

AFRICAN MEDIA BAROMETER

A home-grown analysis of the
media landscape in Africa

English version

TOGO 2021



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TOGO 2021

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The African Media Barometer (AMB) is a perception index. The findings, interpretations and conclusions reported are those of panellists drawn from civil society and media organisations for the purposes of conducting the AMB, and do not necessarily reflect the views and opinions of *fesmedia* Africa, the Friedrich-Ebert-Stiftung (FES) or the Media Institute of Southern Africa (MISA).

A faint map of Southern Africa is visible in the background of the top section, showing countries like Tanzania, Zambia, Zimbabwe, Mozambique, and South Africa.

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The African Media Barometer

The African Media Barometer (AMB) is an in-depth and comprehensive description and measurement system for national media environments on the African continent. Unlike other press surveys or media indices the AMB is a self-assessment exercise based on home-grown criteria derived from African Protocols and Declarations such as the Declaration of Principles on Freedom of Expression in Africa (2002) by the African Commission for Human and Peoples' Rights. The instrument was jointly developed by *fesmedia* Africa, the media project of the Friedrich-Ebert-Stiftung (FES) in Africa, and the Media Institute of Southern Africa (MISA) in 2004.

The AMB is an analytical exercise to measure the media situation in a given country which at the same time serves as a practical lobbying tool for media reform. Its results are presented to the public of the respective country to push for an improvement of the media situation using the AU-Declaration and other African standards as benchmarks. The recommendations of the AMB reports are then integrated into the work of the 20 country offices of the FES in sub-Saharan Africa and into the advocacy efforts of other local media organisations such as MISA.

Methodology and Scoring System

Every three to four years a panel of 10-12 experts, consisting of at least five media practitioners and five representatives from civil society, meets to assess the media situation in their own country. For 1½ days they discuss the national media environment according to 39 predetermined indicators. The discussion and scoring is moderated by an independent consultant who also edits the AMB report.

After the discussion of one indicator, panel members allocate their individual scores to that respective indicator in an anonymous vote according to the following scale:

- 1 Country does not meet indicator
- 2 Country meets only a few aspects of indicator
- 3 Country meets some aspects of indicator
- 4 Country meets most aspects of indicator
- 5 Country meets all aspects of the indicator

In 2009, 2013 and 2019 some indicators were replaced to align with changes in the media landscape. Consequently, in some instances, the comparison of indicators of previous reports is not applicable (n/a), as the indicator is new or has been amended considerably.

The sum of all individual indicator scores is divided by the number of panel members to determine the average score for each indicator. These average indicator scores are added up to form average sector scores.

Outcome

The final, qualitative report summarises the general content of the discussion and provides the average score for each indicator. Panellists are not quoted by name in the report, in order to protect them from possible repercussions. The reports can be used as a tool for possible political discussion on media reform.

In countries where English is not the official language, the report is published in a bilingual edition.

In facilitating the AMB, the FES and MISA only serve as a convener of the panel and as guarantor of the methodology. The content of the discussion and the report is owned by the panel of local experts and does not represent or reflect the view of FES or MISA.

By the end of 2019 the AMB had been successfully completed 121 times in 32 African countries, in some of them for the sixth time already.

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African Media Barometer

Togo 2021

Summary

The Togolese media landscape has undergone positive and negative developments over the past three years, which are highlighted in this report.

Freedom of expression and of the media is guaranteed by the country's legal and constitutional framework, particularly Article 26 of the constitution, the Broadcasting Act and the Freedom of Access to Information and Public Documentation Act.

Despite this, restrictions imposed by the law on secrecy and confidentiality, and the laws on public order, states of emergency and terrorism, have made it difficult for the full assertion of freedom of expression and the media in the country.

In fact, authorities were hostile to opinions that did not align with the official position in managing the COVID-19 pandemic.

The Togolese legal system does not protect sources of information, which has led to intense pressure on journalists to reveal their sources at trials.

The law on Freedom of Access to Information, adopted in 2016, is not fully implemented because the President of the Republic has not yet signed its implementing decree.

News websites can be created by simply writing to the relevant authorities, but they must be hosted by a server in the country. This requirement makes them vulnerable because the authorities can suspend them at any time.

In recent years the Togolese media landscape has diversified. The country has nearly 80 newspapers, almost 90 radio stations, and 7 television channels.

Despite this high number of media organisations, there are still issues. For instance, the limited scope of newspapers, most of which do not extend beyond the capital, Lomé, and only reach other major cities days after publication. Apart from *Togo-Presse*, the public daily newspaper, no other newspaper has a functioning courier service to aid distribution. Other newspapers depend on generally unreliable and expensive public transport services. Sales remain low, even though a Togolese newspaper costs, on average, between USD0.50–USD2 (250–1,000 FCFA).

However, there are new opportunities emerging from the rapid development of internet access. Monthly internet connection data is available from US\$0.08 (50 FCFA) for 12MB to US\$27 (15,000 FCFA) for 6GB.

Most newspapers do not have editorial independence. The most glaring case is that of *Togo-Presse*, the national daily newspaper whose management, journalists

and the editorial board are civil servants, and therefore feel obliged to promote the state's interest. With the use of figureheads, some media organisations hide the identity of their owners.

An estimated USD1,000–5,500 (600,000–3 million FCFA) per body and per year of public funding for the media remains paltry compared to actual needs.

Men hold almost all decision-making positions in the Togolese media. For example, only two of the nine television channels are run by women, and three of the 30 community radio stations.

Although the media struggle to reflect ethnic diversity, they make great efforts to cover a diverse range of topics. However, political programmes dominate due to high demand, particularly in the capital and major cities.

Apart from a few cases, investigative journalism remains relatively limited in the media. The size of the advertising market is unable to sustain independent media.

The High Authority for Broadcasting and Communication (HAAC) regulates audiovisual communications in Togo, issues licenses and allocates frequencies. HAAC members chosen by the President of the Republic and those proposed by the National Assembly are perceived to be obliged to these institutions. The independence of this board is therefore not assured.

The editorial independence of the state broadcasting institutions (*Radio Lomé*, *Radio Kara* and *Togolese National Television*) is not guaranteed by law. However, the two state radio stations offer a more diversified programme. For example, *Radio Lomé* broadcasts in 16 national languages, which gives it a broad audience in rural areas. However, biased coverage, particularly of political issues, undermines this diversity.

