

SITUATIONAL ANALYSIS

The smuggling of Togolese migrant workers and people trafficking in the Middle East and Central Africa





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List of Acronyms

AIDE:	Assistance Programme for Integration and Development of Employment	DGT:	Directorate General of Labour
ANPE:	National Employment Agency	DTE:	Directorate for Togolese Citizens Abroad
ANVT:	Togo National Volunteers Agency	ECOWAS:	Economic Community of West African States
ASN:	National Solidarity Agency	ILO:	International Labour Organisation
AU:	African Union	IOM:	International Organisation for Migration
CCSAMD:	Inter-Ministerial Committee for the Coordination and Supervision of Migration and Development Activities	MAECIA:	Ministry of Foreign Affairs, Cooperation and African Integration
DCPJ:	Central Management of the Judicial Police	MASPFA:	Ministry for Social Action, Advancement of Women and Literacy
DGDI:	Directorate General of Documentation and Immigration (Gabon)	MPDAT:	Ministry of Planning, Development and Land Planning
DGDN:	Directorate General of National Documentation	MSPC:	Ministry of Security and Civil Protection
DGE:	Directorate General of Employment	PROVONAT:	National Volunteers Programme
DGGPF:	Directorate General for Gender and Women's Advancement	UN:	United Nations
DGPE:	Directorate General for Child Protection	UNFPA:	United Nations Population Fund
		UNODC:	United Nations Office on Drugs and Crime

Foreword

Ethical recruitment practices and decent labour standards are vital elements of migration and development and have as such been included in the 2030 Agenda for Sustainable Development¹. The New York Declaration refers to the need for an international framework to protect labour rights and to offer a safe environment for migrant workers regardless of their status. This has been identified as a core element to be included in the forthcoming Global Compact for Safe, Regular and Orderly Migration to be adopted in 2018².

The Migration and Development (MADE) Civil Society Network, guided by the 5 year 8 point Plan of Action, has advocated for ethical recruitment standards and safe labour migration on a global and inter-regional level to protect and empower migrant workers at every stage of the labour cycle. This work has been implemented in the framework of the MADE Open Working Group on Labour Migration and Recruitment, coordinated by the Migrant Forum in Asia (MFA).

Much of the work achieved in the area of South-South recruitment has focused on labour migration from Asia to the Middle East. Meanwhile, the deplorable conditions under which African labour migrants are employed and recruited in a South-South context, both within Africa and to Middle Eastern and Gulf countries, have not yet received the same level of attention.

Reliable data and pertinent research on this issue are scattered and often not aggregated to allow for contextualisation. The present report 'The smuggling of Togolese migrant workers and people trafficking in the Middle East and Central Africa', researched and written by Samir Abi, Délali Djagoue, Assanlèlou Kalouweani, and Rachidatou Traore-Abi of the Togo-based civil society organisation Visions Solidaires,

thus provides an important contribution to present evidence of the exploitation and vulnerability of African migrant workers moving in a South-South and trans-regional context, connecting its detailed findings and situational analysis to the substantive work undertaken by the MADE Working Group on Labour Recruitment.

The MADE Europe chapter's activities focus on linking policy issues across regions, using grassroots practice examples, to effect policy change. By supporting the publication of this report, we hope that the experience of African migrants facing exploitation and inhumane working conditions will further steer discussions on labour migration policies both at the EU-Africa, i.e. the inter-regional, and the global level. It can further contribute to ensuring adequate standards and protection for all migrants, and informing (cross-) regional processes towards the development of the Global Compact for safe, regular and orderly migration.

Petra Hueck
Director ICMC Europe/MADE Europe

1 Sustainable Development Goal 8 aims to "promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all".

2 Annex II, New York Declaration, 19 September 2016: http://www.un.org/ga/search/view_doc.asp?symbol=A/71/L.1

Introduction

I am honoured to introduce this highly important study which has mobilised the entire operational team at Visions Solidaires for several months. The issue deserves nothing less, as few can remain indifferent to the suffering experienced by migrant workers around the world.

I was made aware of the difficulties faced by Togolese migrant workers in the Middle East during a trip in spring 2011. Travelling to Belgium on a Royal Air Maroc flight, I had the pleasure of sitting next to two young women travelling to Lebanon. Our delayed arrival in Casablanca caused some commotion as they had missed their connecting flight to Beirut. They were travelling by aeroplane for the first time and did not know how to continue their journey. I therefore took it upon myself to accompany them to the transfer desk, despite the risk of missing my connecting flight to Brussels. After ensuring that they could take the next-day flight to Beirut and that the company would take care of their accommodation and meals, I left them my telephone number so that they could contact me in the case of any problems. Thus began three long years of telephone correspondence. The young women did not hesitate to call me from time to time to tell me of their adventures and misadventures. Fortunately, they had a reasonably good relationship with their employers, unlike other domestic workers whose hardships they also told me of.

Years of investment in defending migrant workers in Togo and the right to mobility of Africans have rendered this issue a priority within our organisation. News of the smuggling of Togolese migrant workers towards Central Africa and the tragedies arising from the sinking of boats carrying migrants to Gabon strengthened our involvement in this area still further. A meeting with the head of the regional project 'Fighting human trafficking' from the **French Embassy in Togo**, Emmanuelle HARANG, gave an extra boost to the work of our **Information and Assistance Unit for Migrants** (CIAM). During the

course of our discussions, it quickly became apparent that an analysis of the situation would allow for a better understanding of the current context, so that proposals for concrete improvements to the support and protection of Togolese migrant workers could later be made to the relevant authorities and organisations. This study is thus the result of a mutual collaboration lasting for more than a year.

Collaboration with public institutions has also played an important role in enriching this research project. Visions Solidaires' membership of the **Interdepartmental Commission for Coordinating and Monitoring Migration and Development Activities in Togo** has equally been an asset in facilitating contact with the various government departments which agreed to participate in the research. I must take this opportunity to pay tribute to the work of the Interdepartmental Commission which enables productive cooperation between all stakeholders working on migration in Togo. Since the aim of this study is above all to open up avenues for possible action by state actors to fulfil their duty to protect citizens, Visions Solidaires will endeavour to facilitate adoption of the results of this research by all government departments involved in managing migration in Togo.

Finally, I cannot end this foreword without a heartfelt plea on behalf of those men and women who are currently enduring a harsh life of exploitation at the hands of their employers and smugglers. May these lines contribute to improving their well-being.

Samir ABI

Executive Director of Visions Solidaires

Executive Summary

The majority of Togolese emigrants leave their country to undertake paid work abroad, as a result of which they are able to send money to their families remaining in Togo. However, a large number of these Togolese migrant workers find themselves exploited and lacking access to adequate protection in their destination countries. The situational analysis contained within this study focuses on the situation of Togolese migrant workers in Central Africa (Angola, Congo, Gabon and Equatorial Guinea) and the Middle East (Saudi Arabia, Jordan, Kuwait and Lebanon). Although the exploitative conditions experienced by Togolese migrant workers exist on all continents, the decision to focus on countries in Central Africa and the Middle East was made on the basis of regular media reports on the working conditions and even on the deaths of Togolese migrant workers in these countries.

This situational analysis is based upon a qualitative research methodology comprising interviews with migrant workers who have returned to Togo and other migrant workers currently residing in the countries of Central Africa and the Gulf. Enquiries were also made to the Togolese state authorities to identify the measures in place to support and protect Togolese workers overseas. Finally, a literature review allowed a set of good practices currently employed in these destination countries and in the sending countries of migrant workers to be established.

The factors explaining emigration from Togo are personal, community-related and national in scale. At the personal level, emigration represents a quest for social status by migrants, often facing a crisis of confidence in their abilities following academic failure or difficult living conditions. Family situation is often the most decisive element in the decision to emigrate. Polygamous marriages, lack of resources, early marriages or unwanted pregnancies are common factors provoking a need to leave the country. In some communities in Togo, emigration is considered a cultural rite of passage, with the aim of preparing

the individual for adult life. Finally, at the national level, the difficult economic and social situation which Togo is currently experiencing manifests itself in a lack of employment, gender inequality and poor access to infrastructure in rural areas, explaining the population's desire to migrate for work.

Travel arrangements depend on the resources possessed by the migrant and their destination. For migrants travelling to the Middle East, the formalities of the journey are arranged by a recruiting agent acting informally on behalf of an employment agency located in the Middle East. As soon as the candidate's file is accepted by the employment agency, funds are made available to the recruiter to obtain a passport and to undertake other travel formalities. A work visa is then obtained by the employment agency, which also purchases the aeroplane ticket on behalf of the prospective emigrant. The latter tends to play a very small role throughout the procedure. However, there are cases in which recruiting agents take advantage of candidates' ignorance of the emigration procedure to extort money from them. Following the decision by the Togolese authorities to regulate emigration of Togolese migrant workers to Gulf countries by requiring presentation of a work contract meeting the standards of labour migration prior to departure, recruiting agents now arrange journeys for prospective emigrants via Ghana or Benin. The pilgrimage by Muslims to Saudi Arabia is another key time for prospective labour migrants to depart.

The journey by migrant workers travelling to Central Africa usually takes place by land and sea due to difficulties in obtaining residence permits. Migrants enter these countries in a clandestine manner with the help of smugglers and can take advantage of existing local networks to find work in the informal sector. It is important to highlight the harsh conditions endured by migrants in transit countries during these journeys. Finding themselves in trouble in transit countries, they are then exploited by smugglers.

Residence conditions for Togolese migrant workers in the Middle East and Central Africa are similar in some ways. Their stay is often marked by clandestinity and by exploitation in the workplace in the form of long working days with no weekly rest and difficulties in receiving their salary. The primary difference between the Middle East and Central Africa lies in the 'Kafala' system prevailing in the Middle East which renders the migrant worker the property of their employer. In this way, migrant workers find themselves without rights in the face of employers who can do with them as they please. Migrant workers can evolve as independent workers in the informal sector more easily in Central Africa than in the Middle East.

Independent work provides migrant workers with more freedom but they continue to be constrained by the need to obtain a residence permit to avoid an irregular status and facing expulsion by the security services in charge of immigration. In this respect, the repression experienced by migrant workers in both the Middle East and Central Africa facilitates their expulsion. It must be noted that very few countries in these regions have ratified the International Labour Organisation and United Nations conventions on the rights of migrant workers and their family members.

Upon returning to Togo, migrant workers face social reintegration problems due to the lack of state structures in place to support them. Those who succeed in returning with savings spend them quite quickly on their family's needs and are tempted to emigrate once again. Migrant workers who return with illnesses or following work-related accidents find themselves in a state of precarity. Left without care from their family, they can develop suicidal tendencies. Finally, family reintegration is equally difficult for men and women who have spent long periods away from their children and partners during their labour migration.

Various Togolese public institutions are charged with supporting and protecting migrant workers before, during and after their stay in their destination countries. Other state structures also oversee the prevention and suppression of cross-border trafficking and smuggling

of Togolese migrant workers. These structures encounter difficulties in their work due to a lack of sufficient resources, and they are approached by few migrant workers (prior to departure or upon return), as their existence is not widely known. Analysis of good practices developed in other countries has allowed us to reach a number of recommendations for the Togolese authorities which are listed at the end of the study. These recommendations will contribute to better protection of the rights of Togolese migrant workers.

