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Freedom in the World 2016 - Togo

Year:

2016

Freedom Status:

Partly Free

Political Rights:

4

Civil Liberties:

4

Aggregate Score:

48

Freedom Rating:

4.0

Overview:

In presidential elections held in April 2015, incumbent president Faure Gnassingbé successfully consolidated his hold on power, winning 59 percent of the vote and a third term in office. The election proceedings were largely considered free and fair by independent domestic and

international observers, though turnout was lower than in previous elections. Opposition candidates critiqued the electronic voter roll system, and the main opposition candidate, Jean-Pierre Fabre, and his followers protested the results. Gnassingbé's support from the military, disproportionate electoral districts, his unwillingness to step down after repeated opposition attempts to pass term limits, and disunity among the opposition all make it improbable that political power will change hands in any meaningful way in the near future.

Political Rights and Civil Liberties:

Political Rights: 18 / 40 [\[Key\]](#)

A. Electoral Process: 6 / 12 (+1)

The president is elected to a five-year term and appoints the prime minister. Despite numerous failed attempts at constitutional reform in 2014, Togo is one of only two countries in the Economic Community of West African States (ECOWAS) without presidential term limits. In April 2015, Gnassingbé won reelection with 59 percent of the vote, a slightly smaller percentage than he received in the 2010 polls. At 61 percent, voter turnout was lower than at any time since Gnassingbé was first elected.

The election was considered largely free and fair by the African Union observer mission. However, opposition critique of the new electronic vote tabulation system and delays in appointing the electoral commission's vice president—a post that by law must be held by a member of the opposition—until the eve of the vote itself reinforced a lack of public faith in the electoral process. The vote was postponed by 10 days to accommodate voter list revisions called for by ECOWAS. While all presidential candidates were given equal airtime on public media during the election period, Fabre was reportedly prohibited from broadcasting a message viewed as critical of the government.

The 91 members of the unicameral National Assembly are elected to five-year terms. Legislative elections were held in 2013 after much delay. International observers considered them to be credible and transparent, though the opposition disputed the results. Gnassingbé's Union for the Republic (UNIR) won 62 seats and 23 of the country's 28 electoral zones, including some opposition strongholds. This result was bolstered by district gerrymandering that heavily favors UNIR. The opposition Save Togo Collective (CST) won 19 seats, the Rainbow Coalition won 6 seats, the Union of Forces for Change (UFC) won 3, and an independent candidate won one seat.

B. Political Pluralism and Participation: 7 / 16 (−1)

Although opposition parties are free to operate, the structure of the electoral system, including districting and the single round of elections, have helped Gnassingbé and his party remain in power. Internal divisions, as well as district allocations dramatically favoring UNIR, are sources of weakness for the opposition. The results of the 2015 poll added another five years to the Gnassingbé family's 48-year hold on power.

The government is dominated by Gnassingbé's Kabyé ethnic group, who also make up the vast majority of the security services. The Éwé, Togo's largest ethnic group, are persistently excluded from positions of influence; they are prominent within the opposition.

C. Functioning of Government: 5 / 12

The National Assembly was freely elected in 2013 and has influence over policy, but local political figures are appointed by the president. Perhaps as a result, a 2014 Afrobarometer survey indicated that the vast majority of Togolese citizens have little to no interaction with their political representatives, and instead tend to reach out to religious figures and traditional leaders.

Corruption remains a serious problem. Reforms under President Gnassingbé empowered the National Assembly to appoint the members of the Anticorruption Commission (CAC), but the body has been slow to make progress and appears to be aligned with the president and UNIR. In July 2015, the National Assembly passed a law to create a new body under the auspices of the CAC that will be largely preventive rather than punitive. Four out of the seven members are appointed by the president, raising concerns about its independence.

Also in July, a group of 40 nongovernmental organizations (NGOs) created a civil society anticorruption network, intended to serve as an independent body to support the capacity of existing anticorruption actors, expand judicial reform, and inform the public about the negative consequences of corruption. Togo is ranked 107 out of 168 countries and territories surveyed in Transparency International's 2015 Corruption Perceptions Index.

Reports outlining government expenditures are published multiple times a year, though according to the International Monetary Fund (IMF), limited information and inadequate cross-checking between departments have hampered the consistency of budget disclosures.

Civil Liberties: 30 / 60 (+1)

D. Freedom of Expression and Belief: 9 / 16

Freedom of the press is guaranteed by law but often disregarded in practice. The availability of diverse and critical voices in the media has increased in recent years. While no incidents of harassment of journalists took place during the election and no defamation cases were reported in 2015, impunity for crimes against journalists and frequent defamation suits in the past have encouraged self-censorship. The National Assembly passed a new Penal Code in 2015 that criminalizes the publication of false information with a punishment of between six months and two years in prison and a hefty fine. Journalist associations and media outlets in Togo have spoken out against the new law, while the government defends it as a necessary step to fight cybercrime and terrorism.

