

Togo

PARTLY FREE

44
/100

<u>Political Rights</u>	16 /40
<u>Civil Liberties</u>	28 /60

LAST YEAR'S SCORE & STATUS

43 /100 **Partly Free**

Global freedom statuses are calculated on a weighted scale. See the methodology.



Overview

While regular multiparty elections have taken place since 1992, Togo's politics have been controlled since 1963 by the late Gnassingbé Eyadéma and his son, current president Faure Gnassingbé. Advantages including security services dominated by the president's ethnic group and malapportioned election districts have helped Gnassingbé and his party retain power. Opposition calls for constitutional and electoral reforms have been harshly repressed for years.

Key Developments in 2019

- The new parliament, which was dominated by the ruling party due to an opposition boycott of the December 2018 elections, voted overwhelmingly in May to adopt a constitutional amendment that reinstated the two-term limit for the presidency. The rule did not apply retroactively, however, meaning Gnassingbé could remain in power until 2030.
- In June and August, local council elections were held for the first time since 1987, with the ruling party capturing a majority of the seats.
- The authorities continued to restrict protests during the year, and in August the parliament passed legislation that imposed additional limits on freedom of assembly.

Political Rights

A. Electoral Process

A1 0-4 pts

Was the current head of government or other chief national authority elected through free and fair elections?	2/4
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The president, who serves as head of state and holds most executive power, is elected to five-year terms. The president appoints the prime minister, who serves as head of government. Presidential term limits were eliminated in 2002, then restored through a constitutional amendment in May 2019; they did not apply retroactively, meaning the incumbent could seek two additional terms.

Faure Gnassingbé—who was initially installed as president by the military after the death of his father, Gnassingbé Eyadéma, in 2005—secured a third term in the 2015 election with 59 percent of the vote. The election was considered largely free and fair by African Union observers, but the opposition criticized numerous aspects of the electoral process, including a new electronic vote-tabulation system and bias on the electoral commission. The vote was postponed by 10 days to accommodate voter list revisions called for by the Economic Community of West African States (ECOWAS). Opposition leaders declined to dispute the results at the Constitutional Court, saying the court was tilted in favor of Gnassingbé.

Mayors were chosen by local councils in 2019 following that summer’s municipal (commune) elections. Most were members of the ruling party, but opposition parties captured some mayoral posts. Jean-Pierre Fabre of the opposition National Alliance for Change (ANC), who had placed second in the 2015 presidential vote with 35 percent, became mayor in the municipality of Golfe 2 in September. Regional governors are still appointed by the national government.

A2 0-4 pts

Were the current national legislative representatives elected through free and fair elections?	2/4
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The constitution calls for a bicameral legislature, but the Senate has never been established. Members of the current 91-seat National Assembly, which exercises all legislative powers, were elected for five-year terms through proportional representation in multimember districts. In the December 2018 elections, the main opposition parties led a 14-party boycott, citing a number of unmet demands regarding constitutional and electoral reform. Gnassingbé’s Union for the Republic

(UNIR) won 59 of the 91 seats, down from 62 in 2013. A party that led the opposition before aligning itself with the government in 2010, the Union of Forces for Change (UFC), won 7 seats, up from 3 in 2013. Independents took 18 seats, and smaller parties captured the remainder. Observers from the African Union and ECOWAS said the elections had been held “properly” in a “calm environment,” though opposition protests had been violently suppressed in the weeks before the balloting. Official voter turnout, at 59 percent, was down from previous elections, and ranged from 95 percent in the UNIR-dominated far north to approximately 20 percent in the opposition-leaning capital in the south.

Municipal councillors were elected in June and August 2019 in the first local elections since 1987. The UNIR won more than 60 percent of the council seats; the ANC placed second.

Score Change: The score improved from 1 to 2 because the country held its first local elections in more than three decades, and unlike in the most recent parliamentary elections, opposition parties did not boycott the balloting.