The standards of journalism in Togo have dropped in recent years. Some causes of this decline are corruption and untrained practitioners who disregard professional ethics.

State media journalists are civil servants and therefore earn according to a civil service pay scale and are granted the corresponding privileges. Salary levels in other media organisations vary from low, irregular to non-existent, and most journalists do not have employment contracts, social security, or any form of protection.

With at least eight associations and trade unions divided between journalists and media owners, there is still no collective agreement to improve the working conditions of journalists.

Journalists face many forms of bullying and harassment that create a crippling effect. Under these conditions, self-censorship is widely practised by journalists in Togo.

*This AMB panel discussion took place in Kpalimé, Togo,
from 21-23 August 2021*



SECTOR 1:

Freedom of expression, including freedom of the media, is effectively protected and promoted.

1.1 Freedom of expression, including freedom of the media, is guaranteed in the constitution and supported by other pieces of legislation.

The revision of the Togolese constitution by parliament in 2019¹ introduced significant changes. In particular, it limited the presidential term to two five-year terms and created the senate. The new constitution retained existing provisions that recognise, guarantee and protect freedom of expression and the media.

Article 26 states:

Every person has the freedom to express and disseminate by word, writing or any other means, his or her opinions or the information that he or she holds, within the limits set by law.

The press may not be subject to prior authorisation, bonding, censorship or other obstacles. The prohibition on the dissemination of any publication may be imposed only by a court decision.

These constitutional provisions were taken up by Article 6 of the Press and Communication Code,² passed a year later in 2020. In addition, the code grants citizens the right to information.

Article 10 states:

The State guarantees to all persons living on the land the right to be informed and to have access to sources and means of information in accordance with the laws relating to communication and information. It has the obligation, through its various representations, agencies and institutions, to promote the application of the right to information.

Several other laws and instruments complement or make operational the constitution's provisions on freedom of expression and the media. These include Law No. 2019-016 of 30 October 2019 on the legal regime applicable to broadcasting in the Togolese Republic and Law No. 2016-006 of 30 March 2016 on the freedom of access to public information and documentation.

The High Authority for Broadcasting and Communication (HAAC) is mandated to 'guarantee and ensure the freedom and protection of the press and all means of mass communication in accordance with the law.'³

Panelists agreed that while there are laws and legal instruments that guarantee freedom of expression and the media, sometimes these very same laws impose limitations on the full assertion of these freedoms.

1 FAO, nd: Togolese Constitution of the Fourth Republic (consolidated, updated version of the Constitution Act of 15 May 2019 and all previous constitutional revisions). <http://extwprlegs1.fao.org/docs/pdf/tog128398.pdf>

2 Droit Afrique, nd. Togo Press and Communication Code (Law No. 2020-001 of 7 January 2020). <https://www.droit-afrique.com/uploads/Togo-Code-2020-presse.pdf>

3 HAAC Togo (nd). Mission. https://www.haactogo.tg/?page_id=46

Scores:

Individual scores:

[illegible]

Average score:

4.7

1.2 The right to freedom of expression is practised, and citizens, including journalists, are asserting their rights without fear.

The full assertion of freedom of expression and of the media is made difficult by multiple factors in Togo.

First, the blatant harassment of journalists and citizens has created a deterrent effect. In December 2020, Togolese police briefly detained journalist Carlos Ketohou for alleged defamation of the state. In January 2021, HAAC banned the publication of printed and online versions of *Express*, an independent newspaper.⁴

Panelists provided examples of over a dozen cases during the past three years in which journalists were threatened or attacked after publishing information deemed harmful. The Committee for the Protection of Journalists (CPJ) has kept a record of some of these attacks for more than a decade, including restrictions on access to the internet and other digital communication channels.⁵

Also, some issues (particularly those concerning security forces) have remained taboo and cannot be freely debated in public. Most recently, authorities were hostile to opinions on the COVID-19 pandemic that were not aligned with the official position.

The range of sensitive subjects continues to expand. In addition, authorities and security forces abuse privacy and confidentiality laws to restrict the free flow of information and stifle national debate. Despite progress over the past three years, panellists felt that journalists and citizens still exercised self-censorship, which hampers public debate.

Beyond the requirements of ethical and responsible journalism, media laws impose restrictions on what can and cannot be discussed. Community radio stations, for example, are not allowed to broadcast political information. This

4 CPJ, 2021. Togolese journalist Carlos Ketohou retained, newspaper barred from publishing. <https://cpj.org/2021/01/togolese-journalist-carlos-ketohou-retained-newspaper-barred-from-publishing/>

5 CPJ, nd. Togo. <https://cpj.org/africa/togo/>

We are frequently forced to hide important information from citizens because we will be sanctioned if we broadcast it.

limits their ability to engage grassroots citizens in the political scene and separates politics and development.

'We are frequently forced to hide important information from citizens because we will be sanctioned if we broadcast it,' reported a panellist.

The law requiring online media to host their websites exclusively in Togo has also raised concerns that authorities could easily disable critical online media.

Finally, tolerance for critical opinions is unevenly distributed across the country. Since they are more visible to diplomatic missions and the international community, citizens in the capital enjoy more freedoms than those inside the country, where administrative authorities are less lenient toward critical voices. '90% of what is said on air in Lomé cannot be repeated in the province,' said a panellist.

Despite this, the Togolese are freer to speak than ever before. The digital expansion of broadcasting and social media has created new opportunities for citizens to exercise their freedom of expression. The country is also one of the few in Africa that does not have criminal laws on defamation. Nevertheless, panellists emphasised that it takes a great deal of courage to give opinions on some important issues.

Scores:

Individual scores:

Indicator	1	2	3	4	5
Country does not meet indicator	✓				
Country meets only a few aspects of indicator		✓	✓	✓	✓
Country meets some aspects of indicator					✓
Country meets most aspects of indicator					
Country meets all aspects of the indicator					

Average score:

1.9

1.3 There are no laws, or parts of the law, restricting freedom of expression such as excessive laws on state secrecy, defamatory facts, legal requirements that restrict entry into the profession of journalist or laws that unreasonably interfere with the functions of the media.

The secrecy and confidentiality laws are the most prominent restrictions on freedom of expression in Togo. They vary from confidentiality clauses in

However, the country seems less enthusiastic about implementing the provisions of these international conventions. As a result, citizens do not enjoy the freedoms and protections that these instruments offer.