The High Authority of Broadcasting and Communications (HAAC) is widely believed to be a close ally of the Gnassingbé administration. The HAAC can 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.” The HAAC mandated a media blackout for one day before the election, and journalists were prohibited from reporting the results of the exit polls on election day.

Access to the internet is generally unrestricted. Although penetration is low, Togolese activity online is increasing, and internet access is now free at public universities. In 2015, the Togolese Media Observatory, an independent journalists’ association, issued a report harshly criticizing the quality of reporting in online content.

Religious freedom is constitutionally protected and generally respected. Islam and Christianity are recognized as official religions; other religious groups must register as associations.

University figures are able to engage in political discussions, such as the constitutional reform debate. However, government security forces are believed to maintain a presence on university campuses and have cracked down on student protests in past years. In 2014, nine students were expelled in connection with their participation in demonstrations the previous year.

Citizens are increasingly able to speak openly in private discussion, though political discussion is prohibited on religious radio and television stations.

E. Associational and Organizational Rights: 7 / 12 (+1)

Freedom of assembly is sometimes restricted, particularly in election years. A 2011 law requires that demonstrations receive prior authorization and only be held during certain times of the day. Opposition groups frequently held demonstrations in 2015, primarily protesting the lack of presidential term limits before the vote and disputing the election results afterward. Unlike in the past, the police refrained from violence in 2015 against opposition protests. However, police did open fire on a March student protest.

Following the government’s attempts to revitalize an inhabited nature reserve in the north of the country, protests by local residents in November turned violent and a local police officer was killed. In response, the government suspended its plans to relocate the population.

Freedom of association is largely respected, and human rights organizations generally operate without government interference. Togo’s constitution guarantees the right to form and join labor unions, though workers’ rights in the lucrative export processing zone are regularly violated. The country’s main labor union, Synergy of Togolese Workers, voluntarily suspended all demonstrations leading up to the 2015 presidential election. Following an explosion at a cement factory in June in which as many as 10 workers died, cement workers went on strike to protest the terrible working conditions, leading to the suspension of operations at three major factories near Lomé.

F. Rule of Law: 7 / 16

The judicial system lacks resources and is heavily influenced by the presidency. The Constitutional Court in particular is believed to be partial to UNIR; Fabre chose not to appeal the election results with the court for this reason. During the year, the government announced plans to improve the judiciary; these included providing greater access to the courts and modernizing judicial facilities. The High Court of Magistrates also cracked down on judicial corruption by suspending and firing two judges for “unethical behavior.”

Lengthy pretrial detention is a serious problem, particularly for Gnassingbé’s political opponents. In 2013, more than 40 members of the opposition were arrested in connection with major market fires; seven remain in pretrial detention. In addition, at least one former minister accused of fraud has been in jail since 2012 without a trial. Prisons suffer from overcrowding and inadequate food and medical care. The government periodically releases prisoners to address overcrowding, but the process by which individuals are chosen for release is not sufficiently transparent. In 2015, the Ministry of Justice approved the creation of a new body composed of 20 NGOs that seeks to improve prison conditions through intervening in detention management.

Many of these gradual moves on the part of the government directed at the judiciary and prisons are in response to recommendations from the 2012 Truth, Justice, and Reconciliation Commission, which investigated political violence and human rights violations that occurred in Togo between 1958 and 2005. Despite these apparent efforts, impunity persists for many Gnassingbé supporters, perpetuating a climate of fear for those critical of the government.

The north and south of the country have historically been divided along political and ethnic lines. Discrimination among the country’s 40 ethnic groups occurs but was not widely reported in 2015. Same-sex sexual activity continues to be punishable by fines and up to three years in prison under the penal code passed in 2015.

G. Personal Autonomy and Individual Rights: 7 / 16

Travel within Togo can involve arbitrary traffic stops as a means for police to coerce drivers into paying bribes. Some 60 percent of the population is employed in agriculture. The country is increasingly seen as a Western-friendly investment environment and has moved to privatize a number of industries. As a result, Togo’s score has recently improved in the *Index of Economic Freedom*. In 2015, the government implemented reforms to reduce the time and financial means necessary to start a business.

A 2013 amendment to the Electoral Code requires that women have equal representation on party lists. The Law on Political Party and Electoral Campaign Funding, passed after the 2013 legislative elections, requires that a portion of a party’s public financing be determined in proportion to the number of women from that party elected in the most recent national and local elections. Of the 91 seats in the National Assembly, 17 were held by women in 2015. According to the 2014 Afrobarometer survey, the vast majority of Togolese support having more women in leadership roles. A 2014 provision to the Family Code assigned women equal status in the household as well improved inheritance rights. Even so, women’s opportunities for education and employment are limited. Spousal abuse is widespread, though the new penal code provides for 5 to 10 years in prison for rape and no longer excludes spousal rape.

The government has been making increasing efforts to reduce trafficking, which is most common in (though not limited to) the sex industry and for forced labor inside Togo.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

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