Methodology

With a current population of more than 7 million inhabitants and an annual population growth rate of 3%, the number of Togolese emigrants in 2015 was 446,982 or 6% of the population³. This proportion has been steadily increasing since the 1990s. Meanwhile, the level of immigration to Togo was estimated at 276,844 people in 2015, leading us to the conclusion that Togo is more an origin and transit country than a destination country for migrants. This is not without consequences (both positive and negative) for the country as well as for migrants themselves. The Togolese emigrant population contains not only migrant workers, but also asylum seekers, refugees and students. Having migrated without the necessary documents, some of them find themselves in an irregular situation either during the journey or in their final destination country.

Togolese migrants to Central Africa or the Middle East find themselves in this category for various reasons. They face numerous risks during the journey, including those linked to the phenomenon of migrant smuggling, exploitation in the destination country or deportation in deplorable conditions.

The Protocol against the Smuggling of Migrants by Land, Sea and Air which supplements the United Nations Convention against Transnational Organised Crime⁴ indicates that the **smuggling of migrants** denotes **the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident.**

Meanwhile, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, supplement to the same Convention, states that the term '**trafficking in persons**' refers to **the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.** According to the same Protocol, **exploitation** shall include, at a minimum, **the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.**

In a joint statement on 21st July 2015, the Togolese government, through the Ministry of Foreign Affairs, Cooperation and African Integration (MAECIA) and the Ministry of Security and Civil Protection (MSPC), brought the issue of recurring reports of the deaths of Togolese girls working as domestic staff in Lebanon to the attention of the population. The information compiled by the Togolese authorities revealed living and working conditions which could be considered to be exploitative.

In light of this situation, dissuasive measures have been taken by the Togolese authorities to prevent the departure of any girls lacking a work contract in compliance with labour migration standards from Lomé airport to the Gulf States. It must be noted, however, that since these measures were adopted, the media and social networks continue to report cases of abuse and tragedy experienced by Togolese female migrant workers in the Gulf States. It is therefore necessary to consider alternative ways to guarantee the safety of Togolese migrant workers, beyond the measures proposed by the state.

³ UN Population Data, 2015, International Migration Stock by origin and destination, <http://www.un.org/en/development/desa/population/migration/data/estimates2/estimates15.shtml>

⁴ Also known as the Palermo Convention, it was signed in December 2000 and came into effect on 29th September 2003. It is supplemented by three additional protocols relating to trafficking in persons, illegal smuggling of migrants, money laundering and the illicit manufacturing of and trafficking in firearms.

With financial support from the Cooperation and Cultural Action Department of the French Embassy in Togo⁵, Visions Solidaires undertook a field study with the aim of analysing and measuring the scale of the phenomenon of migrant smuggling and trafficking as they affect Togolese migrant workers in the Middle East and Central Africa. The situational analysis emerging from this research thus aims to provide the necessary information on smuggling of Togolese migrant workers and people trafficking for the purpose of exploitation (domestic, sexual or other) in the Middle East and Central Africa in order to help governmental and non-governmental stakeholders working to fight the phenomenon to better understand its scale and to take appropriate decisions.

This situational analysis focused on the socio-economic and anthropological context encouraging the departure of Togolese migrant workers towards these regions, the ways in which they travel, the situation of workers upon arrival in their destination countries, the reintegration of victims upon return to Togo, the legal framework for protecting and supporting Togolese migrant workers and finally, good practices in other African and Asian countries for tackling similar problems.

The methodology employed in this social research study is based on a qualitative analysis comprising literature reviews and interviews with victims and Togolese stakeholders working on the phenomenon. Unfortunately, it was difficult to undertake research on-site in the countries of the Middle East and Central Africa which could have provided us with more exhaustive information on the current situation there. Nonetheless, interviews with a number of migrant workers living in Lebanon and Gabon via email and social networks contributed an additional perspective to the data collection for this research.

Data collection was undertaken over a period of two months (from mid-November 2016 to mid-January

2017) using interview guides which were sent to state institutions, civil society organisations and a number of victims of smuggling or trafficking in the relevant destination countries. These guides primarily consisted of open questions intended to gather as much information as possible during discussions with the people interviewed. Despite requests from the research team during interviews with state institutions, it was difficult to collect quantitative data, which is crucially lacking regarding the issues of human smuggling and trafficking.

Besides Lomé, the study team had to travel to Sokodé and Kpalimé to interview the local authorities and victims of smuggling and trafficking in Gabon, Equatorial Guinea, Lebanon and Saudi Arabia. Throughout the project, interviews were conducted in French, Kotocoli, Kabye and Mina. In total, twenty two (22) state and civil society institutions and eighteen (18) victims were approached for the field study⁶.

Various difficulties arose in conducting the research. The research team faced problems of availability for interview among state and civil society stakeholders, and a delayed response from certain public institutions. The lack of statistical data and often complex formalities for accessing information or administrative documents also represented obstacles to be overcome. Finally, the refusal of certain victims to participate should also be noted. Indeed, the psychological state of these victims, many of whom have still not fully recovered from the suffering endured during their stay, would have required a preliminary trust-building exercise in order for them to decide to trust researchers. Despite these difficulties, this report presents the key information on the current situation of smuggling of Togolese migrant workers and people trafficking in the Middle East and Central Africa.

⁵ As part of the project 'Supporting the fight on human trafficking in the countries of the Gulf of Guinea' (Benin, Cameroon, Ghana, Nigeria and Togo, 2013-2017)

⁶ See appendix for a list of people interviewed in these institutions

1. Socio-economic and anthropological reasons for emigration from Togo to the Middle East and Central Africa

Migration in Togo is both internal and external. At the internal level, migration largely occurs as a rural exodus towards the main urban centres of the country, in particular towards Lomé and the surrounding area. In 2015, the International Organisation for Migration (IOM) estimated the percentage of Togolese living in a region other than that of their birth at 25%⁷. This rural exodus is often the first step towards later migration across borders. Migration from the countryside towards the provincial capitals or towards the capital is often prompted by the same reasons as migration from the countryside towards other countries. These reasons are often personal, family or community-related or linked to structural problems at the national level.

1.1. PERSONAL REASONS

For Togolese migrants in general and migrant workers in particular, emigration from Togo is primarily a personal choice. This choice is influenced by an individual's own experiences or by feedback from older people who have previously made the decision to emigrate. During the interviews, the victims of trafficking confirmed that their decision to leave Togo was a deliberate, free choice. Although social and family factors play a strong role in the decision to migrate, the choice to do so is ultimately made by the migrant who must take the necessary steps and set off on the route into exile.

Our interviewees, during the field study in the town of Sokodé, mentioned an expression used by young people leaving the town: "*Mèdè Tchad*". This Kotocoli phrase means "*I'm setting out on a search*", and may be understood as expressing migrants' concern with finding themselves. In some Togolese regions,

migration is an integral part of the rite of passage towards adulthood and plays a key role in strengthening self-esteem. This self-esteem is not nurtured in rural areas by a formal education system in which pupils experience higher failure rates than pupils in urban areas. This is particularly evident in the results of national exams. The victims interviewed had mostly been obliged to abandon their studies before the final exams due to school failure, creating a sense of frustration and a lingering desire to prove their worth in society.

The majority of Togolese migrants aspire to travel to the West (Europe or North America), but few are able to make this dream come true. Those who succeed in doing so possess university degrees, are talented in artistic or sporting disciplines (football, basketball, etc.), or come from wealthier families or families with several members already living in the West.

1.2. FAMILY OR COMMUNITY-RELATED REASONS

Family reasons are those most commonly cited to justify emigration as a migrant worker. Deprivation or economic difficulties in the family, a polygamous family structure or becoming a single mother are some of the factors which emerged from our interviews. Social pressure linked to marriage or attempts at early marriage may also prompt the decision to emigrate.

Following our field study, it has become apparent that migrants from poor families - both in urban and rural areas - are more likely to attempt to migrate to countries in West Africa, the Middle East and Central Africa. Meanwhile, migrants from wealthier backgrounds will

⁷ Togo migration profile, IOM, 2015

try to migrate to Europe, America or distant horizons in Asia. By conducting a sociolinguistic analysis of the expressions used to refer to departure in the Sokodé region, we note that the phrase used by migrants from poorer backgrounds is “*Mèdè tchadi*” (I'm setting out on a search), while among migrants from rich families, the phrase is “*Mèdè Touré*” (I'm going to the West).

The decision to emigrate may arise from the family or clan in some cases. This is most common in the case of the migration of girls and women. They may emigrate in search of a job allowing them to send money to their family, or to a foreign country following an arranged marriage. The tradition of arranged marriages within a clan remains alive in many regions. This encourages migrants to return to their communities of origin in order to find a partner. Some girls, to avoid marrying someone they don't know, escape with the help of smugglers.

In other instances of emigration analysed, due to the unaffordable cost of the journey for the migrant, the whole family or clan contributes money or decides to sell one of their assets (land, herd of cows or sheep, etc.). The migrant thus becomes indebted to the whole community. Following arrival in the destination country, the settlement of this debt includes making available information and resources to bring over other members of the family.

In some communities, girls' aptitude for marriage is judged by their ability to be entrepreneurial and generate income. Among ethnic groups in the Kara region, the central region, the region of the plateaux and the coastal region, young girls who wish to get married must possess basic items such as cooking utensils and a decent wardrobe. The significant costs involved in marriage preparations thus make them easy prey for smugglers who promise them a decent job abroad, with the aim of helping them to meet their pre-marital obligations.

Polygamy and all its consequences represent a significant factor in some people's decision to migrate. For women, it is the experience of a polygamous

arrangement in which the husband can no longer meet the family's needs which prompts them to emigrate. For young men, it is either the lack of responsibility shown by parents for the needs of a large family, or competition with the child of a co-wife who has been successful abroad which determines the final decision to emigrate. Migration thus becomes the price to pay in order to attain a certain respectability within the family.

1.3. STRUCTURAL REASONS AT THE NATIONAL LEVEL

The World Bank, in its 2011 compendium on migrant statistics and remittances, considers Togo to be a low-income country and one of the most fragile in the world. This categorisation allows us to better understand the numerous structural problems encouraging emigration in Togo. Socio-political turmoil linked to the process of democratisation of Togolese society was one of the main reasons for emigration from Togo from the 1990s to 2005.

These disturbances led to the breakdown of cooperation between Togo and the majority of its development partners. This had consequences for numerous development programmes as well as for land planning, and created an unprecedented increase in the number of unemployed people. Currently, many rural areas continue to find themselves isolated, without access to roads, educational, sanitary and leisure infrastructure, or access to drinking water and electricity. This situation renders life in these areas highly uncertain and prompts inhabitants to migrate.

