



# Freedom in the World 2018

## Togo *Profile*

**FREEDOM  
STATUS:  
PARTLY  
FREE**



Freedom in the World

Scores

Quick Facts

Freedom Rating



Political Rights



Civil Liberties



(1=Most Free, 7=Least Free)

Aggregate Score: 47/100 (0=Least

Free, 100=Most Free)

## Overview:

While regular multiparty elections haven't taken place since 1992, Togo's politics have been dominated since 1963 by Gnassingbé Eyadéma and his son, the current president, Faure Gnassingbé. Advantages including a security service dominated by the president's ethnic group, disproportionately drawn election districts, and a fractured opposition have helped President Gnassingbé and his party hold on to power. In 2017, protests calling for the reintroduction of term limits were harshly repressed.

# Key Developments in 2017:



- Massive protests in response to president's continued refusal to be constrained by term limits prompted temporary disruptions of internet and mobile phone service, a ban on weekday protests, and the use of disproportionate force by police against protesters. Journalists covering the protest movement experienced harassment.
- The opposition boycotted a National Assembly vote to reintroduce term limits because the limits would not be retroactive, meaning that they would not apply to Gnassingbé, who has been in power since 2005. Without enough support to push the measure through the legislature, the government announced plans to hold a national referendum on it.
- Authorities arrested numerous students at the University of Lomé in connection with demonstrations at which participants demanded better university facilities.

## Political Rights and Civil Liberties:

# POLITICAL RIGHTS:



## 18 / 40

### A. ELECTORAL PROCESS: 6 / 12

**A1. Was the current head of government or other chief national authority elected through free and fair elections?**

2 / 4

The president is head of state, and is elected to a five-year term. The president appoints the prime minister, who is head of government. Presidential term limits were eliminated in 2002.

President 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 2015 elections, in which he took 59 percent of the vote. The election was considered largely free and fair by observers, but the opposition criticized numerous aspects of the electoral process. Additionally, the main opposition candidate, Jean-Pierre Fabre, was reportedly prohibited from broadcasting a message viewed as critical of the government during the campaign. Opposition leaders declined to dispute the election at the Constitutional Court, saying the court was tilted in favor of Gnassingbé.

**A2. Were the current national legislative representatives elected through free and fair elections?** 2 /

4

Legislative elections for the National Assembly were held in 2013, after much delay. While the polls were generally considered credible and transparent, the opposition disputed the results. Gnassingbé's Union for the Republic (UNIR) won 62 of the 91 seats, and 23 of the country's 28 electoral zones.



The 1992 Constitution states that local territories administer themselves by elected councils, but local elections have not been held since 1986.

### **A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 2 / 4**

Elections are organized and supervised by the Independent National Electoral Commission (CENI), which by law includes members of the parliamentary opposition. In 2015, the opposition criticized delays in appointing the CENI vice president—a post to be held by the opposition—until the eve of the vote itself, as well as the new electronic vote tabulation system. Malapportionment has resulted in the delivery of outsized legislative majorities to the UNIR.

In 2017, the president's constitutional reform commission, which included no opposition members, proposed a two-term limit that was not retroactive, which meant that Gnassingbé would not be bound by it. In September, a draft bill to amend the constitution according to the proposal was introduced in the National Assembly, but an opposition boycott of the vote prevented its approval. The government subsequently announced plans to hold a referendum on the proposal.

## B. POLITICAL PLURALISM AND PARTICIPATION: 7 / 16



**B1. 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**

Opposition parties are generally free to form and operate. However, the dominance of the UNIR—which controls government at all levels and can confer benefits upon party members that are not available to outsiders—undermines the visibility and competitiveness of other parties. Opposition members are sometimes arrested in connection with peaceful activities.

In 2017, antigovernment protests organized by opposition parties were violently suppressed, and a number of opposition supporters were arrested in connection with their participation in the demonstrations. Separately, Kombate Garimbité, a member of the opposition Alliance of Democrats for Integral Development (ADDI) was arrested in April after he criticized a local leader in Yembour locality. Authorities claimed that he had organized an antigovernment protest in the capital the previous month, and charged him with disturbing public order.

**B2. 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. The structure of the electoral

system, including district malapportionment and the single round of elections (rather than the two rounds favored by the opposition, which was the case before the Constitution was amended in 2002), have helped Gnassingbé and the UNIR remain in power.



**B3. Are the people’s political choices free from domination by the military, foreign powers, religious hierarchies, economic oligarchies, or any other powerful group that is not democratically accountable? 2 / 4**

The government is dominated by Gnassingbé’s Kabyé ethnic group, who also make up the vast majority of the security services. In 2005, the military installed Faure Gnassingbé as president, in violation of the constitution. In recent elections, the UNIR has distributed benefits to voters.

**B4. 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, are persistently excluded from positions of influence; they are prominent within the opposition. Women are underrepresented in government, and face some societal pressure discouraging their active political participation.

## C. FUNCTIONING OF GOVERNMENT:

5 / 12

**C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 2 / 4**



The legislature has influence over policy, but most power lies in the hands of the president.

**C2. Are safeguards against official corruption strong and effective? 1 / 4**

Corruption remains a serious problem. In early 2017, members were appointed to the High Authority for the Prevention and Fight against Corruption and Related Offenses (HAPLUCIA), an anticorruption body authorized in 2015. However, the majority of HAPLUCIA members are presidential appointees, raising concerns about the body's independence. By the end of 2017, it had registered few concrete accomplishments.

