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Freedom of the Press 2016 - Togo

Year:

2016

Press Freedom Status:

Partly Free

PFS Score:

60

Legal Environment:

19

Political Environment:

21

Economic Environment:

20

Status change explanation: Togo's status improved from Not Free to Partly Free due to improvements in the media environment during the election period, including equal airtime for opposition candidates on the state broadcaster; a better relationship between the regulatory body and the press; and greater access for journalists to campaign rallies and other events.

Overview

While the constitution and other laws protect the freedoms of speech and the press, a new penal code threatens that legal protection. Nevertheless, the gradual opening of Togo's media environment continued in 2015 with an improvement in the ability of journalists to cover the presidential election, and a reduction in the number of attacks and incidents of harassment against media workers. The history of impunity for those who commit crimes against journalists still lingers, as few have ever faced trial.

Key Developments

- Leading up to April's presidential election, candidates of the opposition were given equal airtime on public broadcasters, and independent media were able to cover events with greater freedom than in previous years.
- In October, three journalists faced charges of falsification and defamation for publishing stories about corruption in the government.
- The passing of a new penal code in November toughened legislation on press freedom, criminalizing defamation and false news.

Legal Environment: 19 / 30

The constitution and other laws protect the freedoms of speech and the press. However, in November 2015, the National Assembly passed a new Penal Code that reinstated prison terms for defamation and the publication of false information, allowing for between six months and two years in prison and a hefty fine. Journalistic associations and media outlets in Togo united to protest the new code. The government claims the provisions are necessary to fight cybercrime, money laundering, and terrorism. A 2004 amendment to the Press and Communications Code had abolished prison terms for press offenses, though it retained fines for defamation.

In a foreshadowing of the new penal code, in September police interrogated three journalists in relation to stories about corruption among government ministers published in *Le Rendez-vous*, *Liberté*, and *L'Indépendant Express*. In October, the chief magistrate charged them with publishing false news and defamatory information and placed them all on probation. According to Togolese law at the time, such incidents should be handled through the main state regulatory body, the High Authority of Broadcasting and Communications (HAAC), which had already begun investigating the incidents following complaints from the ministers. The new penal code will enable further use of the judiciary to circumvent the authority of the HAAC.

In an unrelated incident, the publication director of the independent *La Nouvelle* was detained in May and served two months of pretrial detention on suspicion of defaming the minister of security in online posts. This is the first reported incident in Togo of a journalist serving prison time for a post on social media.

Togo does not have a law guaranteeing access to information, and in practice official information is difficult to obtain, particularly for private media outlets.

The power of the HAAC has gradually increased in recent years. A 2009 law enables it to impose severe penalties—including the suspension of publications or broadcasts for up to six months and the confiscation of press cards—if outlets or journalists are found to have made “serious errors” or to be “endangering national security.” In the last two years, although journalists were still wary of the HAAC’s ability to crack down on critical reporting, there were indications that the regulator was operating with more independence from the government and was more willing to resolve media disputes fairly. Following 2014 efforts to improve access to public media for political parties, the HAAC ensured that all of the political candidates had equal access to airtime on the public broadcasters during the 2015 election campaign period. Opposition political candidate Jean-Pierre Fabre reported that one of his messages was not permitted to air because it was too critical of President Faure Gnassingbé’s administration; no other complaints were registered.

Licensing of media outlets, particularly broadcast outlets, has long been problematic in Togo. In recent years the HAAC has shut down media outlets by refusing to grant or renew licenses, including the private station Radio Légende FM and the online news site Afrikaexpress.info. While these outlets typically report that censure is related to their critical coverage, HAAC representatives point to failure to meet licensing requirements. In 2014, the HAAC approved three new commercial radio stations and five new community radio stations; there were no reports of new media outlets launching in 2015. According to the government, licensing costs for television stations outside of the capital have been lowered in an effort to increase access among rural populations.

Print media are not required to seek permission from state authorities before publishing, and no law restricts the practice of journalism to those with a certain academic background. Increasingly, journalists and media workers are forming associations to oversee the professionalization of the sector and advocate for journalists’ rights. Many of these groups, in particular the self-regulatory Togolese Media Observatory (OTM), continued to become more outspoken and active in 2015. OTM suspended two journalists in late November for six months for alleged involvement in an extortion racket involving contaminated fish.

Political Environment: 21 / 40 (↑2)

The government controls the editorial content of state media, though opposition candidates were given equal airtime leading up to the 2015 election. The private and independent media have become more active in recent years and express a wider range of viewpoints, including around the most recent election.

Censorship in Togo in the past has typically taken the form of punishment for critical or defamatory reporting as described above; direct censorship has increased during past election periods. Leading up to the 2015 election, the HAAC issued official guidelines about private media conduct during the election with an emphasis on publishing only truthful and verifiable information and distinguishing fact from opinion. The HAAC also mandated a one-day media blackout two days before the election, and journalists were prohibited from reporting the results of the exit polls on election day. Accessing online news was reportedly very difficult around the election, with particularly slow

internet speeds; many online news sources stated that they could not update their sites on election day, and consumers had similar troubles accessing the sites. The government attributed these complaints to no more than technical difficulties. In May, OTM issued a report criticizing the quality of content of online news sites, accusing them of irresponsible journalism.

A climate of fear has long lingered over Togolese journalists due to the history of impunity for crimes committed against them in the past. Despite a gradual reduction in the number of attacks on journalists in the last few years, no individuals have been prosecuted for any of the more recent incidents. As a result, some journalists continue to engage in self-censorship, particularly on issues concerning government corruption, national security, the military, and Gnassingbé's family. In 2015, no incidents of harassment were reported during the election period. The only reported attack on a journalist during the year took place two weeks after the election, when a female reporter affiliated with the private radio station Nana FM was assaulted by supporters of opposition candidate Jean-Pierre Fabre while she was covering a protest against the election results.

Economic Environment: 20 / 30

Togo boasts a particularly large number of print outlets for a country of its size. According to the most recent statistics released by the HAAC and verified by the OTM, in 2014 more than 430 private newspapers (of which some 230 published semiregularly), 85 private radio stations, and 11 television channels operated in the country. The number of radio stations increased in 2014 as the HAAC began issuing licenses that it had previously withheld. There were no reports of new stations opening in 2015.

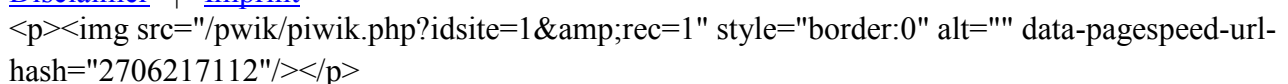
Despite the number of private media outlets, state media still reach larger audiences than their private counterparts. Most media companies, both public and private, are economically vulnerable. Journalists receive meager wages, and the small pool of private advertising comes primarily from international organizations. Media content is still highly politicized, influenced by special interests, and susceptible to corruption due to low pay; government subsidies are frequently used to reward favorable coverage.

Just above 7 percent of the population was able to access the internet in 2015. Internet activity remains constrained by poverty, inadequate infrastructure, high access costs, and, at times, political will, as was seen during the 2015 election.

In 2014 the government began making plans to prepare the country for a transition to digital broadcasting planned for the following year, and in 2015 it launched a project to train television technicians to work with the new digital technologies. However, the process slowed later in the year as the Ministry for Communication announced that the country was still making efforts to meet digital standards to launch the new system as planned.

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