Scores:

Individual scores:

[illegible]

Average score:

3.3

1.5 Print publications are not required to obtain prior authorisation to publish from state authorities.

In the past, natural persons could establish and operate newspapers in Togo. They were simply required to declare their intentions, upon which they received an acknowledgement of receipt from the relevant authorities. The administrative procedure for registering a newspaper included a fee of US\$27 (15,000 FCFA) and proof of qualified professional staff, including at least two trained journalists.

However, the rules have changed, and it is no longer possible for a natural person to register a newspaper. Anyone wishing to start a newspaper must first register a media company. This registration introduces different requirements under the common African business law, OHADA. In addition to an acknowledgement of receipt, a registration number from HAAC must also be obtained.

We are slowly moving toward a regime where authorisation is required...

Therefore, registration is still a declaration process and does not require authorisation. Yet panellists were sceptical about the future. 'We

are slowly moving toward a regime where authorisation is required if we now need to have a registration number.'

Scores:

Individual scores:

Indicator	1	2	3	4	5
Country does not meet indicator	✓	✓		✓	✓
Country meets only a few aspects of indicator					✓
Country meets some aspects of indicator					
Country meets most aspects of indicator			✓		✓
Country meets all aspects of the indicator				✓	

Average score:

2.2

Article 2 states:

Public information or documents whose disclosure would infringe on national security and defence; on the secrecy of the proceedings of the executive authorities and State foreign policy; on instructions pending before the courts; on health, on privacy or private interests.⁷

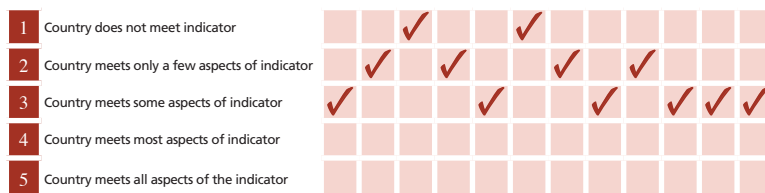
Even with these limitations, panellists argued that the law was not fully enforced. The President of the Republic has not yet signed the implementing decree, which is required to make the law operational. As a result, requests for information are often unsuccessful.

Panellists believed that the authorities' apparent resistance to providing unlimited access to public information could be due to a lack of trust between the authorities and the public. The increasing number of speeches that contradict long-standing government views and narratives also causes some authorities to be reluctant.

In summary, while freedom of information is guaranteed by law, citizens do not yet fully enjoy it. The authorities limit access to information by using loopholes in the legal framework.

Scores:

Individual scores:



Average score:

2.3

1.8 Websites, blogs and digital platforms are not required to register with, or obtain permission from, state authorities.

For the first time, Togolese law recognises and regulates news websites. Like newspapers, media companies can establish and operate news websites under a declaration regime.

The only significant change from past practices is that news websites must now be hosted in Togo.⁸ Critics of this requirement believe that it makes news sites vulnerable, as authorities now have the means to disable critical online media.

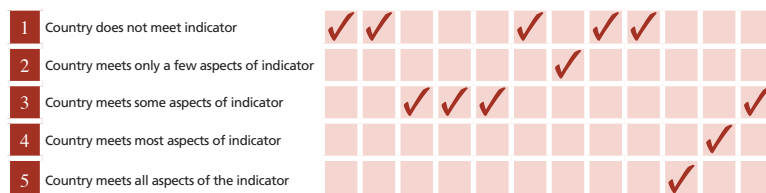
⁷ Art. 2, Law No. 2016-006 of 30 March 2016

⁸ Arts. 132, 133, 136. Law No. 2020-001 of 7 January 2020 on the Press and Communication Code in the Republic of Togo.

The provisions of the Online Media Communication Code apply only to news websites. Citizens can establish and manage websites and use social media without legal restrictions.

Scores:

Individual scores:



Average score:

2.3

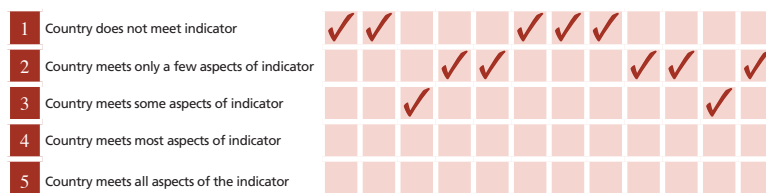
1.9 The state does not seek to block or filter internet content unless in accordance with laws that provide for restrictions that serve a legitimate interest and are necessary in a democratic society and which are enforced by independent courts.

Panellists gave examples of the state blocking access to the internet and other forms of electronic communication. In 2020, the ECOWAS Court of Justice ruled that the 2017 internet cut in Togo was illegal.⁹ Despite this historic decision, panellists said authorities had closed some websites in 2020.

There are many concerns that the new rules, which require the media to host their news sites exclusively in the country, make it more likely that the state will close the sites in the future.

Scores:

Individual scores:



Average score:

1.8

⁹ CPJ, 2020. African regional court rules Togo 2017 internet shutdown was illegal. <https://cpj.org/2020/06/african-regional-court-rules-togo-2017-internet-shutdown-was-illegal/>

1.10 Civil society in general and media lobby groups actively advance the cause of media freedom.

Togo has several media associations and pressure groups whose mission is to advance the cause of the media and journalists. These vary from groups that deal with issues specific to journalists to those concerned with the broader issue of access to information and freedom of expression.

These missions overlap at various levels between non-media organisations, such as human rights groups. As a result, they often work together, especially when journalists are attacked or when advocacy is needed to influence legal and political reforms.

'It's a very polarised landscape, between media associations perceived as pro-government and those perceived as against government.'

However, the effectiveness of the media lobby is limited by many factors. Panellists highlighted divisions and personal interest prosecutions, which have weakened the defence of media causes.

According to a panellist, 'It's a very polarised landscape, between media associations perceived as pro-government and those perceived as against government.' Another panellist noted that solidarity was lacking, particularly over crucial issues such as the arrest of journalists and the condemnation of harsh laws.

Individual scores:

Indicator	1	2	3	4	5
Country does not meet indicator	✓				✓
Country meets only a few aspects of indicator		✓	✓	✓	
Country meets some aspects of indicator		✓		✓	✓
Country meets most aspects of indicator					✓
Country meets all aspects of the indicator					

Average score:

2.3

1.11 Media legislation evolves from meaningful consultations among state institutions, citizens and interest groups.

Civil society is increasingly involved in the development of legislation and policy processes.

