



Freedom in the World 2013 - Togo

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2013 Scores

Status: Partly Free
Freedom Rating: 4.5
Civil Liberties: 4
Political Rights: 5

Overview

Parliamentary elections planned for October 2012 were delayed beyond the end of the year following a planned boycott by opposition parties over the adoption of a new electoral code containing provisions favoring the ruling party. Security forces cracked down on subsequent opposition-led protests, including a demonstration in August in which more than 100 people were injured.

Originally part of a German colony that fell under the control of France after World War I, Togo gained its independence in 1960. Gnassingbé Eyadéma, a demobilized sergeant, overthrew the civilian government in a bloodless coup in 1967. Using mock elections and a loyal military, he then presided over close to 40 years of repressive rule.

In 1991, under pressure from European governments, Eyadéma set up a transitional government and prepared for free elections. However, security forces attacked opposition supporters, forcing thousands to flee abroad, and the transitional government was later dissolved. A series of elections were held during the 1990s, but military harassment and legal manipulation ensured that Eyadéma and his Rally of the Togolese People (RPT) party remained in power. Eyadéma secured a new five-year term in 2003. Gilchrist Olympio, the most prominent opposition politician from the Union of Forces for Change (UFC), was prevented from running through a manufactured technicality.

Eyadéma died in February 2005. The military quickly installed his son, Faure Gnassingbé, as president, and violently repressed opposition protests. Under international pressure, Gnassingbé held an April 2005 election in which he was elected amid significant irregularities and fraud. Subsequent clashes between opposition supporters and security forces killed almost 500 people, injured thousands, and forced 40,000 to flee the country.

In 2006, the promise of renewed economic aid from the European Union (EU) – which had cut off support in 1993 – spurred the RPT and opposition parties to schedule legislative elections. In the

October 2007 polls, the RPT won 50 of the 81 National Assembly seats, the UFC secured 27 seats, and the Action Committee for Renewal captured the remainder. The polls were deemed relatively fair, though the electoral system enabled the RPT to win 62 percent of the seats with just 39 percent of the vote. By the end of 2008, the EU, as well as the World Bank and International Monetary Fund, had restored economic aid.

The electoral code was reformed in 2009 in preparation for the 2010 presidential election, lifting the residency requirements that previously barred Olympio from running. Nonetheless, Olympio was disqualified again for missing a mandatory physical, leading the UFC to back Jean-Pierre Fabre instead. In March, against a divided opposition, Gnassingbé won reelection with more than 60 percent of the vote amid numerous irregularities, including vote-buying by the RPT and partisanship within the electoral commission. However, the problems were not considered serious enough to have influenced the outcome of the vote.

Following the election, the UFC splintered over how to address the contested election results. Fabre created a new party, the National Alliance for Change (ANC), which refused to accept the results and boycotted parliament, leading to large-scale demonstrations in the capital. In response, the government banned demonstrations and dispersed Fabre's supporters with tear gas and water cannons. Meanwhile, a faction led by Olympio retained the UFC title and agreed to enter into a coalition government with the RPT, and UFC members aligned with Olympio were subsequently appointed to high-level cabinet and ministry positions. The RPT-UFC coalition agreement included a Monitoring Committee chaired by Olympio to help resolve inter-party disputes and marked the first time the opposition had been included in the government since 1990.

Just five months before legislative elections scheduled for October 2012, parliament adopted a new electoral law in May that violated an Economic Community Of West African States protocol forbidding changes to a country's electoral laws less than six months prior to an election. The ANC, which accused the government of pushing through the new law without the input of the opposition beyond Olympio's UFC, organized demonstrations against the law – many of which were forcibly dispersed by the authorities. It also threatened to boycott the election over redistricting provisions heavily favoring members of the Union for the Republic (UNIR), a rebranded RPT that wanted to discard its repressive reputation. In July, Prime Minister Gilbert Fossoun Hounbgo and his cabinet stepped down, reportedly to fulfill a requirement of the new electoral law that office holders intending to be candidates in the next parliamentary elections first resign their current positions. He was replaced by former trade minister and Gnassingbé ally Kwessi Ahomey-Zunu.

In response to opposition and international pressure, the government agreed to delay the parliamentary elections until March 2013. In September, the government invited representatives from 11 political parties to a conference to discuss the new electoral law and pave the way for the legislative elections. The Rainbow Coalition – an alliance of six parties, including the ANC – refused to take part, accusing the conference of being no more than a façade to appease protesters. Among those who did participate, no agreement was reached on the main issue of redistricting, though they did agree on the composition of a new electoral commission (CENI). In October, the National Assembly had sworn in all CENI members, most of whom had served on previous electoral commissions. The Rainbow Coalition condemned CENI for its lack of independence and maintained its plans for an electoral boycott. By year's end, the proposed March election date remained tentative.

