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Freedom Of The Press - Togo (2011)

Status: Not Free
Legal Environment: 23
Political Environment: 28
Economic Environment: 22
Total Score: 73

Freedom of speech and freedom of the press are legally guaranteed in Togo, but these rights are often ignored by the government. Pervasive impunity for crimes against journalists has created a tense and illiberal media environment that persisted during the 2010 presidential election.

While imprisonment for defamation was abolished in August 2004 through 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 severe 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. In August, a court in Lomé suspended the independent Benin-based newspaper *Tribune d'Afrique* and imposed a \$4,000 fine for an article accusing the president's brother of drug trafficking. Also in August, the president himself charged three separate papers—*La Lanterne*, *L'Indépendent Express*, and *Liberté*—with defamation in articles on topics as diverse as the economy, corruption, and human right abuses. While the president quickly dropped the suits, likely due to international pressure, they indicated his willingness to crack down on journalists who report critically on his administration.

The High Authority of Broadcasting and Communications (HAAC) is another tool with which the government has been known to intimidate the press. Originally intended as 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.

During the 2010 presidential election, the state did not ban media coverage as it had done in 2005, but critical coverage was less of a concern for Gnassingbé than in 2005 due to the disorganization of the opposition, among other factors. The incumbent's campaign benefited from control of the state broadcaster, which is the most widely accessible media outlet in the country and was staunchly pro-Gnassingbé in its election coverage. Foreign journalists have been able to operate freely throughout the country in recent years. However, in the lead-up to the 2010 election, a number of journalists from French media outlets were denied press accreditation until election day, preventing them from fully covering the event.

Journalists in Togo have frequently operated in fear of violent attacks and harassment for their reporting, and many censor themselves as a result. According to the Union of Independent Journalists in Togo (UJIT), there was an increase in the number of journalists harassed during the year surrounding the election. In August 2010, UJIT issued a statement to the government demanding protection for its members, a number of whom had recently been threatened with violence.

Despite the rapid growth of private media since the late 1990s, the government still owns the only national television station, as well as several radio stations. The size of the private media sector is impressive for a relatively small country, with 86 functioning radio stations, 3 daily newspapers, 60 other publications released on a semiregular basis, and nine private television stations. However, many of these outlets suffer from precarious finances and a low degree of professionalism, as no formal journalism training is available in the country. According to the Committee to Protect Journalists, the government withholds advertising from outlets like *Tribune d'Afrique* that report critically, and it was particularly selective about where it advertised during an election year.

Some 5.4 percent of the population was able to access the internet in 2010, a relatively high penetration rate by regional standards. In an improvement over the 2005 presidential election, access to the internet was unrestricted throughout 2010, with no reported cases of content blocking.