobilising diaspora competencies to reinforce national institutional capacities;
- improving the investment climate in Togo;
- developing initiatives with a view to engaging the Togolese diaspora in the economic and social development of the country; and
- facilitating the reintegration of returning migrants.

The unit could eventually be granted more permanent functions and operate under the title 'National Agency for Togolese Abroad'.

A landmark in the elaboration of a migration and development policy was the adoption of a Strategic Plan for the Mobilisation of the Togolese Diaspora. The plan outlines the following objectives:

#### 4.15.2.3.3 Migrants' protection

##### Information dissemination

Togo has yet to organise comprehensive information programmes to provide migrants and potential-migrants with information on the different aspects of migration processes and living/working conditions in countries of destination. Some information sharing activities have been organised by a local NGO, Visions Solidaires, which operates a centre called Maison des citoyens du monde Lomé.

##### Protection in countries of destination

Protection activities undertaken by diplomatic and consular posts mainly concern child victims of trafficking. Togo has concluded agreements with several ECOWAS Member States, namely Benin, Burkina

Togo has also signed, but not yet ratified, the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ILO Convention 103) and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Migrant Workers and Members of Their Families (African Charter Protocol on Migrant Workers).

Subsequent protocols regarding free movement of persons, residence and establishment.

Agreements related to the fight against trafficking in persons and smuggling of migrants

With regard to the fight against transnational organised crime, including the smuggling of migrants, a Memorandum of Understanding (MOU) was signed in 2014 between Togo, Burkina Faso, Ghana, and Nigeria to coordinate protection of child victims of trafficking and their repatriation.

Bilateral agreements with France

Outside West and Central Africa, agreements have been concluded with France. While no bilateral labour agreements related to entry, stay, and residence:

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 tions to the common French immigration legislation. It foresees the delivery of the same stay/residence permit to family members in case of family reunification (instead of a temporary stay permit XQG HU )UHQFK DGPLQLVW °UH ^ž\$UH ^ž\$UH RJ

#### 4.15.4 References

Bouka, Y.,