The stabilisation of the socio-political situation following the 2007 legislative elections has allowed the return of a more active cooperation. Numerous development programmes seeking to tackle vulnerability in rural areas have since materialised. However, with a delay of fifteen years, it is not easy for the country to rectify land planning issues, for which there is great need in both rural and urban areas.

One of the major needs in these areas is 'employment for young people', as the local authorities in the

districts of Kpangalam and Komah in Sokodé in the prefecture of Tchoudjo emphasised⁸. Thanks to the extractive and manufacturing industries, Togo has experienced an average annual economic growth rate of 5.5% in recent years. However, the QUIBB survey of core welfare indicators⁹ revealed an unemployment rate of 6.51% and an underemployment rate of 22.8% in 2011. This means that almost 30% of the Togolese population lack decent employment.

Although the Directorate-General for Employment (DGE) stated during our interviews¹⁰ that the unemployment rate had reduced considerably, standing at 3.4% in 2015, the lack of decent work and the difficult social context continue to feed the frustrations of the Togolese people. Evidence of this fact can be found in the frequent strike action taking place in the civil service in recent years. Yet civil servants are perhaps the professional group with the best social protection in Togo in comparison with other trades. It is also important to note that the majority of available work in the processing and tertiary sectors is located in the capital Lomé, and in several secondary cities. This leaves the majority of the population in rural areas with little more than informal agricultural activity and an annual family income of less than 150,000 F CFA (300 dollars/250 euros).

Difficulties in accessing decent work explain the situation of insecurity apparent among the Togolese population. The fourth follow-up report on the Millennium Development Goals (MDG) in Togo, published in 2014, states that the poverty level, defined as the proportion of the population living on less than 1 dollar a day, stood at 58.7% of the Togolese population. In rural areas, this level rises to 73.4%. Women and girls are the first to suffer from this instability as they experience discrimination throughout Togolese society, particularly in terms of access to employment and land.

Despite representing more than half of the Togolese population (51.4%)¹¹, fewer girls attend school (the ratio of girls to boys in schools is 7 to 10)¹². Women therefore have far fewer possibilities of accessing better paid work than men in a context in which the search for employment is highly competitive (the proportion of women employed in the non-agricultural sector is 25.35%)¹³. Given that Togolese society is patriarchal, girls reproduce the dominant social pattern from a very young age, placing them in a largely domestic role. Domestic chores thus restrict their academic performance and their involvement in social decision-making.

The absence of gender equality and the marginalisation of women at all levels of society also emerge as factors prompting them to migrate in order to improve their social status through access to their own earnings. Indeed, it is clear that in Togolese society, the social standing of women and their inclusion in decision-making are often linked to their financial status. The '*Nana Benz*' effect¹⁴, as it may be labelled, encourages Togolese women to seek to improve their social status by means of their assets, won through hard work and effort. This may push them into the hands of smugglers or disreputable individuals who sell them illusions of overseas destinations in response to their thirst for social advancement.

The situation of insecurity creating serious vulnerability and a desire for improved social status act in the smugglers' favour. Migrants are usually either tricked or forced to leave depending upon their living context. Poverty, lack of information and a strong demand for low-cost labour in destination countries transform a section of the Togolese population into potential 'clandestine', exploited migrants.

8 Interview on 18th December 2016 with the chiefs of the Kpangalam and Komah districts.

9 QUIBB Survey, DGSCN, 2011.

10 Interview with DGE, 5th January 2017.

11 4th MDG Follow-up Report in Togo, UNDP, 2014.

12 4th MDG Follow-up Report in Togo, UNDP, 2014.

13 QUIBB Survey, DGSCN, 2011.

14 This name is given to female sarong traders, who have made a reputation at Lomé Grand Market due to their wealth which has allowed them to purchase Mercedes Benz cars.

2. Travel arrangements

2.1. RECRUITMENT

According to the terms of the statement published by the Togolese government on 21st July 2015 in the national daily newspaper Togo Presse, issue 9581: *“There would appear to be human smuggling networks, euphemistically called ‘employment agencies’, at the head of which we find Lebanese and Togolese people. The same situation prevails in other countries such as Saudi Arabia, Qatar, Kuwait, etc.”*

This statement supports the premise that networks operating to smuggle migrants to various countries exist on Togolese soil. Strictly speaking, there are no employment agencies in Togo dealing in overseas employment. The only private agencies which work to place Togolese workers in employment and which are legally recognised operate at the national level (such as Agence Welcome and Agence Lucratif). The National Employment Agency, which is the public job placement service in Togo, is in the process of implementing an international service for the population. Besides this still embryonic initiative, potential labour migrants have few institutions to which they can turn to facilitate the migration process and inform them of the risks.

Employment agencies for Togolese domestic workers travelling to the Middle East and Central Africa are mostly located in the destination countries and work with recruiters operating clandestinely in Togo, although advertisements are sometimes also found on the Internet or on social networks (WhatsApp, Facebook, etc.).

“I won’t say that it was through my own means or through an intermediary agency that I left. In Togo, there are no agencies. There are only shady people.”

(Afi, 23 years old, domestic worker currently in Lebanon)

Recruiters are sometimes former victims, people who have already experienced these journeys, or

people close to the victim with acquaintances in the destination country. They attract women and young girls with promises of respectable employment in bars and restaurants in countries such as Benin, Nigeria and Gabon, or jobs as retailers or domestic workers in the Middle East. Some potential emigrants have academic qualifications which allow smugglers to deceive them with regard to the employment available upon arrival in the destination country. The statements collected during our interviews demonstrate the kinds of deception used to trick migrant workers.

“She told me initially that I was leaving for Europe to work with a family, but after all the papers were ready I discovered I was going to Lebanon. But then she reassured me that with my academic level (a degree in English), I would be treated well with a good salary, even as a domestic worker.”

(Sandra, 32 years old, former domestic worker in Lebanon)

“Before I left Lomé, I was told that once I arrived, I would still be employed in my field, trade. They told me that I’d be employed as a sales representative in a supermarket. Imagine my surprise when I discovered the reality of life in Lebanon.”

(Fousséna, 28 years old, domestic worker currently in Lebanon)

The terms of the contract between recruiter and victim are rarely clear, especially in the Middle Eastern countries. Victims are merely informed that they will have a job abroad and earn money. They are rarely made aware of the living and working conditions in the destination country and the formalities they must complete for the journey or to ensure protection upon arrival. Often, a certain degree of discretion is demanded from potential emigrants to ensure the success of the migration project. This request for discretion is also due to recruiters’ awareness of the measures adopted by the government. Some parents remain unaware of the emigration of their

family members to destination countries. They simply receive a telephone call from the migrant once they have arrived informing them of their new geographic location.

In some localities such as Vogan, Togoville, Sotouboua, Sokodé, Tchamba, Bassar, Kardjala, Agbassa and Kantè, it is relatives who encourage young people or who are partners of the recruiters, due to the socio-economic conditions in these areas. In the central region, these recruiters are commonly known as 'OGA', a term denoting an important figure in southern Nigeria. Recruiters sometimes have family connections to their victims, allowing them to exert a strong influence over the family through acts of generosity. This prevents the victims from reporting them. According to the Martin Luther King Movement (MMLK), which works on the situation of Togolese migrant workers in Lebanon, a single recruiter can send up to thirty girls in a year and in 2014, the organisation recorded up to two hundred cases of girls who had left for Lebanon.¹⁵

2.2. THE ADMINISTRATIVE FORMALITIES OF THE JOURNEY

Recruiters handle the formalities for the departure of the labour migrant, from obtaining a supplementary judgement for a birth record or a certificate of nationality to apply for a passport to the awarding of a visa or work contract for the trip. Some recruiters send emigrants on their journeys with illegal papers (the birth certificate or passport of another person, for example). Different documents are required for the journey depending on the destination, and according to the complexity of the papers required, recruiters procure false documents for the worker through cybercrime networks or by bribing public service officials.

According to the victims interviewed, in order to obtain a work permit for the Gulf States, migrant workers must provide:

- a national identity card,
- a passport,
- two passport photos.

The recruiter located in Togo first sends a photo of the candidate to the employment agency in one of the Gulf States. In this way, the host family selects the profile most suitable for them and decides to fund this individual's journey. Once the passport has been obtained, the recruiter in Togo scans and sends it to the employment agency in the Middle East so that they can process the work permit.

Workers have little control over their own journeys and most of the victims interviewed were unaware of the way in which their work permits had been obtained:

“When my passport was ready, I didn't have it in my possession until the day of my departure when I was at the airport.”

(Fousséna, 28 years old, domestic worker currently in Lebanon)

Some recruiters take advantage of the administrative process prior to departure to con migrant workers, despite receiving money from the employment agency to complete the formalities:

“That's what happened to me. The woman who said she was helping me was actually ripping me off. At the start, the lady said everything was free, but when there were just a few days to go, she told me I had to pay her back three months' salary. And she blocked my passport, telling me I had to pay her back before I left.”

(Afi, 23 years old, domestic worker currently in Lebanon)

For departures to Central Africa, administrative formalities are often ignored or limited to simply obtaining a passport. In the majority of cases, the journey takes place in a clandestine manner. According to the information gathered during our research, some smugglers go through the Gabonese embassy in Togo to deliver visas to migrants by presenting fraudulent proof of accommodation in Gabon acquired in the name of an aunt or uncle of the potential migrant.

¹⁵ Interview with the MMLK, 30th November 2016

Table 1: Diplomatic representations of Central Africa and the Middle East covering Togo in December 2016.

	IN TOGO	IN GHANA	IN BENIN	IN BURKINA FASO	Other countries (Nigeria, Senegal)
Diplomatic representations of Central African countries	Gabon, Democratic Republic of Congo, Angola, Central African Republic	Equatorial Guinea,	Equatorial Guinea; Congo - Brazzaville		Cameroon, Congo-Brazzaville
Diplomatic representations of Middle Eastern countries		Lebanon; Kuwait; Saudi Arabia, Qatar	Qatar	Saudi Arabia	

Source: Ministry of Foreign Affairs, Cooperation and African Integration.

The absence of diplomatic representation of some countries in Togo, the lack of information on travel arrangements and the complexity of the documents required for work visas push people aiming to migrate to the Middle East and Central Africa legally for labour purposes to seek the services of recruiters. The table below displays the neighbouring countries where the embassies of Central African and Middle Eastern states covering Togo are located.

It is important to note that unlike countries such as Benin, whose citizens do not require a visa to travel to certain countries in Central Africa, Togolese citizens are obliged to obtain a visa for all Central African countries. To avoid lengthy formalities and trips to neighbouring countries to request a visa, some people prefer to take clandestine routes to their intended destinations.

2.3. THE JOURNEY AND THE SITUATION IN TRANSIT COUNTRIES

Potential emigrants from Togo to countries in Central Africa and the Gulf travel in various different ways: on foot, by motorbike, by car, by small wooden boat and by aeroplane. Depending on the destination and the mode of transport used, the length of the route taken and of the transit stages will vary.