**C3. Does the government operate with openness and transparency? 2 / 4**

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.

**CIVIL LIBERTIES: 29 / 60 (-1)**

## D. FREEDOM OF EXPRESSION AND BELIEF: 9 / 16



### **D1. Are there free and independent media? 2 / 4**

Freedom of the press is guaranteed by law 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 Audiovisual and Communication (HAAC), which can hand down suspensions for the violation of broadly worded regulations.

In February 2017, gendarmes arrested and beat a journalist, Robert Kossi Avotor, as he was reporting on an antigovernment protest, and deleted materials from his camera; he was later released without charge. In September, authorities issued complaints about press coverage of antigovernment protests, and engaged in other acts of intimidation aimed at discouraging coverage of the events. Authorities also temporarily disrupted mobile phone and internet service as the protests were taking place, hampering coverage of them.

### **D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 3 / 4**

Religious freedom is constitutionally protected and generally respected. Islam and Christianity are recognized as official religions; other religious groups must register as associations.



**D3. Is there academic freedom, and is the education system free from extensive political indoctrination? 2 / 4**



University figures are able to engage in political discussions. However, government security forces have repeatedly cracked down on student protests. In June 2017, authorities arrested numerous students at the University of Lomé in connection with demonstrations at which participants demanded better facilities. Some of the students reported being beaten by security forces as they moved to quell the protests.

**D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 2 / 4**

Citizens are able to speak openly in private discussion, but may be arrested on incitement or other charges for speaking critically of the government to journalists or human rights organizations.

In September 2017, the government cut mobile phone and internet service temporarily, in an apparent attempt to halt the spread of antigovernment protests.

## **E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 6 / 12 (-1)**

**E1. Is there freedom of assembly? 1 / 4 (-1)**

Sparked in part by gas price increases, protests that began at the start of 2017 rapidly expanded, attracting hundreds of

thousands of participants in the summer, with protestors demanding restoration of the presidential term limits and the two-round presidential election system in the 1992 Constitution. Authorities moved to suppress the demonstrations, including by initiating temporary blocks on mobile phone and internet service, and banning weekday protests for a period in October. Police responded to the protests with disproportionate force on a number of occasions, with rights group Amnesty International counting 11 people killed at protests during the year.



**Score Change: The score declined from 2 to 1 due to attempts by the authorities to suppress a protest movement, which included moves to disrupt internet and mobile services, the temporary banning of weekday protests, and the use of disproportionate force against protesters by police.**

**E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work? 2 / 4**

Foreign or international associations must attain prior authorization to operate and may be dissolved by the government for engaging in controversial activities or taking positions contrary to those of the ruling party. According to a May 2017 report by Amnesty International, a group representing the rights of LGBT (lesbian, gay, bisexual, and transgender) people was denied registration because their mandate was considered by authorities to challenge cultural norms.

### **E3. Is there freedom for trade unions and similar professional or labor organizations? 3 / 4**



The government generally protects rights to form and join labor unions outside the export-processing zone, where unions have fewer legal protections.

## **F. RULE OF LAW: 7 / 16**

### **F1. Is there an independent judiciary? 2 / 4**

The constitution provides for an independent judiciary, but in practice it is heavily influenced by the presidency. The Constitutional Court in particular is believed to be partial to UNIR; Fabre chose not to appeal the 2015 election results with the court for this reason.

### **F2. Does due process prevail in civil and criminal matters? 2 / 4**

Executive influence and judicial corruption limit constitutional rights to a fair trial. In 2017, more than two dozen people who had participated in an antigovernment protest were charged, tried, and convicted within two days of their initial arrest, raising questions about the fairness of the trial. All but one of the defendants lacked legal counsel.

Corruption and inefficiency are widespread among the police, and there are also reports of arbitrary arrest.

### **F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 2 / 4**

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. However, its definition of torture does not conform to the definition in the UN Convention against Torture, and reports of torture by security forces continue, including in 2017 against participants in antigovernment demonstrations.

#### **F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 1 / 4**

Although women and men are equal under the law, women continue to experience discrimination, and their opportunities for employment and education are limited. Official and societal discrimination persisted against persons with disabilities, regional and ethnic minority groups, and LGBT people, for whom nondiscrimination laws do not apply.

## **G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 7 / 16**

#### **G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 2 / 4**

The law provides for freedom of internal movement and foreign travel, but some of these rights are restricted by the

government. Domestic travel can involve arbitrary traffic stops for collecting bribes.



**G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 2 / 4**

The country has made improvements in the ease of starting a business, but problems remain with regard to property rights. It is difficult to register property in Togo, and there is a widespread perception that judges can be bribed in cases involving land disputes.

**G3. 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**

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.

Same-sex sexual activity is a criminal offense, but the law is rarely enforced.

**G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 2 / 4**

Laws prohibiting commercial sexual exploitation of children are not effectively enforced.

The government is making efforts to address human trafficking, including by conducting more frequent labor

inspections in susceptible industries, providing services to victims, and encouraging people to report suspected trafficking.



**Scoring Key: X / Y (Z)**

**X = Score Received**

**Y = Best Possible Score**

**Z = Change from Previous Year**

**Full Methodology**

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