A3 0-4 pts

Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies?	1/4
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Elections are organized and supervised by the Independent National Electoral Commission (CENI), whose membership by law should be balanced between the ruling party and the opposition. In 2018, the CENI was dominated by progovernment members—with the government-aligned UFC claiming opposition seats—throughout the voter registration and election planning period, contributing to the eventual boycott by opposition parties. The new CENI elected in 2019 remained dominated by the ruling party; most opposition-designated seats went to parties willing to cooperate with the government, with a UFC member again serving as CENI vice president. The Constitutional Court, responsible for verifying election results, is also considered to be stacked with close allies of the president. Prominent civil society groups have joined major opposition parties in their calls for a reliable electoral

register, fairly apportioned legislative districts, a reorganized CENI, and a more independent Constitutional Court.

In May 2019, the new UNIR-dominated National Assembly adopted a constitutional amendment that established a two-term limit for the presidency with no retroactive effect, allowing Gnassingbé to seek reelection in 2020 and 2025. The president's constitutional reform commission, which included no opposition members, had proposed the change in 2017, but the parliament at the time lacked the supermajority support necessary for adoption. The 2019 revision included a number of other amendments, including the introduction of two-round presidential elections, six-year terms and a two-term limit for lawmakers, and immunity for former presidents regarding acts committed during their terms.

B. Political Pluralism and Participation

B1 0-4 pts

Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings?	2/4
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There is a multiparty political system, and opposition parties are generally free to form and operate. Candidates can also run as independents. However, the dominance of the UNIR undermines the visibility and competitiveness of other parties.

Opposition members are sometimes arrested in connection with peaceful political activities.

In 2017 and 2018, antigovernment protests organized by opposition parties were suppressed with deadly force, and a number of opposition supporters were arrested and tortured for their participation in the demonstrations. Protests and arrests continued on a smaller scale in 2019.

B2 0-4 pts

Is there a realistic opportunity for the opposition to increase its support or gain power through elections?

1/4

Gnassingbé's family has controlled Togo's powerful presidency since the 1960s. He and the UNIR have retained power thanks in large part to the structure of the electoral system, including district malapportionment in legislative elections and the single-round plurality vote in presidential elections prior to the 2019 constitutional revision, and their de facto control over institutions such as the CENI and the Constitutional Court.

Genuine opposition parties have no presence in the National Assembly following their boycott of the 2018 elections, though they did gain mayoralties and municipal council seats in the 2019 local elections.

B3 0-4 pts

Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means?

1/4

The government is dominated by members of Gnassingbé's Kabyé ethnic group, who also make up the vast majority of security personnel. In 2005, the military installed Gnassingbé as president, in violation of the constitution. Since 2017, increased activity by the opposition has been met with increased use of force by the security apparatus. Hundreds of activists have been arrested, and many tortured. In the weeks before the 2018 elections, security forces repeatedly used live ammunition against opposition protesters, killing several people.

While security forces defend the regime through intimidation, the UNIR has been accused of relying on patronage and financial incentives, including the distribution of benefits to buy votes at election time.

B4 0-4 pts

Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities?

2/4

The Éwé, Togo's largest ethnic group, have historically been excluded from positions of influence; they are prominent within the opposition. Since 2010, the community has been politically split, as the Éwé-dominated UFC reached a power-sharing agreement with the government while the majority remained loyal to opposition forces. Women are underrepresented in government and face some societal pressure that discourages their active and independent political participation. Only 16 percent of the National Assembly members elected in 2018 were women. Candidate registration fees were halved for women ahead of the 2019 local elections.

C. Functioning of Government

C1 0-4 pts

Do the freely elected head of government and national legislative representatives determine the policies of the government?

2/4

The president holds most policymaking power, and the National Assembly, which is controlled by the ruling party, does not serve as an effective check on executive authority. A pattern of flawed elections has undermined the legitimacy of both the executive and the legislature.

C2 0-4 pts

Are safeguards against official corruption strong and effective?

1/4

Corruption is a serious and long-standing problem. The government has adopted legislation that is ostensibly designed to reduce corruption, such as a law passed by the National Assembly in 2018 on money laundering and the funding of terrorism, but

these legal changes have not been followed by effective enforcement or convictions of high-ranking officials. The majority of members of the High Authority for the Prevention and Fight against Corruption and Related Offenses (HAPLUCIA) are presidential appointees, raising concerns about the body's independence. HAPLUCIA cannot prosecute cases itself and must make referrals to the public prosecutor.