2.3.1. The journey to the Middle East

The regulation of departures to the Gulf States from Lomé airport since summer 2015 prompts prospective emigrants to fly from Accra airport in Ghana or Cotonou airport in Benin. Bribery of certain immigration officials at these airports facilitates the migrants' departure, despite suspicions of smuggling. The journey of domestic workers to the Middle East, particularly Saudi Arabia, is also assisted by pilgrimage routes towards Mecca. Smuggling networks take advantage of the departure of pilgrims to Saudi Arabia to send young people and women wishing to undertake domestic work (as servants, drivers, etc.).

Our interviews in Sokodé demonstrated that departures to the Middle East are also made via North African countries, particularly Libya or the Maghreb countries (Mauritania, Morocco, Algeria, Tunisia) which constitute transit countries for migrant workers. It is mainly men who experience this situation. Following transit through North Africa, these migrant workers hope to reach Qatar or Kuwait to work as drivers or footballers. Officials at the Regional Directorate of Social Affairs in Sokodé¹⁶ told us that the migration journey prior to arrival in the destination country is often difficult

¹⁶ Interview with the Regional Directorate of Social Affairs in Sokodé on 14th December 2016

for migrants from the region due to their low levels of schooling and lack of fluency in English or Arabic.

2.3.2. The journey to Central Africa

The journey to Central Africa is primarily made by land or sea routes, and features a number of stages linked to the clandestine status of each migrant. Routes thus vary from one migrant to another. By taking the example of a migrant travelling to Gabon, routes through transit countries may emerge as follows:

Route 1:

Togo → Benin → Nigeria → Gabon

Route 2:

Togo → Benin → Nigeria → Cameroon → Gabon

Route 3:

Togo → Burkina Faso → Chad → Cameroon → Gabon

The following statement on possible routes to Gabon was made by the Association of the Togolese Diaspora in the country:

“First route: Prospective emigrants to Gabon who depart from Lomé pass through the city of Cotonou to reach the village of Woro in Benin, then the village of Wodé in Nigeria by road. The journey can be made alone or accompanied by a recruiter. Upon arrival in the village of Wodé, migrants stay until their departure by sea to Gabon, travelling by motorised canoe.

Second route: Migrants leave Lomé for Cotonou, then head for Calabar in Nigeria. In Calabar, they take boats or motorised canoes to Cameroon or Gabon.

Third route: prospective emigrants leave the savannah region, Kara or the central region for the city of Tchamba, then Kambolé which borders Benin. They reach Cotonou before travelling to Nigeria. These first three routes are undertaken

by road to Nigeria. From Nigeria, migrants travel to Gabon by sea.

Fourth route: Prospective emigrants travel by road to their destination countries, without travelling by sea. They leave Togo for Benin via Lomé or Tchamba in the north. In Benin, they either travel to Lagos or northern Nigeria before moving on to Cameroon, then Gabon.”¹⁷

The diverse routes taken demonstrate the difficulty in adopting a single restrictive policy to prevent all departures to Central African countries.

Throughout the journey, numerous problems may arise, as one victim recounted.

“The problem I faced on my journey was that I was involved in a conflict with a police officer who was checking documents, and he slapped me. One of my friends was wounded with a machete by a recruiter because he was talking to a girl in the group. In the forest in Nigeria, we stocked up on tubers and gari (cassava flour) to eat in the boat. The journey from Nigeria to Gabon by boat takes at least three days. The small boats can contain more than 200 people. This increases the ever-present risk of sinking. At sea, the Gabonese navy mistook the boat in front of us for a pirate boat and fired on it before realising it was a canoe full of migrants. Only those who were able to swim survived the wait for rescue.”

(Issoufou, 30 years old, former migrant worker in Gabon)

Victims and members of the Togolese diaspora currently living in Gabon told us that the length of the journey from Togo to Gabon varied from one to eight months, depending on the resources available for the journey and the quota of migrants expected by agencies. The clandestine journey to Gabon costs an average of 300,000 F CFA (around 500 euros), including transport and meal costs during the journey. Prospective migrants prefer this option over the

¹⁷ Statement received by email, 6th January 2017

2. Travel arrangements

obligation to spend 600,000 F CFA for a residence permit from the embassy allowing them to live in Gabon legally. For some migrants, transit through Gabon was just another stage on the journey to Equatorial Guinea. Migrants are sometimes forced to change smugglers during the journey, which can create further difficulties.

“We left Lomé with the intention to travel to Gabon. Once we arrived in Benin, our smuggler told us that he could no longer meet our needs. I had to sell my clothes in order to survive and continue the journey via Nigeria and the sea to reach Gabon.”

(Djémila, 36 years old, former migrant worker in Gabon).

Many migrants die at sea from a lack of medical attention, or from disease or malnutrition. Once they arrive on Gabonese soil, smugglers hide migrants in a secret place and send them out in groups of fifteen to twenty people from midnight to 2 a.m. to avoid detection by the police.

3. The situation in destination countries

Trafficking of Togolese migrants to foreign countries affects a large number of destination countries in Africa, as well as in America, China and Europe, not only the Middle East. Media reports tend to confine the phenomenon primarily to West, Central and North Africa and the Middle East. Togolese migrant women find themselves suffering exploitation in agriculture, craftsmanship, domestic work, food service in bars and snack stands, open air trade in markets or even by prostitution networks. Meanwhile, men work in construction, agriculture, dish washing or cooking in restaurants, bars and snack stands, driving, mining, informal trade in the street or in shops, or in the health and education sectors for those with the relevant qualifications.

3.1. IN THE MIDDLE EAST

3.1.1. Arrival in the destination country and the ‘Kafala’ system

Depending on the airline, Togolese migrants arrive at Beirut airport or in other capital cities in the Gulf in the middle of the night or at dawn.

“They gather us together in a very dirty room where we wait for our host families until the morning. The police officers take our passports to give them to the host families. The host families come with photocopies of the domestic workers’ passports and to facilitate the task, the police officers call out names and each worker goes to their host family”.

(Sandra, 32 years old, former domestic worker in Lebanon)

According to prevailing traditions in Middle Eastern countries, host families or employers have the right of ‘Kafala’ over migrants who arrive to work in the region. ‘Kafala’ may be explained as a ‘sponsoring’

right of the employer with regard to the employee. This implies that migrant workers’ journeys and legal status throughout their stay are the responsibility of their employer, who thus becomes their ‘sponsor’ (Kafil). As a result, employees cannot change jobs without the consent of the ‘sponsor’, or leave the country without obtaining an exit visa.¹⁸

The length of the work contract in accordance with ‘Kafala’ is generally between two and three years renewable. Any breach of contract, particularly due to absconson before the end of the contract, is considered a serious offence. Migrant workers who leave their employers without authorisation may be viewed as criminals and imprisoned, regardless of the reasons for their departure. The rules of ‘Kafala’ often conflict with human rights standards, but the evolution of these rules is rather slow in Middle Eastern countries.

3.1.2. Working conditions

Once they meet their employers, migrant workers are often disappointed with the type of work offered to them:

“At Beirut airport, a family came to get me. For the first ten days, I collected olives in the family’s field.”

(Akoua, 32 years old, former migrant worker in Lebanon)

As work contracts are written in Arabic, migrant workers are unaware of their content before arriving at their employers’ homes. Contracts may be verbal or written, and salaries vary from 150 to 350 US dollars. The first three months’ salary are paid to the employment agency which oversaw the recruitment, on top of the 3,000-7,000 US dollars which host families would already have paid for migrant workers’ travel

¹⁸ https://publications.iom.int/system/files/pdf/etat_des_lieux_madagascar.pdf

arrangements. Moreover, employers can change the contents of the work contract as they wish once the migrant worker arrives. Employers who are dissatisfied with their employees can take them to the employment agency to swap them for others or outsource them to other households.

Domestic workers are charged with cleaning, dish washing, laundry and the daily care of children, among other tasks. In some households, employers can be merciless and housework must be redone if the slightest error is spotted. Some victims told us that they were obliged to work in two or three houses or companies for the same salary. They also explained that domestic workers are not provided with a bedroom to preserve their privacy. They sleep in shops or on the kitchen floor. They work without breaks:

“I work from 4 a.m. to 11 p.m. or even 2 a.m. if my boss has guests. My breaks are for prayers which are rarely respected. The hardest month is during Ramadan when you hardly get any rest at all.”

(Afi, 23 years old, domestic worker currently in Lebanon)

“The work consists of waking up at 6 a.m. and cleaning the whole house, then going to their restaurant/company to work as a cook, maintenance worker or dish washer until midnight.”

(Akoua, 32 years old, former migrant worker in Lebanon)

Employers lock the doors and forbid domestic workers from leaving the house. These workers are refused adequate breaks both during the day and at weekends. Luckier migrant workers may be granted one day off every two weeks. In cases in which the family has several employees, employers may install a surveillance system in their houses to avoid contact between migrant workers and to monitor them permanently. Numerous domestic workers complained of sexual harassment by their employers or the offspring of the latter. However, when they report this to the police and request assistance, their complaints are not received and the case is closed, with

police citing a lack of evidence (in the case of rape, for example). Allegations are even made against migrant workers at times due to their undocumented status.

3.1.3. Risks linked to daily life

Cases have been recorded of domestic workers being kidnapped for **sexual exploitation**.

“We were told that a domestic worker went to throw out the rubbish, and a man came to speak to her and told her to go with him to earn a better wage. The man then took her to an apartment which was really a place of prostitution, and locked her up.”

(Nabila, 35 years old, former domestic worker in Saudi Arabia)

During our interviews, former migrant workers who had since returned to Togo also explained that domestic workers who escape their employers sometimes end up having to prostitute themselves to survive. Situations such as these encourage employers to forbid domestic workers from leaving the house except when they are accompanied by members of the host family. During these outings, they are not allowed to talk to strangers.

Problems of **malnutrition** are common among migrant workers in the Middle East.

“I used to eat a sandwich in the morning, and it was only at 10 p.m. when I returned to the house that I had just a cup of tea for dinner. Sometimes, following misunderstandings, she (my boss) gave me nothing to eat until 4 p.m. I was obliged to eat leftovers from the customers. And if I saw her coming, I threw the food in the bin.”

(Akoua, 32 years old, former migrant worker in Lebanon)

“When I arrived, I brought my food from Togo, but they wouldn't let me cook it. I drink tea in the morning and eat toast in the evening. You can barely have lunch at 3 p.m.”

(Afi, 23 years old, domestic worker currently in Lebanon)

Migrant workers are also victims of **physical violence**. Some lose their lives as a result of abuse by their employers.

“One day when I was resting, my boss got angry. She and her husband wanted to hit me. So I fled to join one of my friends who helped me find the recruiting agent who was from Benin.”

(Sandra, 32 years old, former domestic worker in Lebanon)

“My employer hit me very hard one day with his eyes full of anger, and I fled the house to reach the office I had arranged to come with.”

(Abla, 32 years old, domestic worker currently in Lebanon)

Former domestic workers who have returned to Togo also reported **hygiene issues** (for example, being forbidden from changing their clothes, even when dirty) and **difficulties obtaining their salary** as further ordeals to be endured.

