

TOGO ADDED TO CIVICUS MONITOR WATCHLIST

OVERVIEW OF RECENT RESTRICTIONS TO CIVIC FREEDOMS





The detention of journalist Carlos Ketohou on 29th December 2020, the suspension of newspaper *L'Indépendant Express* in January 2021 and the detention of trade unionists are recent examples of civic space violations in Togo, highlighting the deterioration in the respect of civic freedoms in the country.

Civic space has been backsliding in Togo since the crackdown on anti-government opposition protests in 2017-2018 to demand a return to the provisions in the 1992 constitution that included a two-term limit on presidents. Civic space violations since 2017 include the killing of protesters, the arrest and prosecution of human rights defenders, journalists and pro-democracy activists, banning of civil society and opposition protests, the suspension of media outlets, regular disruption of and shutting down of access to the internet and social media, the adoption of restrictive legislation such as the 2018 Cybersecurity Law and the 2019 modification of the law on conditions and exercise of peaceful meetings and protests.

ARBITRARY ARREST OF HRDs, JOURNALISTS

Since 2017, several HRDs and pro-democracy activists have been arbitrarily arrested and prosecuted. Activist Folly Satchivi, of the movement *En aucun cas*, was arrested in August 2018 while on his way to the offices of an NGO in Bè-Gakpoto in Lomé where he was to hold a press conference, deemed 'illegal' by authorities. Satchivi was [sentenced](#) in January 2019 to 36 months in prison, of which 12 months were suspended, for 'public defence of crimes and offences' and 'aggravated disturbance of public order'. In January 2021, eight trade unionists were [detained](#) following a call for a teachers' strike. The eight were released but remain under judicial supervision. Editor for *L'Indépendant Express*, Carlos Ketohou, was [arrested](#) on 29th December 2020 and held for four days on accusations of defamation.

RESTRICTIONS ON FREEDOM OF PEACEFUL ASSEMBLY

Security forces have repeatedly [used](#) excessive force to disperse peaceful protesters, leading to dozens of people being killed since 2017, including minors. Scores of people have been arrested for participating in demonstrations. Protests, especially those organised by civil society or the opposition, are often [banned](#).

In August 2019, Togo's National Assembly [adopted](#) an amendment to the law that regulates the conditions for the exercise of peaceful meetings and protests, further restricting the freedom of peaceful assembly in Togo. The modifications include several time and place restrictions while authorities are given the discretion to limit the number of protests according to the availability of security forces.

ATTACKS ON FREEDOM OF EXPRESSION: INTERNET SHUTDOWNS, SUSPENSION OF MEDIA OUTLETS

The national media regulator, the *Haute Autorité de l'audiovisuel et de la communication* (HAAC), regularly sanctions journalists and media outlets. In January 2021, the HAAC [ordered](#) that the newspaper *L'Indépendant Express* cease all operations - online and print - and requested the Court of First Instance of Lomé to withdraw the newspaper's operating licence, after having accused its editor, Carlos Ketohou of defamation and violating the Code of Ethics. Ketohou was detained for four nights.

ABOUT THE CIVICUS MONITOR

The CIVICUS Monitor is a research tool that provides quantitative and qualitative data on the state of civil society and civic freedoms in 196 countries. The data is generated through a collaboration with more than 20 civil society research partners, and input from a number of independent human rights evaluations.

The data provides the basis for civic space ratings, which are based on up-to-date information and indicators on the state of freedom of association, peaceful assembly and expression. Countries can be rated as:

CLOSED

REPRESSED

OBSTRUCTED

NARROWED

OPEN

The civic space rating of Togo was downgraded from "Obstructed" to "Repressed" in December 2020.



Authorities have disrupted access to the internet and social media on several occasions. Most recently, on 22nd February 2020, the day of the presidential election, social media sites, including WhatsApp, Facebook Messenger and Telegram, were [blocked](#) on two providers. On 25th June 2020, the Community Court of Justice of the West African regional bloc, ECOWAS (Economic Community of West African States), [ruled](#) that the previous shutdowns of the internet in the context of anti-government protests in September 2017 were illegal and violated freedom of expression.

In December 2018, the National Assembly passed a cybersecurity law that severely restricts the right to the freedom of expression by introducing prison terms for uttering insults online, disseminating false news, undermining public morality and disseminating data that undermines 'order, public security or human dignity'.

RECOMMENDATIONS

To the Togolese government:

- Lift the ban on *L'Indépendant Express* newspaper imposed by the HAAC and other restrictions placed on any other independent newspapers and media outlets and ensure that journalists are able to report peacefully without intimidation or fear of reprisals
- Guarantee the respect for freedom of expression and assembly at all times in line with Togo's domestic and international human rights obligations
- Guarantee that the rule of law is universally applied and hold accountable members of the security forces and representatives of government who target journalists and human rights defenders and address the high levels of impunity they enjoy
- Drop charges against human rights defenders, political opponents, journalists and media organisations and take legal measures to ensure their protection
- Refrain from disrupting access to the internet and social media
- Guarantee that under all circumstances, human rights defenders are able to carry out their legitimate human rights activities without fear of reprisals and free of all restrictions including judicial harassment
- Review restrictive provisions of the Cyber Security Law after broad consultations with civil society and amend them to be in line with Togo's international human rights obligations

To the African Union:

- Ensure that Togo is held responsible for its unlawful treatment of human rights defenders, journalists and peaceful protesters and ensure that it complies with its regional human rights obligations including those enshrined in the African Charter on Human and People's Rights

To the international community:

- Urge Togo to abide by its international human rights obligations and to fulfil its voluntary commitments and pledges, including by scheduling visits of Special Procedures and refraining from threats and attacks against them