



Freedom of the Press 2013 - Togo

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2013 Scores

Press Status: Not Free

Press Freedom Score: 70

Legal Environment: 22

Political Environment: 27

Economic Environment: 21

Freedom of speech and freedom of the press are guaranteed by the constitution and other laws in Togo, but these rights are often ignored by the government and there is an atmosphere of pervasive impunity for crimes against journalists. The protection of confidential sources is explicitly provided for in the Press and Communication Code, but security forces at times disregarded this in 2012. In February, a reporter with *Tribune d'Afrique* – a Benin-based paper that has repeatedly been targeted by the Togolese authorities over the years – was questioned for six hours by police about his sources for a story about the president of the National Assembly.

While imprisonment for defamation was abolished in August 2004 with 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 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. However, there was only one noteworthy libel case in 2011 and no such cases reported in 2012, signaling an improvement from previous years.

Togo does not have a law guaranteeing access to information, and in practice access to official information remains difficult, 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. However, the High Authority of Broadcasting and Communications (HAAC) is used by the government to intimidate the press. While originally intended to be an independent regulatory body that would allocate frequencies to private broadcasters, protect the media, and ensure ethical standards, the HAAC now serves primarily as the government's censorship arm, a role that was formalized further in 2011 when the National Assembly passed a new law empowering the HAAC to revoke or suspend licenses for media outlets that it believes are dangerous to national security or unity, or that have published anything containing serious errors. In 2009, the National

Assembly had already given the HAAC the ability to seize equipment, impose sanctions, and withdraw press cards. In July 2012, the HAAC permanently revoked the printing license of *La Nouvelle* for publishing articles regarding the ethnic makeup of the government and the president's mistresses, citing it for defamation and inciting racial hatred. In August, the HAAC suspended call-in shows on the popular private radio station Légende FM for allegedly inciting racial and ethnic hatred. The station's director believed they were being punished for a June show in which callers criticized the government's crackdown on antigovernment protests in Lomé, the capital. The station was suspended indefinitely, without the possibility of appealing the decision in court. Several other stations that had been closed in 2011 remained shuttered throughout 2012 while their appeals were pending. There is no known government censorship of web-based news content.

Although media outlets cover an increasingly wide range of topics and provide a range of pro- and antigovernment views, journalists in Togo have traditionally operated in fear of violent attacks and harassment for their reporting, and some engage in self-censorship as a result, particularly on issues concerning corruption, the military, and national security issues. Incidents of direct attacks on journalists have fluctuated over the last few years, with an increase reported around the 2010 presidential election. While few incidents were reported in 2011, the situation deteriorated in 2012, linked typically with coverage of the police crackdown of anti-Gnassingbé demonstrations in the spring and late summer. In April, for example, two journalists filming a protest were attacked and severely beaten by police. The police also took their equipment; the damaged equipment was returned two days later. While authorities admitted to the incident, only a few of the individuals responsible were implicated and the government refused to make public exactly how they were being disciplined. A number of equally violent incidents occurred throughout the year, most frequently carried out by members of the security forces.

Despite the rapid 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 a nationwide broadcast. The size of the private media sector is impressive for a relatively small country, and its content is often highly politicized. There are approximately 30 privately owned newspapers that publish with some regularity, including 2 dailies, about 100 radio stations – most of which are private – and 8 independent television stations. Many media outlets suffer from precarious finances due to a small pool of private advertisers and a low degree of professionalism. Journalists regularly take bribes and self-censor often as a result of pressure from editors or external actors. Over 4 percent of the population was able to access the internet in 2012, a relatively high penetration rate by regional standards, and there are no state-imposed restrictions on access. While internet access has been both very slow and expensive, the introduction in May 2012 of broadband internet through underwater fiber optic cables may eventually provide a solution. In June, the state telecommunications company, Togo Telecom, began offering data packages for mobile phone subscribers at twice the speed with no increase in the cost.

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