3.1.4. The contentious issue of salaries

As a rule, salaries are paid at the end of the contract. However, when the salary is paid, the employer can subtract money on the pretext of theft or material damage to the house and its contents. Faced with wage claims, some dishonest employers accuse their employees of theft and take them to the police. In this way, Togolese domestic workers in the Middle East have returned without their salaries after years of labour.

“When I left, I asked for my salary again. They replied: ‘If you ask for your money again, I’ll take you to the police and tell them you stole my gold or my money’.”

(Akoua, 32 years old, former migrant worker in Lebanon)

“My salary after three years should have been at least three million Francs CFA, but my boss said I had damaged a lot of her property, especially kitchen utensils, and that I’d ruined her clothes. I ended up with 800,000 F CFA.”

(Nabila, 35 years old, former domestic worker in Saudi Arabia)

“In Lebanon, there are multi-storey buildings. One of our comrades asked for her salary one day and when she turned around, her boss pushed her off the balcony and she fell onto a car windscreen. Luckily, she recovered from her injuries.”

(Sandra, 32 years old, former domestic worker in Lebanon)

3.1.5. Escape and return to Togo

Seeing their rights violated and their lives endangered, domestic workers in the Gulf States have been obliged to flee their employers or have committed suicide. Those who escape and are lucky are accepted in centres run by NGOs such as Caritas Lebanon, which help them find a way of returning to their countries of origin. Other escapees find themselves in the street without papers and often fall into the hands of the police. The latter imprison them until an embassy or non-governmental organisation (NGO) intervenes in their favour to free them.

The majority of migrant workers who are imprisoned or who escape, return to their countries of origin with the help of a laissez-passer from their consulate. The case of Togolese migrant workers in the Middle East is rather complicated as Togo has a very small number of diplomatic representations in the region.

“One day I decided to leave and my boss took me back to the employment agency where I spent a month without a shower. During the first week, I drank water and occasionally ate bread. I wasn’t the only one, there were lots of us. When the boss of the employment agency arrived, he hit us saying that we were losing him money. I spent three months there, including a month with three different families before returning to Togo.”

(Abidé, 28 years old, former domestic worker in Lebanon)

3.2. IN CENTRAL AFRICA

As noted above, numerous Togolese migrant women may be found in Central Africa working as waitresses in bars,

restaurants and snack stands, employed as agricultural workers, as domestic workers and hairdressers, with some involved in prostitution. Meanwhile, the men are employed as teachers in private schools, healthcare workers, builders on construction sites and agricultural workers or find work as taxi drivers, mechanics, dressmakers, launderers, street sellers, etc.

The statements gathered revealed xenophobia and exploitation to be the main problems facing Togolese migrant workers in Central Africa. Whether they are living in Gabon, Cameroon, Central Africa or Equatorial Guinea, their country of origin makes them the target of repeated discrimination in their daily lives with regard to access to social services, ability to establish economic activity in the informal sector, and other areas. The illegal nature of their stay for many and difficulties in regularising their residence even after several years living in a country damage their prospects for integration and contribute to their exploitation in the workplace.

Moreover, most countries in this region depend on oil, yet have some of the lowest positions on the Human Development Index (HDI). This creates significant social tension as states find themselves unable to ensure regular payment of civil service salaries or to hire young graduates due to a lack of resources. The reduction in public commissions also produces a drop in activity in the private sector, which can no longer take on staff as there is no market. This situation generates social tension, and migrant workers are often the first to pay the price. They are thus accused of stealing jobs from native residents and may be the target of popular anger when they inadvertently find themselves in awkward situations.

Horacio, a young Togolese migrant worker in Equatorial Guinea, told his story on Deutsche Welle on 30th November 2016:

“It’s difficult to eat here at the moment, to do things, to buy things, it’s difficult. It’s even difficult to go out.”¹⁹

¹⁹ <http://www.dw.com/fr/la-guin%C3%A9e-%C3%A9quatoriale-eldorado-d%C3%A9clinant/a-36583381>

The prevailing anti-migrant atmosphere is heightened by repressive laws adopted by governments against clandestine migration and an upsurge in document checks by police officials²⁰. This has been the case recently in Gabon, where many Togolese migrant workers have been returned to the borders by the Directorate General of Documentation and Immigration (DGDI).

Box 1: The Directorate General of Documentation and Immigration (DGDI)

The DGDI is the institution charged with applying Law 5/86 of 18th June 1986 establishing the system for admission and residence of foreigners in Gabon. This law divides foreigners into two categories: temporary visitors staying for less than three months and residents. It highlights the different conditions to be fulfilled for legal residence in Gabon, as well as penal provisions and procedures for refoulement and expulsion. The DGDI comprises a department charged with immigration control which deals with the interception and deportation of immigrants without papers. It must ensure that these expulsions are conducted with respect for migrants’ dignity. Nevertheless, many migrant workers deported from Gabon report xenophobic words and abuse suffered from immigration agents prior to their removal.

According to data gathered from the National Solidarity Agency in Togo (ANS), of the 29 migrant workers deported to Togo in 2016 and registered by the Agency, 28 were expelled from Gabon and the other from Great Britain. By the start of summer 2015, 36 Togolese migrant workers, mostly women, had been deported from Gabon and entrusted to the Agency’s services.

These people had been arrested in the streets of Libreville following an intensification of checks by the Gabonese security forces. The latter justified the reinforcement of their hunt for illegally resident

²⁰ <http://www.pressegabon.com/?p=3029>

West African migrant workers by reference to the fight against terrorism, especially the extension of terrorist acts by the Boko Haram sect. The increase in interceptions of undocumented migrant workers followed the passing of a decree in 2011 to heighten controls on migrant workers in Gabon ²¹.

Following their arrest, if they are unable to find people to intervene in their favour to free them, migrant workers are kept in Gabonese jails, forbidden from accessing the assets acquired as a result of their labour prior to their deportation. Expulsions take place via Nigeria, where migrants are transported by boat to the port of Calabar by the Gabonese authorities. From there, migrants are loaded onto buses provided by the Togolese diplomatic representation and driven to the land of their ancestors.

There are few possibilities for regularisation for migrant workers in Gabon. Working mostly on the black market, without contracts meeting official rules, migrant workers are obliged to spend at least 600,000 F CFA (around 1,000 euros) for a residence card and work permit. The state of vulnerability experienced by these migrants when exercising their professional activity in the informal sector complicates the mobilisation of the funds required for their regularisation. Despite spending years living in Gabon, some migrant workers continue to work on the black market, in constant fear of immigration checks, facilitating their abuse by their employers.

Entry to the labour market in Central Africa, regardless of the country, often follows the same process of intermediation. Togolese migrant workers arrive via recruiters or family members already living in the country, who have social networks providing them with information on open job positions. By means of word of mouth, workers are matched to an employer, often with a verbal contract. Employers can thus avoid respecting the clauses of the contract concerning

primarily the salary of their employees, their working hours and days off. The difficult conditions experienced by domestic workers in Lebanon were also a feature of the statements made by women who had worked in Central Africa. Some of the latter were exploited by family members living in the country who work in catering or personal services.

Unlike in the Middle East, recourse to liberal professions in the informal sector such as taxi drivers, launderers or street sellers can be a way out for Togolese migrant workers. Workers progressing in these fields can find themselves with a monthly salary of between 150,000 and 300,000 F CFA. However, they do not benefit from better social protection due to their clandestine status.

The majority of Central African countries have not ratified international conventions on the protection of migrant workers²², and social protection of migrant workers can only be guaranteed through bilateral agreements between states.

²¹ Decree No 11-2743/PM of 8th November 2011 concerning the organisation and operation of a unit to verify the efficacy of application of Law No 5/86 of 18th June 1986, as well as Decrees No 00277'PR/PM of 31st May 1968 and No 0066/PR/MTPS of 5th July 1972 regulating the employment of foreign workers in Gabon.

²² ILO Convention 97, 143 and 189. United Nations Convention on the Rights of Migrant Workers and Members of their Families.

4. Reintegration of migrant workers following return to Togo

4.1. MEASURES FOR REINTEGRATION UPON RETURN

The National Solidarity Agency (ASN) is the public body which supports Togolese migrant workers who find themselves in a situation of precarity upon return to Togo. This agency assists undocumented migrant workers who have been deported to Togo to reintegrate their families. As soon as it receives information of the arrival of a convoy in Togo, the agency puts in place measures at Lomé airport or at land border posts to welcome return migrants. Once in Togo, they are lodged and fed for several days at the reception centre created to manage victims of natural disasters, then reintegrated in their families.

However, the agency's involvement in family reintegration is limited to the provision of transport costs for migrants to travel back to their region of origin and of a fixed sum to cover their 'survival' for several days. Support for deported migrants often stops here, and it is up to them to continue their social reintegration alone or with the help of their families, by making contact with other public services such as the National Employment Agency (ANPE) for assistance with work, or with the health services for psychological and/or medical assistance.

For victims of smuggling or trafficking in the Middle East or Central Africa who have returned to Togo, the reception context is very different depending on whether they are adults or children. Reception and support for child victims has greatly improved in recent years due to the actions of the Directorate General of Child Protection (DGPE), as well as the development of transit centres. These centres are staffed by psychologists and are largely managed by civil society organisations. Although far from perfect, this reception allows children to be provided with psychological support and monitoring following their reintegration

into the community. This monitoring is necessary to ensure that reintegrated children progress well in the family context and that they can resume their studies or commence professional training to increase their future options.

However, there are no facilities to provide adult victims with psychological support and social reintegration assistance, run either by the public services or by non-governmental organisations (NGOs). This absence was confirmed during our interviews with the Central Management of the Judicial Police.

“While traffickers and their victims are intercepted and deported, children are sent to reception facilities run by NGOs for their care and reintegration. But we don't have a place to keep adults while we undertake the necessary investigations for their reintegration and other processes. Moreover, no means of transport are available to transport them. Sometimes officials from the judicial police in charge of the case are obliged to use their own resources to cover the basic needs of these people (transport, food, soap, etc.). This hinders the effective management and monitoring of these cases.”

(Interview with the DCPJ on 10th January 2017)

For migrant workers who succeed in returning with money earned from working abroad, the lack of measures to support investment and upgrading of skills acquired abroad to allow them to use these skills in Togo causes them to quickly spend their savings on their family's needs.

“I spent three years there then I came back to Togo. When I arrived in Togo, the money I'd brought back didn't even come to 1,500,000 F CFA. With that, I managed to get by with my

brothers. And one day I was here, I was bored, I didn't know what to do. I didn't have any money left, and a girl told me again about Lebanon. This other girl was here. 'Get ready, I'll take you to see someone else', she said. Because I knew this girl in Lebanon."

(Abla, 32 years old, domestic worker currently in Lebanon)

Upon their return, Togolese migrant workers, victims of smuggling or trafficking and the deported are left on their own. For those who left their partner and children behind when migrating, return can lead to difficulty and conflict. Having grown up without knowing their parent, children have difficulty getting used to this person who has become a stranger. Some migrants return to find their partner in a relationship with another person. This creates unhappiness. Some forget the suffering they experienced in the Middle East and Central Africa and prefer to return there instead of living in Togo.