The government has introduced new mechanisms for reviewing laws, such as consultations with, and participation of, interest groups to allow for their input.

However, citizens and civil society organisations lack the capacity to radically influence new laws and policies. Their views are frequently not considered, especially if they strongly deviate from the government's objectives. Panellists feel that these consultations are generally just formalities rather than a genuine attempt to involve citizens in drafting laws and policies that concern them.

Scores:

Individual scores:

[illegible]

Average score: 3.6

Overall Score for Sector 1: 2.7



SECTOR 2:

The media landscape, including new media, is characterised by diversity, independence and sustainability.

2.1 A wide range of sources of information (print, broadcasting, internet, mobile phones) are available and affordable to the public.

Togo has more than 77 newspapers, ranging from a handful of public and private daily newspapers to dozens of weekly, bi-weekly, monthly and quarterly newspapers. Circulation is limited to the capital, Lomé (where most newspapers have their headquarters), and major provincial cities such as Kara and Mango.

Newspapers are delivered to major cities one to two days after their publication. They can take up to five days or longer to reach remote towns and villages, where lack of infrastructure affects distribution.

Togo-Presse, the national newspaper, is the only one with a functional courier service. The others depend on public transport services, which are generally unreliable and costly. Private newspapers are increasingly turning to online broadcasting services, but these are not sufficiently developed to serve as a viable business model.

Newspaper sales are low mainly due to limited readership. On average, newspapers cost between USD0.50 (250 FCFA), which is about the price of a kilo of bread, and USD2 (1,000 FCFA) for magazines. *Togo-Presse* remains an exception and costs only USD0.30 (200 FCFA).

There are estimated to be more than 90 public, commercial, denominational, rural and community stations in Togo.¹⁰ Despite the large number of local and national stations, the broadcasting sector is dominated by foreign services such as *Radio France Internationale* (RFI) and the *British Broadcasting Corporation* (BBC).

Television broadcasting is the least developed sector with only seven national channels, including *Togolese National Television* (TVT). This sector is also dominated by foreign channels picked up by cable and satellite. Although the radio is a more important source of information, most households have a television set.

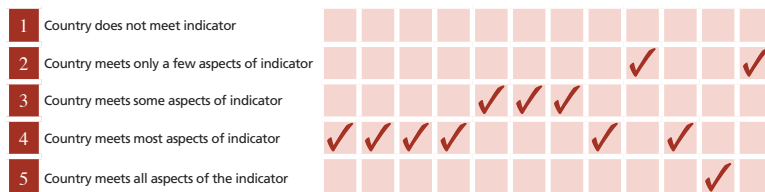
Internet access has grown rapidly over the years to reach almost 2 million users in January 2021, in a population of about 8,4 million. Suppliers offer citizens a wide range of tariff options, ranging from USD0.08 (50 FCFA) for 12 MB to about USD27 (15,000 FCFA) for 6 GB of internet data monthly. Panellists noted that despite some low package offers, the average cost of the internet remains high. In addition, the sector is plagued by unreliable connectivity and frequent outages, particularly in rural areas.

Mobile phone access has grown rapidly to more than 7 million users, representing about 90% of the population. In January 2021, social media users numbered 890,000, a 37% increase from the previous year.

¹⁰ IREX, nd. Media Sustainability Index Africa <https://www.irex.org/sites/default/files/pdf/media-sustainability-index-africa-2006-2007-togo.pdf>

Scores:

Individual scores:



Average score:

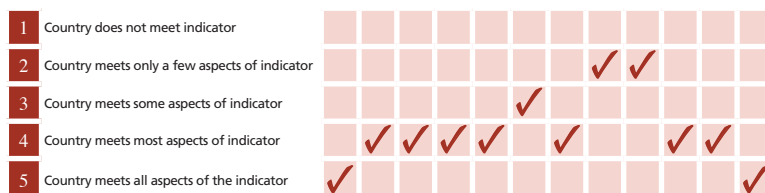
3.5

2.2 The public access to domestic and international media sources is not restricted by state authorities.

Togolese citizens can access the information of their choice without restrictions, apart from economic and infrastructural factors. No international media has been suspended in the country, and no foreign newspapers have been banned in recent years.

Scores:

Individual scores:



Average score:

3.8

2.3 The editorial independence of print media published by a public authority is adequately protected against undue political interference.

Togo-Presse is published and printed by a state company, *Société Nationale des Editions du Togo* (EDITOGO). Its management, journalists, and other editorial staff are civil servants who must follow a code of conduct defined by the state. As a result, they feel obliged to protect the state's interest in their reports and editorial decisions.

According to panellists, the publication's content reflects a lack of editorial independence. They view *Togo-Presse* as a public relations tool of the government and the ruling party, which receive more media coverage than any other segment of society. By contrast, critical voices such as those of opposition political

parties and trade unions receive little or no attention. Generally, *Togo-Presse* doesn't cover events such as protests and demonstrations that may present an unfavourable image of the government. When it does cover such events, the information is distorted to minimise the damage done to the government or to redirect blame elsewhere.

Scores:

Individual scores:

1	Country does not meet indicator	✓		✓		✓	✓	✓		✓		✓	
2	Country meets only a few aspects of indicator				✓								
3	Country meets some aspects of indicator								✓				
4	Country meets most aspects of indicator										✓		
5	Country meets all aspects of the indicator		✓										✓

Average score:

2.2

2.4 Transparency of news media ownership is guaranteed by law and enforced.

Current laws and regulations require media organisations to declare their ownership when making a declaration or requesting authorisation.

They say in the street that it belongs to the President of the Republic...

This information is part of the public record and can be independently verified. However, the law does not oblige media organisations to make their owners known to the public.

Although transparency mechanisms are in place at different stages of registering a media organisation, panellists felt that some still hide their actual owners by using figureheads. *New World TV*, for example, is a large media group whose true owner is not known, even to journalists. 'They say in the street that it belongs to the President of the Republic or someone close to his cabinet,' said a panellist. 'But this information is difficult to verify.'

