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Freedom House (Author)

Freedom in the World 2023 - Togo

PARTLY FREE

42

/ 100

Political Rights 15 / 40

Civil Liberties 27 / 60

LAST YEAR'S SCORE & STATUS

42 / 100 Partly Free

Global freedom statuses are calculated on a weighted scale. [See the methodology.](#)

Overview

While regular multiparty elections have taken place since 1992, the late Gnassingbé Eyadéma and his son, current president Faure Gnassingbé, have controlled Togolese politics since a 1963 coup. Gnassingbé maintains control in part through a security apparatus dominated by his ethnic group and malapportioned election districts that benefit the ruling party. Opposition calls for reform have been harshly repressed.

Key Developments in 2022

- In March, the National Assembly passed a bill establishing new regional authorities and laying the groundwork for subnational elections in 2023.
- Also in March, the Economic Community of West African States (ECOWAS) Court of Justice ruled that the arrest and detention of 2020 presidential candidate Agbeyome Kodjo was arbitrary and illegal.
- In May, an armed group affiliated with al-Qaeda killed eight soldiers near the border with Burkina Faso. In July, at least 25 people were killed when several northern villages were attacked. The government

declared a state of emergency in Savanes Region in June; it remained in effect at year's end.

Political Rights

A Electoral Process

A1 0-4 pts

Was the current head of government or other chief national authority elected through free and fair elections? 1 / 4

The president, who serves as head of state and holds most executive power, is elected for five-year terms. The president appoints the prime minister, who serves as head of government. Term limits were eliminated in 2002, then restored through a constitutional amendment in 2019; they did not apply retroactively, meaning Faure Gnassingbé could seek two additional terms. A second-round runoff can be held if no candidate wins a first-round majority.

Gnassingbé—initially installed as president by the military in 2005 after his father's death—secured a fourth term in 2020, ostensibly with 71 percent of the vote. Permits for domestic civil society groups to observe the polls were denied or revoked and representatives of the US-based National Democratic Institute were expelled before the election. A small number of observers from the African Union (AU) and ECOWAS were granted entry and produced largely uncritical reports.

The runner-up, former prime minister Agbeyome Kodjo of the opposition Patriotic Movement for Democracy and Development, was credited with 19 percent of the vote. He and other opposition members alleged that the election was stolen, accusing the government of using fake polling stations and stuffing ballot boxes. Kodjo and others were arrested for asserting that he was the legitimate president; he was later released and is currently living in exile. In March 2022, the ECOWAS Court of Justice ruled that Kodjo's arrest and detention was arbitrary and illegal.

A2 0-4 pts

Were the current national legislative representatives elected through free and fair elections? 2 / 4

The constitution calls for a bicameral legislature, but the Senate has never been established. Members of the 91-seat National Assembly, which exercises all legislative powers, are elected for five-year terms through proportional representation in multimember districts. In the 2018 elections, the main opposition parties led a boycott, citing several unmet demands regarding constitutional and electoral reform. Gnassingbé's Union for the Republic (UNIR) won 59 seats. The Union of Forces for Change (UFC), which led the opposition before aligning itself with the government in 2010, won 7. AU and ECOWAS observers said the elections had been held "properly" in a "calm environment," though opposition

protests had been violently suppressed ahead of polling day and turnout was low in opposition-leaning areas.

The UNIR won over 60 percent of council seats contested in 2019, in what were the first local polls since 1987. Regional elections scheduled for 2021 were postponed. In March 2022, the National Assembly passed a law establishing territorial authorities in preparation for 2023 elections. Elected regional councilors and municipal officials will elect two-thirds of the Senate; the president will appoint the remainder.

A3 0-4 pts

Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 1 / 4

Elections are organized and supervised by the Independent National Electoral Commission (CENI), whose membership by law should be balanced with appointments by the ruling party and the opposition. However, only 2 of the 19 members were from the opposition for the 2020 election. Among other irregularities on election day, opposition members were reportedly denied access to some polling places to monitor the vote, and the CENI refused to publish detailed results for each precinct. The Constitutional Court, responsible for verifying election results, is stacked with close allies of Gnassingbé.

Prominent civil society groups and major opposition parties have called for a reliable electoral register, fairly apportioned legislative districts, a reorganized CENI, a more independent Constitutional Court, and the announcement of precinct-based election results.

B Political Pluralism and Participation

B1 0-4 pts

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; candidates can also run as independents. However, the dominance of the UNIR undermines the visibility and competitiveness of other parties. Opposition members are sometimes arrested in connection with peaceful political activities.