4.2. RETURNING TO LEAVE ONCE AGAIN?

Some migrant workers opt to go back into exile when faced with the failure of their social and family reintegration upon their return to Togo. It is important to note that their reception from their families depends on the state in which migrant workers return. Migrant workers returning with savings or assets are better received than those who have been deported or who return in a delicate state of health, as the members of the Togolese Association for the Deported based in Sokodé confirmed²³. Therefore, in order to make a good impression on their families, migrant workers spend their savings on their relatives from the moment of their return, preventing them from investing in a long-term income-generating activity. The exhaustion of their resources leads some to migrate once again.

Migrant workers suffering from trauma or health problems upon their return are quite quickly abandoned by their families. They are also subject to social denigration, especially when they return with sexually

transmitted illnesses (STIs) such as HIV-AIDS. Suicide becomes a way out for some return migrants. Migrant workers who return with few or no savings and who are left without psychological support, project the failure of their migration project onto themselves in the face of their precarious situation, and also develop suicidal tendencies. For this reason, urgent measures must be taken in terms of psychological support and assistance for social reintegration for returned migrant workers in order to save lives.

²³ Interview with ATE in Sokodé on 15th December 2016

5. The legal framework for supporting migrant workers in Togo

This section aims to assess the legal framework in terms of legislation and regulation relating to labour migration and to present the work of the institutions charged with supporting migrant workers throughout their migratory journey. We understand the migratory journey as the process beginning with preparation for departure and ending with return to the country of origin, comprising the journey and the stay in transit and destination countries. Throughout the migratory journey, migrant workers as Togolese citizens must benefit from the support and protection of the Togolese state. This section will also identify gaps in the current system, in order to suggest recommendations.

5.1. THE DIPLOMATIC AND CONSULAR NETWORK OF THE MINISTRY OF FOREIGN AFFAIRS AND PROTECTION OF TOGOLESE CITIZENS OVERSEAS

Article 22 of the Constitution of the Republic of Togo, adopted on 14th October 1992, recognises the right to freedom of movement of all Togolese citizens, while Article 37 asserts the role of the state in creating the conditions for its citizens to enjoy the right to work. Togolese citizens thus have the right to emigrate, but this right remains subject to authorisation of entry by the destination country based on the reasons for movement. Destination countries are not obliged to receive Togolese citizens wishing to enter. As a result, the conditions in which Togolese citizens emigrate largely depend on the destination country.

However, for years the Togolese state has developed bilateral agreements and ratified regional and international conventions to facilitate secure labour migration for its citizens. Among these agreements are the protocols and directives established by the Economic Community of West African States (ECOWAS) and the African Union, which devote significant space to labour migration.

At the bilateral level, diplomatic agreements for the accreditation of diplomats from various countries in Togo and for the reciprocal opening of Togolese diplomatic representations all over the world also form part of the process of facilitating the mobility and protection of Togolese migrant workers during their migration journey. In this regard, it should be noted that Togo is a party to the 1961 Vienna Convention on diplomatic relations and the 1963 Vienna Convention on consular relations. As defined in these two conventions, protection of the interests of the state and its nationals are among the recognised functions of diplomatic missions.

An increase in the emigration of Togolese citizens and the dynamism of the Togolese diaspora evidenced by the sending of remittances (estimated at **277 billion FCFA in 2016** or 10.7% of GDP²⁴) make protecting migrant workers a matter of national interest for Togo. The importance accorded to the diaspora is demonstrated both by political initiatives aiming to adopt a specific policy for Togolese migrants abroad and by the creation of a Directorate for Togolese Citizens Abroad within the Ministry of Foreign Affairs. The extension of the Togolese diplomatic network has also been presented by the Ministry of Foreign Affairs as an effort by the government to ensure better consular protection for workers, where they may be. At the end of 2016, Togo had 23 accredited diplomatic representations around the world. The table below displays the current state of Togolese diplomatic coverage to ensure the protection of Togolese migrant workers in the Middle East and Central Africa.

For several years, every Togolese diplomatic mission has had a post entitled 'Head of the Diaspora', whose holder is charged with ensuring regular monitoring

24 World Bank Migration and Remittances data, October 2016: <https://www.worldbank.org/en/topic/migrationremittancesdiasporaissues/brief/migration-remittances-data>

Table 2: Togolese diplomatic representations in the Middle East and Central Africa in December 2016

REGION	CITIES WITH TOGOLESE CONSULAR OR DIPLOMATIC PRESENCE
CENTRAL AFRICA	Kinshasa / DEMOCRATIC REPUBLIC OF CONGO Libreville / GABON
MIDDLE EAST	Kuwait City / KUWAIT Jeddah / SAUDI ARABIA

Source: Ministry of Foreign Affairs, Cooperation and African Integration.

of the situation of Togolese migrants in the country covered by the diplomatic representation. However, both officials working at the diplomatic representations and members of the diaspora often complain of the insufficient resources available to guarantee social assistance and repatriation of Togolese citizens in difficulty²⁵. Despite the advocacy work undertaken by Visions Solidaires for Togo's annual budget to include a larger allocation to embassies for social assistance to Togolese citizens abroad, the issue continues to be rather neglected by the Togolese state. Unaware of the measures put in place by the Togolese state to protect them, diaspora members hesitate to register at Togolese embassies. This, according to the Directorate for Togolese Citizens Abroad, hinders their protection.

Although embassies in Central Africa and the Middle East are regularly approached in relation to the situation of Togolese migrant workers, very few have developed services to cover this area. The number of Togolese embassies to have developed support programmes in destination countries to train migrant workers upon arrival, to provide information on legal protection, to give language classes or to visit employers of Togolese migrant workers is very low.

During our interviews with officials at the Directorate for Togolese Citizens Abroad, they emphasised the

fact that the abuse suffered by Togolese migrant workers in destination countries is exacerbated by their undocumented situation rather than by the legal regulations governing labour migration. Therefore, we may conclude from these interviews that it is in Togo's interest to ensure that its citizens migrate as legally as possible so that they can work in good conditions abroad and generate greater funds for their families and for the country's development.

5.2. LEGISLATION AND INSTITUTIONS RELATING TO LABOUR MIGRATION AT THE MINISTRY OF WORK.

5.2.1. The Directorate General of Labour

The Directorate General of Labour works in a similar way to the Directorate for Togolese Citizens Abroad, requesting that all Togolese migrant workers make sure to migrate legally and to register with the Togolese diplomatic representations upon arrival in their destination countries. Unaware of its existence, Togolese migrant workers seldom frequent this directorate before emigrating. Nonetheless, it plays a crucial role in the national programme for supporting labour migration.

Housed within the Ministry of Work, Employment and Civil Service, the Directorate General of Labour deals with the hiring of Togolese workers abroad, verifying the work contracts written by employers and ensuring that they respect international standards as closely as possible. A work contract for a worker migrating internationally must include:

- clear identification of both parties,
- clearly defined, precise hierarchical functions,
- specific professional category, salary and workplace,
- working hours and social security arrangements,
- procedures for resolving disputes,
- legal framework of the contract,
- detailed description of tasks to be undertaken at work.

²⁵ <http://www.togomedias.com/diplomatie-robert-dussey-interpelle-situation-de-22-togolais-atteints-de-demence-gabon/>

The Directorate General of Labour ensures that the contract is duly signed by both parties and targets the contract to facilitate monitoring by Togolese diplomatic missions in destination countries. Moreover, to enable the portability of migrant workers' social security contributions, the Directorate General of Labour noted at interview that Togo has recently ratified the revised treaty of the Inter-African Conference on Social Security (CIPRES) as a supplementary legal instrument which is useful in the social protection of migrant workers.

Box 2: The CIPRES treaty

The treaty of the Inter-African Conference on Social Security (CIPRES) was established on 21st September 1993 and revised on 14th February 2014 in Abidjan, to take into account ongoing developments. The treaty applies to 15 African countries, including Gabon and other Central African countries. Commonly known as the 'CIPRES Convention', the treaty is based on the principle of maintaining rights which have been or are being acquired in terms of social security for nationals moving between the territories of the states which are party to this multilateral agreement. The bill authorising Togo to ratify the revised treaty was passed by the Council of Ministers of the Togolese government on Wednesday 11th January 2017.

Officials at the Directorate General of Labour stated that they work continually to ensure protection of Togolese workers, whether they are in Togo or abroad. However, it is clear that their services are aimed primarily at workers who migrate legally. Until now, according to officials at the directorate, hardly any files concerning contracts of Togolese migrant workers travelling to work in Central Africa or the Middle East have been received. One factor explaining this blackout at the Directorate General of Labour is the lack of official accreditation of international employment agencies recruiting Togolese workers.

Unlike neighbouring countries where international employment agencies are officially recognised and well organised, agencies in Togo do not fly the country's flag. Togo is one of the countries which has not ratified Conventions 96 and 181 of the International Labour Organisation concerning paid employment offices and private employment agencies. However, the national legislative framework for labour provides for the creation of private employment agencies to place workers. Indeed, Article 195 to Article 201 of the 2006 labour law deals with the matter of the creation and operation of employment offices in Togo. However, the procedure by which employment agencies can obtain official accreditation often takes a long time, creating a serious gap in the market for job advertisements and prompting agencies to operate clandestinely.

Officials at Agence Welcome, one of the recognised employment agencies at the national level, said that it had taken them 20 years to receive official accreditation. The difficulty in accessing accreditation as an employment agency encourages clandestine recruitment by rogue operators who become rich through the smuggling and trafficking of Togolese migrant workers towards the Middle East and Central Africa. It is therefore up to the Ministry of Work to enable clandestine agencies to operate legally. One major breakthrough which could allow the absence of a specific organisation for the placement of migrant workers abroad to be resolved is the creation of a service for labour migration within the National Employment Agency.

5.2.2. The National Employment Agency

The National Employment Agency (ANPE), which is also a subsidiary of the Ministry of Work, is the public employment service in Togo. Created in 2008, one of its missions is to address all issues relating to labour mobility both nationally and internationally. In this respect, it is the body charged with the operational management of labour migration. The ANPE has taken the initiative of providing intermediation services at the international level. Among the reasons given by the agency for providing this service is the need "to

respond to numerous requests from the international market for Togolese workers in sectors/professions in which Togo is perceived to have a professional advantage (health, craftsmanship, personal services, etc.)²⁶. The ANPE also intends, by means of this service, to provide an adequate, consistent institutional response to the tendency of young Togolese citizens to undertake labour migration projects.

Through this service provided by the ANPE, it is likely that there will be a counter open to anyone seeking to migrate for labour purposes. Citizens will thus be able to speak to employment counsellors at all ANPE agencies across the country, who will support them with their labour migration projects. The various ANPE labour migration units could therefore offer training on the rights of migrant workers, foreign languages and the culture of destination countries to prospective emigrants in different cities across Togo, in collaboration with foreign communities or chancelleries accredited in Togo. The presence of a public information office and training prior to departure could greatly reduce the vulnerability of Togolese migrant workers.