C3 0-4 pts

Does the government operate with openness and transparency?	2/4
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A 2016 freedom of information law guarantees the right to access government information, though some information is exempted, and the government does not always respond to requests. Most public officials are not required to disclose their assets. There is a lack of transparency regarding state tenders. A court case against French billionaire Vincent Bolloré, who was indicted in France in 2018 for allegedly helping Gnassingbé win the 2010 presidential election in exchange for contracts to operate container ports in Lomé, continued during 2019.

Civil Liberties

D. Freedom of Expression and Belief

D1 0-4 pts

Are there free and independent media?	2/4
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Freedom of the press is guaranteed in the constitution but inconsistently upheld in practice. Numerous independent media outlets offer a variety of viewpoints, but a history of impunity for those who commit crimes against journalists, as well as

restrictive press laws, encourage self-censorship. There is no mechanism to appeal decisions made by the High Authority for Broadcasting and Communication (HAAC), which can suspend outlets for violations of broadly worded regulations. In March 2019, the HAAC revoked the license of a newspaper for “deliberate refusal to respect the fundamental principles of journalism.”

Police have engaged in violence and other acts of intimidation to discourage press coverage of opposition protests that began in 2017. Authorities have also temporarily disrupted mobile phone and internet service during protests, hampering efforts to report on them.

D2 0-4 pts

Are individuals free to practice and express their religious faith or nonbelief in public and private?	3/4
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Religious freedom is constitutionally protected and generally respected in practice. Islam, Roman Catholicism, and Protestant Christianity are recognized by the state as religions; other groups must register as religious associations to receive similar benefits. The registration process has been subject to long delays and a large backlog; approximately 900 applications were pending at the beginning of 2019.

D3 0-4 pts

Is there academic freedom, and is the educational system free from extensive political indoctrination?	2/4
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Academics are generally able to engage in political discussions. However, security forces have repeatedly used violence and arrests to quell student protests.

D4 0-4 pts

Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution?	2/4
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Citizens are able to speak openly in private discussion, but they may be arrested on incitement or other charges for speaking critically about the government to journalists or human rights organizations.

In 2018, the National Assembly adopted a new cybersecurity law that criminalizes publication of false information and breaches of public morality, among other problematic provisions that could affect online freedom of expression. The law also granted police greater authority to conduct electronic surveillance.

E. Associational and Organizational Rights

E1 0-4 pts

Is there freedom of assembly?	1/4
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While the constitution provides for freedom of assembly, a number of laws allow for its restriction, and police have periodically used deadly violence to disperse assemblies in practice. A 2011 legal reform retained problematic rules on prior notification for demonstrations and limits on their timing. A 2015 revision of the criminal code penalized participation in and organization of protests that had not gone through the necessary administrative procedures. In August 2019, the parliament approved legislation that imposed new limits on the timing and location of public demonstrations; the law also allowed authorities to restrict protests based on the availability of security personnel.

Protests organized in 2017 and 2018 to demand the restoration of presidential term limits attracted hundreds of thousands of participants. Authorities responded with temporary bans and other administrative restrictions, including a ban on all street protests during the 2018 electoral period. Police also used disproportionate force on a number of occasions, resulting in multiple deaths, arrests, and cases of torture. Such clashes were less common during 2019, but officials continued to arrest

demonstrators and ban or disperse protests on a variety of topics, including a sit-in against high energy prices and a protest demanding the removal of the coach of the national soccer team. At least one person was killed during opposition protests in April.

E2 0-4 pts

Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work?	2/4
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Nongovernmental organizations are subject to registration rules that have sometimes been enforced arbitrarily to suppress activism on sensitive topics, such as torture and the rights of LGBT+ people. Several civil society leaders have been arrested and detained for their roles in the protest movement that began in 2017. Youth activist Folly Satchivi, who was arrested in 2018 while preparing to hold a press conference calling for the return of presidential term limits, received a three-year prison sentence, with one year suspended, in January 2019. An appeals court reduced his sentence in October, and he was released later that month following a presidential pardon.