Scores:

Individual scores:

1	Country does not meet indicator			✓		✓	✓						
2	Country meets only a few aspects of indicator		✓		✓			✓	✓				✓
3	Country meets some aspects of indicator	✓								✓			
4	Country meets most aspects of indicator												
5	Country meets all aspects of the indicator										✓		✓

Average score:

2.4

2.5 Adequate legislation/regulation seeks to promote competition and prevent media concentration and monopolies.

The Press and Communication Code prohibits media concentration.

Article 100:

In order to prevent the concentration of economic powers in the broadcasting sector, it is prohibited for any legal person acting alone or in a concerted manner: To operate more than one radio service and one television service of the same kind; or to take financial interests of more than 25% in more than two different licensed companies.

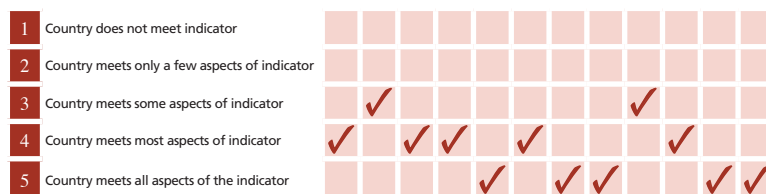
Article 101:

The capital assets of a broadcasting company must be held by one or more Togolese a minimum of 51%, and 80% of the staff must be Togolese. The capital assets of a broadcasting company may not be held by a natural or legal person of foreign nationality directly or indirectly beyond 25%.

Panellists acknowledged that this ban was probably enforced, as they did not know of any examples of media concentration.

Scores:

Individual scores:



Average score:

4.3

2.6 Government promotes a diverse media landscape with economically sustainable and independent media outlets.

The Togolese government supports the media with a micro-subsidy of about USD1,000–USD5,500 (600,000–3 million FCFA) per organisation per year. Panellists pointed out that this 'public aid to the press' was paltry compared to the needs of newsrooms.

The government also gives 'special subsidies' to media organisations, though less regularly. This can include support to cover the elections or, as was the

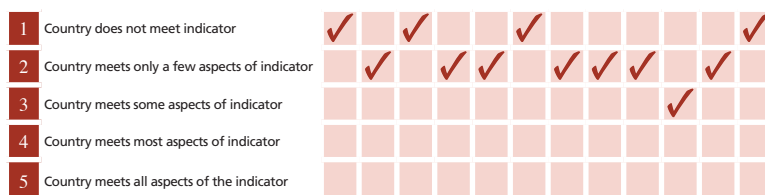
case in 2021, to raise awareness of the COVID-19 pandemic. But this is neither predictable nor sustainable.

Launching a media development fund, which is expected to increase media subsidies significantly, has stalled for many years. Panellists who were familiar with the initiative said the fund could increase public media funding to approximately US\$54,000–US\$73,000 (30–40 million FCFA) per year, per media organisation.

Moreover, the media do not enjoy any special tax privileges. As private companies, they are taxed in the same manner as any other company, despite the public service role they play.

Scores:

Individual scores:



Average score:

1.8

2.7 All media fairly represent the voices of all gender.

Opinions vary on the extent to which women's voices are represented in the Togolese media.

...it is difficult to find women willing to be interviewed even if they are qualified.

Some panellists believed enormous progress had been made in balancing men and women's voices. Women's voices are increasingly heard, and almost all media have a newspaper column or airtime

reserved for women's issues. This has occurred through a combination of deliberate efforts and a less structured quest to diversify media content.

Other panellists argued that progress in recent years is paltry compared to what is possible. Men continue to dominate media spaces as media directors, reporters, columnists, commentators and news sources. What is important or worthy of interest is therefore determined primarily by men. As a result, the media reinforces prejudice against women.

In addition to the male predominance in the sector, social and cultural barriers also negatively affect the presence of women in the media. For example, according to a panellist, it is difficult to find women willing to be interviewed even if they are qualified. They prefer to hide, fearing that society will judge them as pompous if they agree to talk.

2.9 The media cover all economic, cultural, political, social, national and local dimensions and conduct surveys.

Economic news only makes headlines when the news is about a scandal.

The Togolese media cover all sectors (political, economic, cultural and sport) without restriction. However, newspapers and broadcasting are dominated by political news and programmes. This is partly due to

the high demand for political information, especially in the capital and major cities. But also because politics is easier and less costly to cover. Journalists are motivated by the availability of political information and the willingness of political leaders to pay for coverage. 'Economic news only makes headlines when the news is about a scandal,' says a panellist.

For similar reasons, the community media allocate more coverage for the activities of the Prefect, who is the main local administrative and political figure. The community media content is even more restricted because the law prohibits them from covering political news and debates. This means that most of their attention is focused on community problems such as agriculture, health and culture.

Media coverage is generally territorially limited to areas where each media body considers its range. Regional offices and correspondents provide information from within the country, but this is generally overshadowed by events in the capital, where political activities are concentrated.

According to panellists, Togolese media have improved the level and quality of investigative journalism in recent years, mainly through micro-grants from national and international NGOs and government organisations.

For example, revelations of the *pétrogate* escape illustrate the rise of investigative journalism. It is a report of alleged massive fund embezzlement in the oil sector involving prominent government officials, including several ministers, that sparked domestic debate and increased coverage by other media outlets. Despite this apparent improvement, many panellists felt that the practice of investigative journalism remains limited compared to what is necessary and possible.

A panellist noted that many reports labelled as investigative reporting are actually not. It was pointed out that investigative journalism is expensive, so journalists cannot practice it, even if they are well trained.

Scores:

Individual scores:

[illegible]

Average score:

2.8

2.10 Private audiovisual communication bodies offer a minimum of quality public interest programmes.

Private broadcasters in Togo play an important public service role in covering a wide range of subjects. Almost all of them broadcast public interest messages and civic education programmes covering topics such as healthy lifestyles and road safety. A panellist noted, 'A higher percentage of the programming is focused on information and education.' The panellist added that private broadcasters' broad coverage of social issues had brought about change. For example, media coverage of human rights issues had helped improve prison conditions in Togo.

According to panellists, private broadcasters are obliged to broadcast public service programmes because demand is high. However, this is also a requirement of the broadcasting licensing authority.

Scores:

Individual scores:

[illegible]

Average score:

4.2

2.11 The country has a coherent and comprehensive ICT policy framework and/or the government promotes and implements measures, which meet the information needs of the public, including underserved communities.