This ANPE initiative could mitigate the absence of international employment agencies in the country. However, besides initiatives to provide support prior to departure, it will also be necessary to undertake prospecting missions in order to identify markets at the international level which could incorporate skilled Togolese workers and to target the most reputable employment agencies in destination countries. These prospecting missions could also help to guarantee the social protection offered by destination countries to Togolese migrant workers employed there.

Another mission included in the international intermediation service provided by the ANPE is to support the reintegration of migrant workers who have returned to Togo with professional projects. This mission is in line with the Togolese government's concern with promoting employment at all levels of society, defined in its Strategy for Growth Acceleration and Employment Promotion (SCAPE). A specific

policy for this mission and labour migration strategy are currently being implemented thanks to the work of the Directorate General of Employment charged with strategic reflection on access to employment in Togo.

5.2.3. The Directorate General of Employment

The Directorate General of Employment (DGE) is charged with developing and implementing the National Employment Policy. The priority accorded to promoting employment in the last strategic development plan established by the Togolese government for the 2013-2017 period allowed the development of several programmes for employability and job creation in Togo²⁷.

Labour migration is one of the focuses of the National Employment Policy developed by the Togolese government. This explains the development of a national labour migration strategy to better regulate the international intermediation service offered to Togolese citizens. With the implementation of this strategy, the Directorate General of Employment aims to link all public and private actors working on labour migration in Togo.

5.3. THE PREVENTION AND REINTEGRATION FRAMEWORK OF THE DEVELOPMENT MINISTRIES AND THE MINISTRY FOR SOCIAL ACTION AND ADVANCEMENT OF WOMEN

5.3.1. The ministries charged with the country's development and planning

The factors prompting Togolese migrant workers to emigrate may be summarised as: unemployment, lack of decent work, unsuitability of qualifications for the labour market, poverty, weak purchasing power,

²⁶ Manual for the management of international migration, Togo, 2014.

²⁷ The National Volunteering Programme (PROVANAT), which later became the Togo National Volunteering Agency (ANVT), is the most widely known employability programme in Togo. Another example is the AIDE programme from the National Employment Agency, which aims to promote work placements for first-time job seekers.

soil depletion, lack of infrastructure, natural disasters and socio-cultural conditions in some regions which are restrictive and detrimental to citizens' fulfilment. The development programmes implemented by the Togolese government aim to provide a response to these issues.

The role of the ministries charged with development, grass roots development and land planning is therefore fundamental in **preventing labour migration of skilled workers**. These workers are necessary for the implementation of national development programmes, and this is why it is so important to create a suitable legal framework to keep Togolese talent in Togo.

The construction of community infrastructure and the development of programmes to tackle vulnerability in rural areas and the suburbs of the capital are further accomplishments in the fight against migrant smuggling among the working classes. Employability programmes for young people via national volunteering with the ANVT and support for work placements with the AIDE programme from the ANPE have also had a major impact in lowering the desire for international migration among young people. Meanwhile, programmes to facilitate access to microfinance for women and young people and programmes to support entrepreneurial micro-projects are among the positive measures implemented to prevent the departure of women and young people for better horizons. These programmes also have an effect on the reintegration of return migrants, although positive discrimination will be necessary in this respect so that returned migrant workers receive special attention from the institutions overseeing these governmental programmes.

In order to coordinate activities and projects linking migration and development, an **Inter-Ministerial Committee for the Coordination and Supervision of Migration and Development Activities** has been created within the Ministry of Development, whose mission is to ensure the coherence of national policies relating to migration and development in the country, among others.

5.3.2. The Ministry for Social Action and Advancement of Women

By promoting gender equality in Togolese society, the Ministry for Social Action contributes to the fight against transnational trafficking and smuggling of Togolese girls and women for domestic or sexual exploitation. Togo is a party to the Convention on the Elimination of All Forms of Discrimination Against Women and must thus ensure it adopts policies which respect gender and guarantee women a place in development activities and decision-making processes.

However, the Directorate General for Gender and Women's Advancement (DGGPF) is less visible on the ground than the Directorate General for Child Protection (DGPE) in terms of prevention and raising awareness of the risks of trafficking and domestic or sexual exploitation abroad among girls and women. According to interviewees from the DGGPF, this is due to the fact that the directorate works less on the ground and draws more on civil society organisations for its activities. The celebration of International Women's Day on 8th March each year offers an opportunity to spread a message of prevention regarding the smuggling of female migrant workers and transnational trafficking, through the civil society organisations which mobilise in defence of women's rights. Unfortunately, the activities held to celebrate this day are often concentrated in Lomé, overlooking the fact that the majority of female victims of smugglers and various forms of exploitation live in rural areas of the country.

The role of the National Solidarity Agency, a department of the Ministry of Social Action, in the social reintegration of migrant workers deported to Togo and experiencing vulnerability has already been noted above. Nonetheless, it appears that the limited funding available to this agency, which must cover all of the natural disasters and tragedies arising across Togo, does not allow it to do more for return migrants.

5.4. THE REPRESSIVE MECHANISM OF THE SECURITY AND JUSTICE MINISTRIES

Togo has ratified the United Nations Convention against Transnational Organised Crime and its additional protocols on human trafficking and migrant smuggling. In accordance with the provisions of this convention, the public services charged with security and justice take action to fight human trafficking across the national territory.

5.4.1. The Ministry of Security and Civil Protection

The **Directorate General of National Documentation** (DGDN) spearheads the **fight against false documents** used by smugglers to facilitate migrant workers' departure to international destinations. By linking the servers of the civil state, the Directorate of Nationality and the Directorate General of National Documentation, document fraud in the passport application process can be fought. Checks on visas and travel documents by the immigration services at Lomé airport and at land border posts are further measures which contribute to the fight against smuggling.

Following cases of deaths of Togolese domestic workers in Lebanon, upon instruction from the government, the immigration services at Lomé airport are now charged with checking that Togolese migrant workers travelling to the Middle East possess a work contract complying with labour migration rules. This measure is presented by the authorities as a mechanism to protect Togolese migrant workers by ensuring their registration and that of the employers with whom they will work by the Togolese authorities prior to their departure to the destination country.

Far from regulating the departure of Togolese migrant workers to the Middle East, this measure has merely displaced the problem to other countries in the sub-region. Indeed, freedom of movement in the ECOWAS space and porous borders with neighbouring states

facilitate the departure of Togolese migrant workers to the Middle East from surrounding countries. This is why there is a need for the **repression** of smuggling networks. This task is assigned to the **Central Management of the Judicial Police** (DCPJ) and the **National Gendarmerie**.

The Central Management of the Judicial Police undertakes investigations in order to break up smuggling networks operating on Togolese soil. A lack of sufficient resources and the absence until several months ago of an adequate criminal legal framework meant that it has been difficult for the police to apprehend smugglers of adult migrant workers. Besides, according to the Head of department for drugs, prostitution and people trafficking at the DCPJ, the fact that victims rarely report smugglers upon their return to Togo complicates the work of the DCPJ. This renders the phenomenon invisible.

The evolution of the legal framework on the matter in 2015 resolved the problem of the lack of criminal measures for punishing smugglers. It will now be necessary to provide better training for security forces and magistrates on this new legal framework and provide them with the necessary resources, such as those granted to specific agencies created to fight human trafficking in other ECOWAS states. This will be the price to pay for judicial police officers to conduct their investigations effectively and for justice to be dispensed.

5.4.2. The Ministry of Justice

The Togolese legal framework for fighting migrant smuggling and human trafficking was reinforced in November 2015 with the adoption of the new criminal code. In the 2nd title of the code, chapter 07, section 03, articles 317-334, provisions are made for sanctions on migrant smuggling and human trafficking both within the country and at the transnational level. No age distinctions are made, as we were told by the legal institutions we interviewed during our field study. Prior to the new code, only child trafficking was subject to criminal prosecution in accordance with the

2005 law on child trafficking. Article 328 of the new criminal code thus stipulates that any person found guilty of illegal smuggling of migrants by land, air and sea will be punished with a prison sentence of between one (1) and five (5) years, and a fine of between one million and five million F CFA.

With this new legal measure, there seems to have been some improvement in the protection of victims of human trafficking and migrant smuggling, according to the Martin Luther King Movement (MMLK). However, the MMLK notes that the measures on trafficking and smuggling contained within the new code appear to refer mainly to women and children. This idea was rejected by the magistrates interviewed, who explained that vulnerability is an aggravating factor in the terms of the new criminal code, in the case of trafficking or smuggling of children for the purpose of exploitation, for example.

6. Good practices in Africa and Asia

Some countries in Africa and Asia have taken measures to fight migrant smuggling and trafficking of their citizens to the Middle East or Central Africa. Measures have also been adopted to help victims to reintegrate society upon their return to their countries of origin. This section discusses the good practices developed in both respects, examining also the evolutions in the legal framework observed in some countries in the Middle East and Central Africa.

6.1. EVOLUTIONS IN THE LEGAL FRAMEWORK FOR RECEIVING MIGRANT WORKERS IN THE MIDDLE EAST

Generally, the issue of domestic workers is excluded from national legislation in countries in the Middle East, as it is considered to depend upon contracts between private individuals. However, considerable developments have taken place in the region in recent years.

Following the example of **Jordan**, **Lebanon** adopted a **unified standard contract and a law regulating relations between employers and migrant workers** by government decree in 2009. The unified standard contract stipulates, among other clauses, an employment period of one year renewable, a working day of 12 hours with a break of 8 consecutive hours, one day off each week without specifying further arrangements and a minimum wage for migrant domestic workers. Other changes to the legal framework have gradually been observed. From 2011, Lebanon began to draft a new labour law giving more rights to migrant workers and protecting them from abuse by their employers. However, there is no law which forbids or punishes Lebanese employers or recruiting agents for confiscating workers' passports or travel documents, representing a violation of their rights.

Kuwait also began to reform its labour law in 2011, in order to fight the trafficking of migrant workers on its territory. This process concluded on 24th June 2015

with **the adoption by the National Assembly of Kuwait of a new law granting domestic workers enforceable labour rights**. This new law provides domestic workers with the right to one day off per week, 30 days of annual paid leave, a working day of 12 hours with breaks and an end-of-service allowance equivalent to one month's salary, payable at the end of the contract.

One remarkable development in this law is the **ban on employers confiscating migrant workers' passports**. However, the law does not specify the penalties they may face in the case of non-compliance. The law also bans employment agencies and their employees from receiving any payment from migrant workers, with the threat of being charged with fraud by the Kuwaiti legal authorities if they breach this ban. Kuwait has also adopted a **standard work contract** regulating relations between employers and migrant workers.

Despite these developments, the status of migrant workers in Lebanon, Kuwait and Jordan continues to be governed by the '*Kafala*' system. To date, only Qatar has officially abolished this system. Indeed, on 12th December 2016, **Qatar announced the abolition of the system of sponsorship of migrant workers constituting the '*Kafala*'²⁸**. However, the abolition is only partial, as migrant workers will still require permission from their employers to leave the country.

