

FREEDOM OF THE PRESS

Togo

Togo | [Freedom of the Press 2012](#) |

Freedom of speech and freedom of the press are legally guaranteed in Togo, but these rights are often ignored by the government. The protection of confidential sources is explicitly provided for by the Press and Communication Code, though in practice the police have been reported to demand that journalists reveal their sources. The print media is not required to obtain permission from state authorities before publishing, and there is no law restricting the practice of journalism to those with a certain academic background. Pervasive impunity for crimes against journalists, however, has created an illiberal media environment marked by self-censorship that persisted during the tense election year of 2010 and only improved marginally in 2011.

While imprisonment for defamation was abolished in August 2004 with an amendment to the Press and Communications Law, journalists can still receive a criminal fine of up to 5 million CFA francs (\$10,000) under Article 104 of the media code or Article 58 of the penal code. Such punishment for libel has typically been infrequent, but 2010 featured a startling increase in the number of libel cases and convictions, particularly those concerning President Faure Gnassingbé and his family. One such case was that of the Benin-based magazine *Tribune d'Afrique*, in which the magazine was ordered to pay 60 million CFA francs (\$200,000) in damages, a fine of 20 million CFA francs (\$4,000), and also received a publication suspension in 2010 for an article accusing the president's brother of drug trafficking. The magazine appealed the decision and in July 2011, after it had been banned from publishing in Togo, a Lomé appeals court agreed to reduce the distribution ban to just three months—a sentence that had been fulfilled by November 2010, as well as the damages. There was only one noteworthy libel case in 2011, signaling an improvement from previous years. The private weekly *L'Indépendant Express* was fined 200 million CFA francs (\$400,000) in damages and 800,000 CFA francs (\$1,600) for libel. While the information in question was proven by an independent arbiter to be false, the fines were widely considered to be disproportionate to the offense.

The High Authority of Broadcasting and Communications (HAAC) is a tool that the government has used to intimidate the press. While originally intended to be an independent body that would protect the media and ensure ethical standards, the HAAC now serves almost exclusively as the government's censorship arm. In October 2009, the parliament passed a law allowing the HAAC to impose sanctions, seize equipment, ban publications, and withdraw press cards. However, there were no reports of the HAAC suspending publications or withdrawing press cards in 2011. In December 2010, three independent radio stations were closed under the authority of the Posts and Telecommunications Regulation Agency (ART&P) for not having the proper operating permits or meeting technical regulations. In February 2011, several civil society and journalists' organizations organized a campaign to bring attention to these closures, which included sit-ins and protest marches. Two of the three radio stations in question were reinstated by the end of the year. In March, the ART&P closed community radio station Carré Jeunes for "non-respect of professional standards," though it was reinstated by the end of

2012 SCORES

PRESS STATUS

Not Free

PRESS FREEDOM SCORE

69

LEGAL ENVIRONMENT

22

POLITICAL ENVIRONMENT

26

ECONOMIC ENVIRONMENT

21

2011.

In the lead-up to the 2010 presidential election, a number of journalists from French media outlets had been denied press accreditation until election day, preventing them from fully covering the event. No such restriction on international reporting took place in 2011, but radio stations are legally barred from rebroadcasting foreign programs without prior authorization from the HAAC.

Journalists in Togo have traditionally operated in fear of violent attacks and harassment for their reporting, and many engage in self-censorship as a result. According to the Union of Independent Journalists in Togo (UJIT), there was an increase in the number of journalists harassed in 2010 around the election. In 2011, a group called “SOS Journalists in Danger” was formed after an anonymous note, purportedly from the government, threatened 10 journalists critical of the government with torture and bodily harm. None of the journalists were harmed by the end of the year. The only reported incident of violence against journalists in 2011 came in August, when the police used tear gas to disperse a demonstration of journalists and other press freedom advocates who were protesting against the National Intelligence Agency for allegedly threatening journalists.

Despite the rapid growth of private media since the late 1990s, the government still owns the media outlets with the greatest reach in each medium, including the only television station with a nationwide broadcast. The size of the private media sector is impressive for a relatively small country, and its content is often highly politicized. There are approximately 30 privately owned newspapers that publish with some regularity, including 2 dailies, about 100 private radio stations—most of which are private—and 8 independent television stations. The state broadcaster appeared to make efforts in 2011 to diversify its coverage. Many media outlets suffer from precarious finances due to a small pool of private advertisers and a low degree of professionalism. Journalists regularly take bribes and self-censor often as a result of pressure from editors or external actors.

Some 3.5 percent of the population was able to access the internet in 2011, a relatively high penetration rate by regional standards. Internet speeds are very slow and access is expensive for the average citizen. There was some evidence in 2011 of government interference in private online accounts.

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