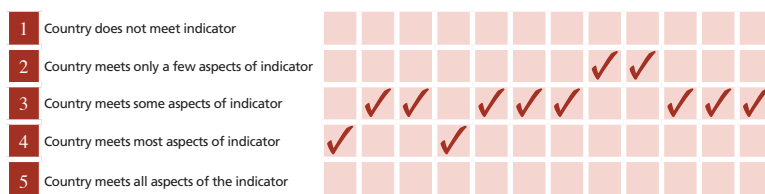
Togo's ICT policy framework consists of programmes, regulations and laws. These include, among others, the national digital economy programme and the laws on electronic communication and data protection. According to panellists, ICT is one of the government's priority sectors.

Mobile telephony has experienced strong growth over the last decade. Panellists estimated that almost every Togolese has a mobile phone. According to a report by Togo First, the mobile telephony penetration rate was 96% in January 2021.

There are still issues, however. Panellists noted that there are only two mobile operators in the country who share the monopoly and have resisted the entry of new stakeholders into the sector. Togo has not completed the digital transition in its audiovisual sector, even though this has been on the agenda for many years.

Scores:

Individual scores:



Average score:

3.0

2.12 The government does not use its power over the placement of advertisements as a means to interfere with editorial content.

The government is the leading advertiser in Togo, which gives it power over the advertising market. The authorities use this as leverage to control the editorial independence of media organisations by placing advertisements with those that are 'friendly' and 'docile' and withdrawing advertising from those who are considered hostile.

You need to be blue to receive government advertisements.

'You need to be blue to receive government advertisements,' said a panellist. Blue is the official colour of the ruling party. 'You need to show that you are with them before they place advertisements with you.'

In some cases, officials extend this power to private advertisers by accusing them of sponsoring the opposition when placing advertisements with critical media organisations. As a result, private advertisers tend to follow the example of the government in terms of which media organisations they support.

Scores:

Individual scores:

1	Country does not meet indicator				✓								✓	✓
2	Country meets only a few aspects of indicator		✓							✓	✓			
3	Country meets some aspects of indicator	✓		✓	✓				✓					
4	Country meets most aspects of indicator					✓	✓							
5	Country meets all aspects of the indicator													

Average score:

2.4

2.13 The size of the advertising market can support a diversity of media outlets.

The advertising market is small and unable to support independent media. The number of advertisers is limited to a handful of public and private companies that set the prices and conditions of advertising. Newspapers are willing to accept as little as US\$180 (100,000 FCFA) for a full-page advertisement. Rates are even lower in the audiovisual media sector.

Attempts to harmonise advertising tariffs have failed because of resistance from advertisers and smaller media organisations willing to accept lower prices. The ability of the media to negotiate is also limited by their large number, compared to the size of the advertising market. Over the years, the media industry has grown digitally while the advertising market has shrunk.

Scores:

Individual scores:

1	Country does not meet indicator	✓	✓		✓	✓			✓		✓	✓	✓
2	Country meets only a few aspects of indicator						✓	✓					
3	Country meets some aspects of indicator												
4	Country meets most aspects of indicator			✓						✓			
5	Country meets all aspects of the indicator												

Average score:

1.7

Overall Score for Sector 2:

2.9



SECTOR 3:

Broadcasting regulation is transparent and independent; the state broadcaster is transformed into a truly public broadcaster.

3.1 Broadcasting legislation is passed and is implemented, and provides for a conducive environment for public, commercial and community broadcasting.

The fundamental principles and legal framework governing audiovisual communications in the Togolese Republic is defined in a 2009 law.¹¹

Article 3 states:

Through the High Authority for Broadcasting and Communication (HAAC), an independent authority, the State:

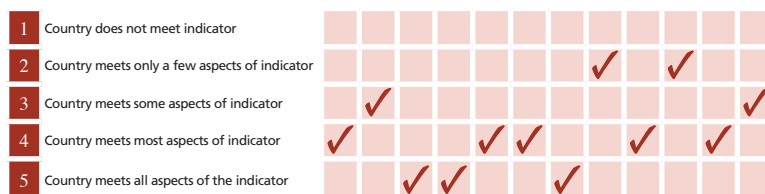
- *guarantees the assertion of freedom of audiovisual communication in the field of radio and television by any electronic communication process;*
- *ensures equal treatment; guarantees the impartiality and independence of the public and private radio and television media;*
- *promotes free competition; ensures the quality and diversity of programmes, the development of national audiovisual production and creation, the promotion of national culture and languages, social cohesion and non-discrimination in the field of communication; and*
- *guarantees access to digital audiovisual media content to persons with sensory disabilities.*

HAAC is responsible for licensing and frequency allocation. Additional clauses are contained in Article 2 of the Press and Communication Code.

Panelists stated that if applied, these legal provisions will create conditions for developing the audiovisual sector

Scores:

Individual scores:



Average score:

3.8

¹¹ Law No. 2019-016 of 30 October 2019 on the legal regime applicable to audiovisual communications in the Togolese Republic. <http://www.droit-afrique.com/uploads/Togo-Loi-2019-16-regime-juridique-communications-audiovisuelles.pdf>

3.2 The audiovisual sector is regulated by an independent body and sufficiently protected by law against interference, whose members are appointed in a transparent and open manner, in consultation with civil society, and which is not dominated by a political party.

The regulatory body for the audiovisual sector, HAAC, is composed of nine members. Four of these are appointed by the President of the Republic and five by the National Assembly, of which two must be from the media sector. The criteria for the appointment of members is intended to respect a certain level of regional and gender balance.

Despite these legal guarantees, panellists felt that HAAC members could not act independently. People appointed by the President and the National Assembly feel accountable to them and therefore protect their interests. Panellists also stated that people seeking these appointments often do so for personal reasons. At the time of the AMB, there were nearly 120 candidates for five vacancies at HAAC.

Scores:

Individual scores:

1	Country does not meet indicator							✓	✓		✓	✓		
2	Country meets only a few aspects of indicator	✓					✓	✓			✓			✓
3	Country meets some aspects of indicator		✓	✓	✓									
4	Country meets most aspects of indicator													
5	Country meets all aspects of the indicator													

Average score:

1.9

3.3 The body that regulates broadcasting services, and licensing, does so in the public interest and ensures fairness and diversity of views representing society at large.