The majority of countries in the Middle East are members of the Arab League and many have therefore ratified the Arab Charter on Human Rights. However, most of these countries have refused to ratify ILO Conventions 97 and 143 and the United Nations Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families which is the most comprehensive legal instrument in this matter.

²⁸ <http://www.togodiplomatie.info/Moyen-Orient/Abolition-de-la-kafala-au-Qatar>

Changes may also be observed among employment agencies placing migrant workers in Middle Eastern countries. In Lebanon, there is an **association of employment agencies** known as the Syndicate of Owners of Recruitment Agencies in Lebanon (SORAL). This association has adopted a Code of Conduct developed in collaboration with the International Labour Organisation and the Lebanese Ministry of Work, which has been adopted by 200 employment agencies.

Furthermore, the high cost of recruiting workers is perceived to contribute to their vulnerability to exploitation, as employers are hesitant to let domestic workers leave after the investment they have made. Widespread awareness of this fact has led **Jordan to cap the recruitment fees charged to employers at an amount equivalent to seven days' work**. Jordanian law also requires employers to be insured to cover losses in the event that domestic workers leave their employment before the end of the contract.

It is also important to highlight the dynamism of civil society in some Middle Eastern countries in defending migrant workers' rights. One of the most well-known organisations in this regard is Caritas Lebanon, which provides **a support programme for female migrant workers who fall victim** to illegal smuggling or trafficking by their employers.

In Kuwait, a government shelter with capacity for 500 people opened its doors in November 2014, offering short stays for migrant workers who have left their employers. A number of embassies often turn to this centre when their facilities are full. There are also three hospitals in Kuwait which offer care for female migrant workers who have escaped: the Hospital of the Mother and Child, the Psychiatric Hospital and the Hospital for Infectious Diseases, whose fees are often paid by embassies. This raises questions as to how workers without embassies can manage.

A **syndicate of migrant domestic workers** was created in Lebanon in 2015, and this union already contains almost 500 members originating from

almost every continent²⁹. The syndicate has begun a communications campaign in which migrant domestic workers share their stories in the Lebanese media. The union also intends to create a law office which would deal with litigation between migrant domestic workers and their employers.

6.2. EVOLUTIONS IN THE LEGAL FRAMEWORK FOR RECEIVING MIGRANT WORKERS IN CENTRAL AFRICA

The normative structuring of labour migration is far stricter and more precise in Angola, Gabon and Equatorial Guinea than in many other Central African countries. The appeal of these oil-exporting countries to migrant workers has prompted the development of quite a legal arsenal surrounding migration. However, changes have also been made to the entry formalities required in these countries to facilitate labour migration. One example is the introduction of an electronic visa system (e visa) in Gabon. This 'e visa' system allows any foreigner to make a request to enter Gabon online (using a computer or mobile phone) and to receive a Gabonese entry permit within 72 hours, before receiving their visa upon arrival at Léon Mba airport in Libreville.

This relaxing of the procedure for entering Gabon by the Directorate General of Documentation and Immigration (DGDI) officially aims to facilitate entry to Gabon without compromising security³⁰. The Gabonese government thus hopes to ensure: "*Gabon's appeal to foreign investors, businessmen, tourists and skilled workers from around the world.*"³¹

It is also important to note the existence of an **inter-ministerial commission for migration management** in Gabon since the early 1990s. Created by Decree no. 221/MDNSI of 28th January 1992, the commission monitors the coherence of Gabonese immigration policy and the effective

29 <http://afriquefemme.com/fr/maman/ado/2793-au-liban-les-domestiques-se-syndiquent>

30 <https://www.dgdi.ga/actualites/visa-electronique-e-visa/>

31 Idem.

coordination of the various public structures involved in managing migration flows.

6.3. GOOD PRACTICES IN DIFFERENT COUNTRIES

A number of countries in South-East Asia which are significant suppliers of migrant workers to the Middle East, especially the Philippines, have long been demanding better protection for their citizens working in the region. In the absence of labour law, these South-East Asian countries have **negotiated bilateral agreements with Middle Eastern countries**. The provisions contained in these agreements include weekly days off, retaining of identity documents by the migrant worker, a minimum wage and payment of wages via bank transfer. However, in practice there is little information available on the efficacy of these agreements in protecting migrant workers.

Madagascar, also attempting to tackle trafficking of its citizens in the Middle East, has tried to establish bilateral agreements with Saudi Arabia, Kuwait, Lebanon and China, which is another destination country for Malagasy migrant workers.

In Nigeria, the decree for application of the law banning human trafficking has led to the creation of a public institution specialising in fighting human trafficking and migrant smuggling, named the *National Agency for the Prohibition of Traffic in Persons* (NAPTIP). This agency is responsible for all activities linked to prosecution, protection and prevention. According to the United States Department of State in 2012, "*NAPTIP has initiated 117 inquiries into trafficking, opened legal proceedings in at least 17 cases and obtained 25 convictions*³²".

In 1992, Senegal signed a specific bilateral agreement with Gabon on the placement of Senegalese workers in the education sector. Although it was never ratified by Gabon, the two governments have established mechanisms for cooperation on the issue. Senegal

had previously signed bilateral agreements with Saudi Arabia in 1988 and Kuwait in 1992. The two agreements aimed to organise the recruitment of Senegalese migrant workers to work in the construction sector in both countries. Senegal also signed several agreements with Spain regarding the migration of Senegalese seasonal workers throughout the course of the 2000s. These agreements aimed to facilitate legal migration of Senegalese migrant workers to Spain.

³² http://publications.iom.int/system/files/pdf/survey_west_africa_fr.pdf

Conclusions and recommendations

There has been a dizzying rise in Togolese migration, both regular and irregular, internal and international. Despite regular media reports of tragedies linked to migration, particularly with regard to loss of human lives in deserts and at sea, trafficking of migrant workers and sexual exploitation in some destination countries and deportation in often inhumane conditions, nothing seems to diminish the determination of Togolese citizens to migrate. The regulatory measures implemented by the public authorities to support the emigration of migrant workers to certain risky destinations do not appear to be understood by prospective emigrants.

The continual increase in emigration from Togo may be explained both by pull factors exerted by foreign destinations on the imaginations of Togolese citizens and by push factors linked to current socio-economic conditions in Togo. Migration of Togolese citizens concerns both children and adults, and the earliest age of departure is between 12 and 15 years. While measures have been taken to fight illegal smuggling and transnational trafficking of Togolese children to foreign countries, efforts to address the smuggling and exploitation of adult migrants abroad remain minimal.

This research undertaken by the organisation Visions Solidaires, with the support of the Cooperation and Cultural Action Department of the French Embassy in Togo, aimed to produce a situational analysis of the smuggling of adult migrants and the exploitation they suffer in the Middle East and Central Africa. The resulting report thus bridges the information gap on the issue, while suggesting courses of action to be considered by the Togolese public authorities.

Interviews conducted on the ground gave rise to various recommendations, which are summarised below:

1. Better communication with the public regarding mechanisms to support and protect prospective Togolese labour migrants.
2. Create one or more reception and transit centres for adult migrant workers who have been deported as well as trafficking victims, to assist them prior to their reintegration into the family.
3. Provide more suitable support for migrant workers via diplomatic and consular missions in their destination countries, offering them enhanced information and assistance.
4. Extend the Togolese diplomatic and consular network, firstly in the countries with the largest numbers of Togolese migrant workers, with *in situ* monitoring of the situation of Togolese migrants.
5. Strengthen Togolese diplomatic missions via training and the presence of agents with a good knowledge of labour law relating to labour migration, who are able to advise migrants considering return to Togo on potential investments.
6. Facilitate the opening of foreign diplomatic representations in Togo in order to avoid costs for workers currently obliged to make visa requests in neighbouring countries.
7. Sign bilateral agreements to facilitate procedures for obtaining a visa or to grant visa exemption to Togolese citizens travelling to Central Africa, the Middle East and other regions of the world, as well as to protect Togolese migrant workers' rights.
8. Develop employment programmes in places recognised as the largest suppliers of migrant workers.
9. Offer priority access to government support programmes for return migrants.

10. Rapid implementation of the ANPE international intermediation service and provision of employment counsellors specifically charged with labour migration and supporting return migrants in finding work or engaging in entrepreneurship.
11. Implement measures to facilitate the creation of private employment agencies finding work for Togolese workers abroad.
12. Improve cross-border cooperation with neighbouring countries in terms of information exchange to fight smuggling of Togolese migrants.
13. Support research on Togolese migrant workers so that sufficient data is available to inform decision-making by the public authorities.
14. Implement mechanisms to support investment by returned migrant workers and to enhance the skills they have acquired abroad so that they can use them in Togo.

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APPENDICES

TABLE OF INSTITUTIONS AND VICTIMS INTERVIEWED

Institutions	People interviewed	Position
Agence Welcome	Mrs. Ida MELEDJI	Placement manager
Network for the Fight against Child Trafficking in Togo (RELUTET)	Mrs. Félicité KOUBLANOU	Coordinator
Martin Luther King Movement (MMLK)	Mr. Komi EDOH	President
Embassy of Gabon	Mrs. NYINGONE OBAME Arlette	Second Councillor of the Embassy of Gabon in Togo
National Employment Agency (ANPE)	Mr. Koffi ADZINYO	Director of career guidance and prospecting
WAO- Africa (Action to stop child exploitation)	Mr. Cléophas MALLY	Executive director
Women's Group for Democracy and Development (GF2D)	Mrs. Sophie AKPAMA	Coordinator
KEKELI Centre	Sister Gabrielle MUNTUKWAKU	Coordinator
Directorate General of Employment	Mr. Anani KPEKOU	Labour inspectors
Directorate General of Labour	Mrs. Akouvi Djifa TOTO	Labour inspector
NGO CREUSET TOGO	Mr. Essodéké Bruno MOUKPE	Executive director
SOKODE Court	Yentroudou KANTAPI	Presiding judge
Togolese Association for the Deported (ATE)	Mr. ASSIDI	President
SOKODE local authorities		Head of canton of KPANGALAM
Regional Directorate of Social Affairs in SOKODE	Mr. Kossi Essodina AWUSAH	Head of child protection department
NGO Support Programme for Women and Deprived Children (PAFED)	Mrs. Marie Françoise GNOFAM	Executive director
Ministry of Foreign Affairs, Cooperation and African Integration (MAE-CIA)	Mr. Steve BOBJONA	Director of Togolese Citizens Abroad
Lomé Anti-Gang Group (National Gendarmerie)	Squadron leader Kadanga KONDO	Captain of the Group
Central Management of the Judicial Police	Commissioner Kolaama AKOUNDA	Head of department for drugs, prostitution and people trafficking
National Solidarity Agency	Mrs. Déougla KPATCHA	Administration officer
NGO RADI in KPALIME	Georgette AGBEKA	Project manager
Association of the Togolese Diaspora in Gabon	A.M. BLIMI AKUE	General coordinator

APPENDICES

Victims interviewed	N
Victims exploited in Gabon	2
Victims exploited in Lebanon	8
Victims exploited in Saudi Arabia	1