Since 2017, authorities have suppressed opposition protests with deadly force and have arrested and tortured opposition supporters. The court system is used to sideline prominent opposition members.

B2 0-4 pts

Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 1 / 4

Gnassingbé's family has held the presidency since the 1960s. Gnassingbé and the UNIR have retained power thanks in large part to the structure of the electoral system, malapportionment, and de facto control over electoral institutions.

Political leaders have sought exile or otherwise lived abroad. Tikpi Atchadam, who led massive antigovernment demonstrations in 2017, remains in exile. UFC leader Gilchrist Olympio, meanwhile, resides in France, and the party has suffered from division in his absence.

Genuine opposition parties have no legislative presence following their boycott of the 2018 elections, though they did gain mayoralties and municipal council seats in 2019.

B3 0-4 pts

Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 1 / 4

In 2005, the military installed Gnassingbé as president, in violation of the constitution. While security forces defend the regime through intimidation, the UNIR has been accused of relying on patronage and financial incentives, including the distribution of benefits for vote-buying purposes.

B4 0-4 pts

Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 2 / 4

The Éwé, Togo's largest ethnic group, have historically been excluded from positions of influence; they are prominent within the opposition. Since 2010, the community has been politically split, as the Éwé-dominated UFC reached a power-sharing agreement with the government while the majority remained loyal to opposition forces. The government and security apparatus are dominated by members of Gnassingbé's Kabyé ethnic group.

Women face some societal pressure that discourages their active and independent political participation. Only 16 percent of the National Assembly members elected in 2018 were women. Candidate registration fees were halved for women ahead of the 2019 local elections. In 2020, Victoire Tomegah Dogbé became the first woman to serve as prime minister.

C Functioning of Government

C1 0-4 pts

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

The president holds most policymaking power. The UNIR-controlled National Assembly does not effectively check the executive. A pattern of flawed elections has undermined the legitimacy of both branches.

C2 0-4 pts

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

Corruption is a serious and long-standing problem. The government has adopted legislation ostensibly designed to reduce corruption, such as a 2018 law on money laundering and funding terrorism, but these legal changes have not been effectively enforced, nor have high-ranking officials been convicted. Most members of the High Authority for the Prevention and Fight against Corruption and Related Offenses (HAPLUCIA) are presidential appointees, raising concerns about the body's independence. HAPLUCIA cannot prosecute cases itself and must make referrals to the public prosecutor. In September 2022, HAPLUCIA and the West African Development Bank signed a memorandum of understanding to cooperate in anticorruption efforts.

C3 0-4 pts

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. Most public officials are not required to disclose their assets. There is a lack of transparency regarding state tenders.

Civil Liberties

D Freedom of Expression and Belief

D1 0-4 pts

Are there free and independent media? 2 / 4

Freedom of the press is constitutionally guaranteed but inconsistently upheld in practice. Although numerous independent media outlets offer a variety of viewpoints, restrictive press laws and a history of impunity for those who commit crimes against journalists encourage self-censorship. Police have used violence and disrupted communications services to discourage and hamper press coverage of opposition protests. Togolese journalists have also been targeted by Pegasus spyware. There is no mechanism to appeal decisions made by the High Authority for Audiovisual and Communication (HAAC), which can suspend outlets for violating broadly worded regulations.

L'Alternative editor Ferdinand Ayité and *Fraternité* editor Joël Egah were released on December 31, 2021, after they were imprisoned for allegedly insulting and defaming ministers. The two had to surrender their passports and refrain from commenting on the case. Egah died in March 2022, while the case against Ayité remained unresolved at year's end. In

October, a court suspended the publication of *Liberté* for reporting that a security officer guarding Prime Minister Dogbé had killed someone in September. *Liberté* published an apology but Dogbé's office pursued the matter in court; the publication vowed to appeal.

D2 0-4 pts

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 in practice. Islam, Catholicism, and Protestant Christianity are recognized by the state; other groups must register as religious associations to receive similar benefits. The registration process has been subject to lengthy delays and a large backlog; no new applications have been accepted since 2013. Senior Catholic clergy are among the government critics who have reportedly been targeted with surveillance software.

D3 0-4 pts

Is there academic freedom, and is the educational system free from extensive political indoctrination? 2 / 4

Academics are generally able to engage in political discussions. However, security forces have repeatedly used violence and arrests to quell student protests. The government may have used spyware to target critical academics.

D4 0-4 pts

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

Though citizens engage in private discussion, they may be arrested on incitement or other charges for speaking critically about the government to journalists or human rights organizations.

A 2018 cybersecurity law criminalized publication of false information and breaches of public morality. The law also granted police greater authority to conduct electronic surveillance. In 2021, reporters identified 300 Togolese phone numbers belonging to civil society advocates and political opposition members as potential targets of Pegasus.