Political Rights and Civil Liberties

Togo is not an electoral democracy. The structure of the electoral system has largely ensured that President Faure Gnassingbé and his party remain in power, and as of October 2012, the National Assembly had overstayed its mandate. The May 2012 electoral code, which includes redistricting provisions favoring the ruling party, further limits the opposition's ability to gain power, though

the code continued to be under negotiation at year's end. The president is elected to five-year terms and appoints the prime minister.

Corruption is a serious problem. In 2011, the government conducted a large-scale audit of all ministries and public services to trim government spending, but no further progress was apparent in 2012. Togo was ranked 128 out of 176 countries surveyed in Transparency International's 2012 Corruption Perceptions Index.

Freedom of the press is guaranteed by law, though often disregarded in practice. Impunity for crimes against journalists and frequent defamation suits encourage self-censorship. A 2009 law gives the state broadcasting council, the High Authority of Broadcasting and Communications (HAAC), the power to impose severe penalties – including the suspension of publications or broadcasts and the confiscation of press cards – if journalists are found to have made "serious errors" or are "endangering national security." In July 2012, the HAAC ordered the indefinite suspension of all interactive programming on the private radio station, Legende FM, accusing it of inciting racial and ethnic hatred by allowing listeners to call in and criticize the crackdowns against antigovernment protesters in June. When it refused to prevent callers from voicing critical opinions, the station itself was suspended; it had resumed some of its operations, though not its call-in programs, by year's end. In October, journalist Justin Anani was attacked by security forces while he was reporting on an antigovernment demonstration. Private print and broadcast outlets have low capacity and are often politicized. Access to the internet is generally unrestricted, but few people use the medium due to high costs.

Religious freedom is constitutionally protected and generally respected. Islam and Christianity are recognized as official religions, but other religious groups must register as associations. In September 2012, the Pew Forum on Religion and Public Life ranked Togo among the highest in the world in a study on global religious tolerance. While political discussion is prohibited on religious radio and television outlets, citizens are increasingly able to speak openly. Government security forces are believed to maintain a presence on university campuses and have cracked down on student protests in the past, though no such overt repression took place in 2012. Freedom of assembly is sometimes restricted. A 2011 law requires that demonstrations receive prior authorization and only be held during certain times of the day. Throughout the year, the government repeatedly forcibly dispersed demonstrators protesting the adoption of the May 2012 electoral law. In August, about 100 people were injured and 125 arrested and briefly detained following clashes between protesters and police. Former prime minister and leading opposition figure, Agbeyome Kodjo, was temporarily detained in June in connection with the protests. Freedom of association is largely respected, and various human rights organizations generally operate without government interference. Togo's constitution guarantees the right to form and join labor unions. Most workers, except those working in export processing zones, have the right to strike, though they do not have the right to protection against employer retaliation.

The judicial system, including the Constitutional Court, lacks resources and is heavily influenced by the presidency. Lengthy pretrial detention is a serious problem. Prisons suffer from overcrowding and inadequate food and medical care. In June 2012, the government moved to reduce prison overcrowding by releasing on parole hundreds of prisoners who had already served two thirds of their sentence.

After widespread domestic and international demands for investigations into the political violence and human rights violations that occurred in Togo between 1958 and 2005, the Truth, Justice and Reconciliation Commission (TJRC) – which includes a diverse array of civil society representatives – was launched in 2009. However, the TJRC has no punitive power and can only recommend prosecutions, reparations, and future state actions. After examining 22,415 depositions and hearing from 523 witnesses, the TJRC released its findings in April 2012, recommending that victims receive financial and medical compensation. In a widely anticipated ruling, it concluded that injustices had indeed occurred during the 2005 political crisis. The TJRC

also recommended the abolition of the death penalty, the implementation of mechanisms for the prevention of torture, constitutional reform ensuring the separation of powers, a return to a two-term limit for the presidency, and improved oversight of the police and the military. The report elicited a formal apology from the president, though no formal compensation had been administered by year's end.

Ethnic tensions have historically divided the country between the north and south along political, ethnic, and religious lines. Discrimination between the country's 40 ethnic groups occurs.

Despite constitutional guarantees of equality, women's opportunities for education and employment are limited. Customary law discriminates against women in divorce and inheritance, giving them the legal rights of minors, and children can only inherit citizenship from their father. Spousal abuse is widespread, and spousal rape is not a crime. Child trafficking for the purpose of slavery remains a serious problem, and prosecutions under a 2005 child-trafficking law are rare. Same-sex sexual activity is punishable by fines and up to three years in prison.

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