

# Togo

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## Freedom of the Press

Freedom of speech and freedom of the press are guaranteed by the constitution and other laws in Togo, but the government has often ignored these rights, and an atmosphere of pervasive impunity for crimes against journalists lingers. Nonetheless, with the successful overturning of particularly repressive amendments to the 2009 Press Law by the constitutional court; a reduction in the number of attacks against journalists, especially in a legislative election year; and improved media diversity and discussion of views, Togo saw a moderate opening of the media environment in 2013.

While the constitution and other press laws protect the rights of the media on paper, enforcement has been a problem. Imprisonment for defamation was abolished by a 2004 amendment to the Press and Communications Law, but journalists can still receive a criminal fine of up to 5 million CFA francs (\$10,000) under Article 104 of the media code of 1998 or Article 58 of the penal code. Such punishment for libel has typically been infrequent, apart from a spike in cases in 2010, particularly those concerning President Faure Gnassingbé and his family. However, increased use of the regulatory framework has taken the place of formal libel charges, and no cases have been initiated in the last two years. In February 2013, the National Assembly debated and adopted amendments to the December 2012 law on electronic communications, with a view toward encouraging competition among electronic communications networks in order to expand options available to consumers.

Togo does not have a law guaranteeing access to information, and in practice official information remains difficult to obtain, particularly for private media outlets. Print media are 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. Increasingly, journalists and media professionals are forming associations—such as the PTT (Press Employers of Togo) and UJIT (Union of Independent Togolese Journalists)—to oversee the professionalization of the sector, as well as to advocate for journalists' rights.

A 2009 law gives the state regulatory body, the High Authority of Broadcasting and Communications (HAAC), the power to impose severe penalties—including the suspension of publications or broadcasts for up to six months and the confiscation of press cards—if journalists are found to have made “serious errors” or are “endangering national security.” In February 2013, further restrictions were added to the law giving the HAAC, among other things, the ability to shut down media outlets without a court order. The amendments were highly controversial; local journalists staged a three-day sit-in at the Presidential Palace in mid-March, and Togolese media orchestrated a nation-wide media blackout on March 12. Later that month, at the president's behest, the constitutional court reviewed the amendments and ultimately ruled them inconsistent with the constitution. While the HAAC was criticized in the past for acting as the government's censorship arm, in recent years it has increased its capacity to resolve media disputes fairly and is generally seen to be somewhat more balanced and independent of the government in its adjudication of complaints.

Licensing of media outlets is not done fairly; while the government insists that there are no more radio frequencies available in the cities, licenses have been given out to Radio City FM and Le Chaine du Future, outlets that are owned by presidential allies. In contrast, Radio Legende, which aired criticism of the government during the July 2013 legislative elections, was ultimately forced to shut permanently when the HAAC refused its license renewal in August. During the election, the station had broadcast live

accusations of election fraud. While these accusations ultimately proved false, the HAAC sent the police to the station to suspend the live broadcast, and in August the HAAC refused the license renewal because the station's managing director allegedly failed to attend a meeting with the HAAC about the case. This provoked angry protests from the public who fought with security forces and briefly took two police officers hostage; this only dissipated when Nicodeme Barrigah, former president of the Truth, Justice, and Reconciliation Commission and a prominent political mediator, intervened. Radio Legende had previously been the target of HAAC action in 2012 when it was suspended for allegedly inciting ethnic hatred.

Journalists in Togo have traditionally operated in fear of violent attacks and harassment for their reporting, and some continue to engage in self-censorship, particularly on issues concerning corruption, national security, the military, and Gnassingbé's family. However, the diversity of content and critical voices available to the Togolese people has increased in recent years, with more journalists willing to speak out. Indeed, there has been a proliferation of online news commentary websites that do not balk at criticizing the government or Gnassingbé specifically.

Incidents of direct attacks on journalists have fluctuated over the last few years, with increases reported around election periods or during antigovernment protests. There were several incidents of violent clashes between journalists and security forces in 2013, mostly in relation to attempts to cover protests. Indeed, in March 2013 security forces dispersed media workers and human rights activists protesting the controversial press law amendments with rubber bullets and tear gas; one journalist sustained a fractured jawbone and mouth injuries while others became ill due to the tear gas. Journalists and a local press freedom group also claimed police had targeted with tear gas reporters—including those from Deutsche Welle and *Jeune Afrique*—who attempted to cover antigovernment protests in the capital in January. The year also saw a few seemingly random violent attacks against journalists perpetrated by unknown assailants, including a hit and run against a freelancer for France 24 and *Le Canard Independent*.

Despite the growth of private media since the late 1990s, the government still owns the outlets with the greatest reach in each medium, including the only television station with near-nationwide reach. While they have the widest audience, the state-run media outlets suffer from poor infrastructure, mismanagement, and government domination over editorial content. The size of the private media sector is impressive for a relatively small country. According to statistics released by the HAAC, there are approximately 100 operational print publications—only 3 are published on a daily basis, while more than 90 are published weekly—more than 70 radio stations, and 11 television stations. However, most outlets, both public and private, are economically vulnerable, with journalists receiving meager wages, a particularly small pool of private advertisers coming primarily from international organizations, and a low degree of professionalism. Media content, while improving, is still highly politicized, influenced by special interests, and corruptible due to low pay; government subsidies are frequently used to reward favorable coverage. Printing facilities are outdated, and while the government owns a more modern press, it too suffers from disrepair.

Over 5 percent of the population was able to access the internet in 2013, a relatively high penetration rate by regional standards. While there are no restrictions on access imposed by the central government or censorship of online content, local authorities do reportedly slow down or cut off access if it serves their interests. In general, however, the level of poverty and sluggishness of connection are the largest impediments to internet access in the country; the introduction of broadband internet through underwater fiber optic cables in May 2012 may prove to be an eventual solution. Despite the limited access, Togolese citizens have an increasing presence online, particularly among the blogging and technology development communities, both of which are on the rise.

## **2014 Scores**

### **Press Status**

Not Free

**Press Freedom Score**

**(0 = best, 100 = worst)**

65

**(0 = best, 30 = worst)**

20

**(0 = best, 40 = worst)**

25

**(0 = best, 30 = worst)**

20