HAAC issues licenses for broadcasting through calls for tenders open to any interested person. Tenders are reviewed by an independent commission that, according to panellists, has proved difficult to corrupt despite attempts.

Well-known criteria make the process transparent and give candidates equal opportunities. While the bid fee is set for everyone at US\$90 (50,000 FCFA), the actual cost of the license is part of the closed bids and therefore varies from one applicant to the other. Sometimes it can be as high as US\$18,000 (10 million FCFA).

Scores:

Individual scores:

[illegible]

Average score: 3.5

3.4 The public/state broadcaster is accountable to the public through an independent board that is representative of society at large and selected in an independent, open and transparent manner.

The state broadcasters, *Radio Lomé*, *Radio Kara* and the national television, do not have executive boards or similar bodies. They are led by management teams appointed by the government. Therefore, there is no mechanism for state broadcasting to be accountable to the public.

Scores:

Individual scores:

[illegible]

Average score: 1.2

3.5 The editorial independence of the state/public broadcaster from political influence is guaranteed by law and practised to ensure balanced and fair news and current affairs programmes.

The editorial independence of *Radio Lomé*, *Radio Kara* and the national television is not guaranteed by law. They are managed as government institutions and are subject to directives from ministers and other public authorities.

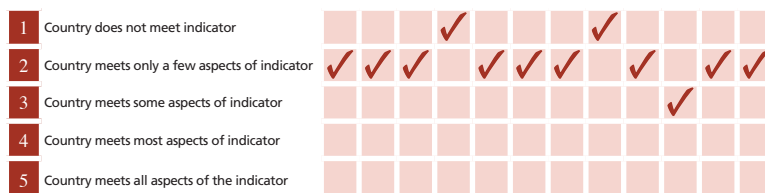
As civil servants, journalists are forced to practise self-censorship, preferably covering the ruling party at the expense of other political forces. In extreme cases, journalists working for state broadcasters distort information.

Public broadcasters often serve as public relations media for the government and the ruling party. As a result, they have lost credibility.

Despite this gloomy picture, panellists believed that things had improved. Some panellists stated that while the AMB was being drafted, a few public figures, including the minister in charge of communication, officially encouraged the public broadcaster to give more opportunities to critical political parties and groups.

Scores:

Individual scores:



Average score:

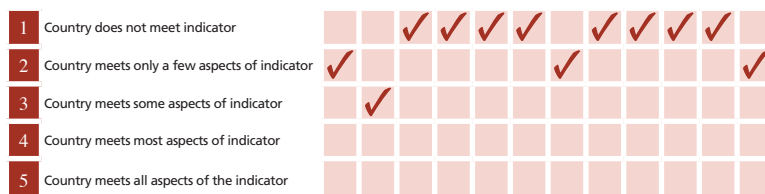
1.9

3.6 The public/state broadcaster shall be funded in such a way as to protect it from political interference in its budget and from commercial pressure.

State broadcasters do not have large government budgets. Panellists estimated that these grants do not exceed US\$219,000 (120 million FCFA) per year. Often, these grants do not even cover operational costs. To fill the funding gap, state media organisations raise revenues from advertising and other sources. According to panellists, this precarious financial situation has made state broadcasters vulnerable to government influence. Professional standards have therefore also dropped.

Scores:

Individual scores:



Average score:

1.4

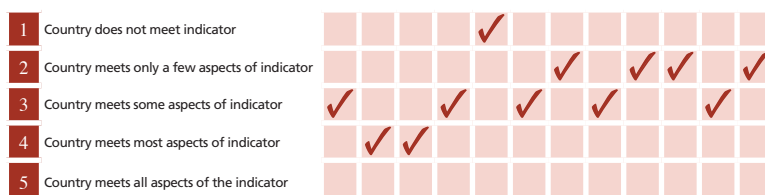
3.7 The public/state broadcaster offers a variety of programming that takes into account all interests, including local content and quality programs of general interest.

State media cover a wide range of subjects and communities. Their programming is more diverse than that of private media. *Radio Lomé* broadcasts in 16 national languages, which has resulted in a wide audience in rural areas. Many of its programmes are broadcast by community radio, making it the largest radio network in the country.

This diversity of programmes is undermined by skewed coverage, particularly of political issues. According to panellists, state broadcasters generally do not create content or broadcast news reports that they consider hostile to the government or the ruling party.

Scores:

Individual scores:



Average score:

2.7

Overall Score for Sector 3:

2.3



SECTOR 4:

The media practise high levels of professional standards.

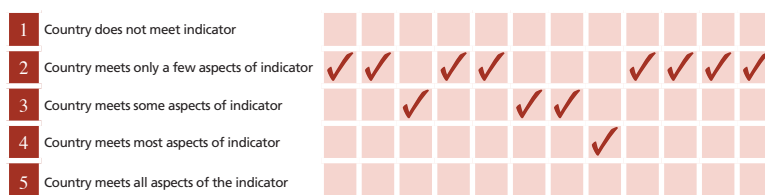
Although HAAC has taken several sanctions, including warnings and suspensions, panellists felt their ethics and codes of conduct are generally not respected by journalists. For example, journalists publish images and identities of teenagers, which is a violation of professional ethics.

One reason, according to panellists, is that most journalists believe media crimes have been abolished because they are no longer criminalised. The large number of untrained journalists also helps explain the ethical breaches in media.

As a result of this laissez-faire, the number of complaints and prosecutions against journalists for defamation, slander, and other media crimes has soared in recent years.

Scores:

Individual scores:



Average score:

2.4

4.3 Salary levels and general working conditions, including safety, for journalists and other media practitioners, are adequate.

Salary levels in Togolese media vary from low or irregular to non-existent. Most journalists work without employment contracts, social security or any form of social protection.

Editors prefer to work with independent correspondents, offering vague and temporary terms. This arrangement allows newspaper owners to pay journalists as little as USD5 (3,000 FCFA) per issue.

Journalists working for state media are the exception. Public servants are paid based on a public service salary scale and have the corresponding privileges.

On average, however, wages are so low and working conditions so bad that journalists are willing to accept bribes and favours from information sources to survive.

Attempts to improve the situation through a collective agreement have been postponed by media owners. In 2021, when the AMB took place, negotiations had already been going on for three years. Panellists doubted that a breakthrough was imminent.