E Associational and Organizational Rights

E1 0-4 pts

Is there freedom of assembly? 1 / 4

While the constitution provides for freedom of assembly, several laws allow for its restriction. Police periodically use deadly violence to disperse assemblies. A 2015 revision of the criminal code penalized participation in and organization of protests that had not gone through the necessary administrative procedures. In 2019, the parliament imposed new limits on the timing and location of public demonstrations and allowed authorities to restrict protests.

In June 2022, Security Minister Yark Damehame banned an assembly planned by an opposition alliance, in what was reportedly the government's first security-related ban on a public assembly.

E2 0-4 pts

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

Nongovernmental organizations (NGOs) are subject to registration rules that have sometimes been enforced arbitrarily to suppress activism on sensitive topics, such as torture and LGBT+ rights. Several civil society leaders have been arrested and detained for their roles in the protest movement that began in 2017. The mobile phones of prodemocracy activists have been targeted with surveillance software.

In January 2022, the government issued a decree that will require NGOs to align their activities to its own development priorities and notify local officials of their activities. The decree will take effect in 2023.

E3 0-4 pts

Is there freedom for trade unions and similar professional or labor organizations? 2 / 4

The government generally protects workers' rights to form and join labor unions, though unions have fewer legal protections in the country's special export-processing zone. Police at times forcibly disperse union gatherings.

In March 2022, 137 teachers were dismissed for participating in strikes; the union that organized the strikes is not recognized by the government. Three unionists were arrested in April.

F Rule of Law

F1 0-4 pts

Is there an independent judiciary? 2 / 4

The constitution provides for an independent judiciary, but in practice courts are heavily influenced by the presidency. The Constitutional Court is seen as partial to the UNIR. Judges on other courts are appointed by the executive based on the recommendations of a judicial council dominated by senior judges.

F2 0-4 pts

Does due process prevail in civil and criminal matters? 1 / 4

Executive influence and judicial corruption limit constitutional rights to a fair trial. Dozens of people arrested for participating in antigovernment protests in recent years have been charged, tried, and convicted in hasty proceedings. Detainees often have no access to counsel.

The police are corrupt, inefficient, and are known to engage in arbitrary arrest. The 2018 cybersecurity law contains vague terrorism and treason provisions with heavy prison sentences and grants additional powers to the police without adequate judicial oversight.

F3 0-4 pts

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 in an opaque manner.

Security forces reportedly torture detainees despite laws that ban the practice in line with the UN Convention against Torture.

Islamist militants present a growing security threat in Togo, particularly in the north. In May 2022, eight soldiers were killed near the border with Burkina Faso by an organization affiliated with al-Qaeda. Assaultants killed at least 25 people when they attacked northern villages in July. Also in July, the army disclosed that an aircraft targeting militant fighters attacked civilians in error; local media reported that seven children died in that incident. The government declared a state of emergency in Savanes Region in June and renewed it in September; it remained in effect at year's end.

F4 0-4 pts

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

Though ostensibly equal under the law, women continue to experience discrimination, and their opportunities for employment and education are limited. Official and societal discrimination persist against people with disabilities, certain regional and ethnic groups, and LGBT+ people, to whom antidiscrimination laws do not apply. Same-sex sexual activity is a criminal offense, and while the law is rarely enforced, LGBT+ people face police harassment.

G Personal Autonomy and Individual Rights

G1 0-4 pts

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 these rights are sometimes restricted by the authorities. Domestic travel can involve arbitrary traffic stops at which police collect bribes. The government imposed some movement restrictions in Savanes when it declared a state of emergency in June 2022.

G2 0-4 pts

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 government has made regulatory improvements to ease processes such as credit availability for the private sector, but in general the business environment is poorly administered, creating opportunities for corruption and driving much economic activity into the informal sector. Women do not have equal inheritance rights under customary law, which is observed mainly in rural areas.

G3 0-4 pts

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

Customary law puts women at a disadvantage regarding matters such as widowhood, divorce, and child custody. Polygamy is widely practiced and legally recognized. Child marriage remains a problem in some regions. 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. Female genital mutilation, though illegal, is known to occur.

G4 0-4 pts

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

Protections against exploitative labor conditions, including rules on working hours, are poorly enforced, and much of the workforce is informally employed. Child labor is common in the agricultural sector and in certain urban trades; some children are subjected to forced labor. According to the US State Department's *Trafficking in Persons Report 2022*, the government has convicted more traffickers than in previous years but identified fewer child victims and no adult victims.

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