E3 0-4 pts

Is there freedom for trade unions and similar professional or labor organizations?	3/4
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The government generally protects workers' rights to form and join labor unions, though unions have fewer legal protections in the country's special export-processing zone.

F. Rule of Law

F1 0-4 pts

Is there an independent judiciary?	2/4
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The constitution provides for an independent judiciary, but in practice courts are heavily influenced by the presidency. The Constitutional Court in particular, appointed by the president and the UNIR-controlled National Assembly, is believed to be partial to the ruling party, which contributed to the opposition's decisions not to appeal the 2015 presidential election results or participate in the 2018 legislative elections in the absence of reforms. Judges on other courts are appointed by the executive based on the recommendations of a judicial council, which in turn is dominated by senior judges.

F2 0-4 pts

Does due process prevail in civil and criminal matters?	1/4
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Executive influence and judicial corruption limit constitutional rights to a fair trial. Dozens of people arrested for participating in the antigovernment protest movement since 2017 have been charged, tried, and convicted in hasty proceedings, often without access to counsel.

Corruption and inefficiency are widespread among the police, and there are also reports of arbitrary arrest. The 2018 cybersecurity law contains vague terrorism and treason provisions with heavy prison sentences, and grants additional powers to the police without adequate judicial oversight.

F3 0-4 pts

Is there protection from the illegitimate use of physical force and freedom from war and insurgencies?	2/4
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Prisons suffer from overcrowding and inadequate food and medical care, sometimes resulting in deaths among inmates from preventable or curable diseases. The government periodically releases prisoners to address overcrowding, but the process by which individuals are chosen for release is not transparent.

The 2015 penal code criminalizes torture, and a 2016 revision defined torture in line with the UN Convention against Torture. However, instances of torture by security forces continue to be reported, including against participants in recent antigovernment demonstrations.

Islamist militants may present a growing threat to security in Togo, with some fighters from Burkina Faso reportedly taking refuge in the country.

F4 0-4 pts

Do laws, policies, and practices guarantee equal treatment of various segments of the population?	1/4
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Although women and men are ostensibly equal under the law, women continue to experience discrimination, and their opportunities for employment and education are limited. Official and societal discrimination has persisted against people with disabilities, certain regional and ethnic groups, and LGBT+ people, to whom antidiscrimination laws do not apply. Same-sex sexual activity is a criminal offense, and while the law is rarely enforced, LGBT+ people face police harassment.

G. Personal Autonomy and Individual Rights

G1 0-4 pts

Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education?	2/4
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The law provides for freedom of internal movement and foreign travel, but these rights are sometimes restricted by the authorities in practice. Domestic travel can involve arbitrary traffic stops at which police collect bribes. In October 2019, three regional democracy activists were denied entry to Togo.

G2 0-4 pts

Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors?	2/4
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The country has made regulatory improvements to ease processes such as the registration of companies and property, but in general the business environment is poorly administered, creating opportunities for corruption and driving much economic activity into the informal sector. Women and men do not have equal inheritance rights under traditional or customary law, which is observed mainly in rural areas.

G3 0-4 pts

Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance?	1/4
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Customary law puts women at a disadvantage regarding matters such as widowhood, divorce, and child custody. Polygamy is widely practiced and legally recognized. Child marriage remains a problem in some regions. Rape is illegal but rarely reported and, if reported, often ignored by authorities. Domestic violence, which is widespread, is not specifically addressed by the law. UN data indicate that about 5 percent of women and girls aged 15 to 49 have undergone genital mutilation or cutting, which is illegal and less prevalent among younger girls.

G4 0-4 pts

Do individuals enjoy equality of opportunity and freedom from economic exploitation?	2/4
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Protections against exploitative labor conditions, including rules on working hours, are poorly enforced, and much of the workforce is informally employed. Child labor is common in the agricultural sector and in certain urban trades; some children are

subjected to forced labor. According to the US State Department, the government has made efforts to address human trafficking for forced labor and sexual exploitation, including by identifying more trafficking victims, prosecuting more perpetrators, and stepping up public-awareness programs, though it still fell short on victim protection and other issues.



On Togo

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Country Facts

Global Freedom Score

44/100 Partly Free

Other Years

2019

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