Scores:

Individual scores:

1	Country does not meet indicator	✓			✓	✓		✓		✓		✓
2	Country meets only a few aspects of indicator		✓	✓			✓	✓		✓		✓
3	Country meets some aspects of indicator											
4	Country meets most aspects of indicator											
5	Country meets all aspects of the indicator											

Average score:

1.5

4.4 Journalists and other media practitioners are organised in trade unions and/or professional associations, which effectively represent their interests.

The Togolese media is fragmented and without a common front. Panellists identified at least eight major associations of journalists and media owners. The absence of a collective agreement to improve the working conditions of journalists shows how divided these associations are.

According to panellists, this fragmentation stemmed from a communication sector forum in 2004, which was highly contentious. This triggered the division of major associations, splitting them into factions. Each existing association pursues a narrow interest. As such, there is no collective voice to advance the cause of journalism.

Scores:

Individual scores:

1	Country does not meet indicator				✓							
2	Country meets only a few aspects of indicator	✓		✓	✓			✓		✓	✓	
3	Country meets some aspects of indicator		✓			✓	✓		✓			
4	Country meets most aspects of indicator											✓
5	Country meets all aspects of the indicator											

Average score:

2.4

4.5 Journalists and media houses have integrity and are not corrupt.

Corruption and lack of integrity are among the biggest challenges facing the Togolese press. Kickbacks are widespread and openly occur throughout the industry. In extreme cases, journalists use blackmail and are willing to bury

Journalists are making more money with bribes than they can ever earn as an employee.

reports or distort information for money and other favours. These practices are undertaken by both state and private sector journalists.

Industry insiders give several reasons for this situation.

The main reason is that most journalists are poorly paid, and some work under precarious conditions. Likewise, politicians and businesspeople willingly make financial offers to journalists, creating opportunities for corrupt behaviour. 'Journalists are making more money with bribes than they can ever earn as an employee,' said a panellist.

Over time, some corruption practices have become institutionalised and considered acceptable. This includes paid content that is hidden as the independent work of journalists. It is also common for editors in the broadcasting sector to charge event organisers for media coverage.

Scores:

Individual scores:

[illegible]

Average score:

2.0

4.6 Journalists and publication directors do not exercise self-censorship in the audiovisual and private press.

Journalists face many forms of intimidation and harassment that create a chilling effect. A panellist spoke of interviewing a minister while his armed bodyguard stood next to him. 'You just get the message that you can't ask difficult questions,' the panellist said.

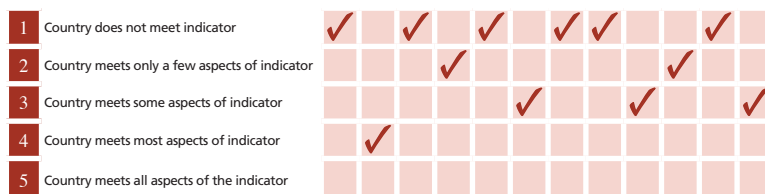
You just get the message that you can't ask difficult questions.

Under these conditions, self-censorship is widely practised. Many subjects are forbidden for journalists. 'We have to close our eyes to a lot of things,' another panellist said. 'There are words that we cannot say on air or write on paper.'

Panellists said the country displays the image of a democracy but, in reality, is very intolerant. Some pressure also comes from advertisers, who do not want to associate themselves with journalists or media organisations regarded as troublemakers by the authorities.

Scores:

Individual scores:



Average score:

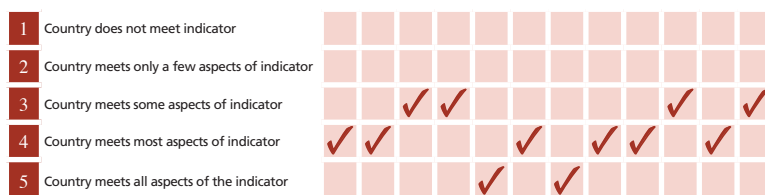
1.9

4.7 Media professionals have access to training facilities offering formal qualification programmes as well as opportunities to upgrade skills.

Journalism training is available throughout the country up to PhD level. Non-academic institutions also provide training courses validated by the authorities. The National Training Centre is one of the most renowned of these institutions and frequently offers refresher training for experienced and early-career journalists. According to panellists, several media organisations have signed a memorandum of understanding with training centres to regularly strengthen their journalists' capacities.

Scores:

Individual scores:



Average score:

3.8

4.8 Equal opportunities, regardless of race or ethnicity, social group, gender, religion, physical disability and age, are promoted in the media.

Women journalists and managers are generally under-represented. According to some estimates, the ratio is one woman to seven men among media executives. For example, only two out of nine television channels are run by women, and three of the 30 community radio stations.

Panelists argued that this disparity is not the result of discriminatory practices. According to them, fewer women than men take up the profession of a journalist, particularly in the print press. They added that there was no evidence of ethnic and religious discrimination, although some ethnic groups do form the majority in certain media organisations.

Scores:

Individual scores:

Indicator	1	2	3	4	5
Country does not meet indicator		✓			
Country meets only a few aspects of indicator					✓
Country meets some aspects of indicator	✓	✓		✓	✓
Country meets most aspects of indicator			✓	✓	✓
Country meets all aspects of the indicator					✓

Average score: 2.7

Overall Score for Sector 4: 2.5



FOLLOW-UP QUESTIONS

1. What were the developments in the media environment in the last three to four years?

Positive developments

- The legal framework has improved with the passing of the new Media and Communication Code, which is widely considered progressive.
- Improved training opportunities for journalists.
- Public participation in certain interactive radio and television programmes has increased.
- Legal recognition of online journalism in the new code of the press.
- Improved quality of media productions.
- The transformation of media outlets into corporations has reinforced them.
- Once completed, negotiations for a collective agreement could improve journalists' social protection and working conditions.
- The media are increasingly addressing a wide variety of topics such as the environment, agriculture and culture.
- Investigative journalism is taking root.

Negative developments

- Recent years have been marked by an increase in the prosecution of journalists.
- Poor working conditions and low wages continue.
- Low compliance with ethical codes.
- Increased self-censorship.
- Decrease in the credibility of media outlets.
- The breakdown and fragmentation of media organisations.
- The advertising market is shrinking.

2. What kind of activities are needed over the next three/four years?

- Organising a workshop to share the findings of this AMB and set up a monitoring and evaluation mechanism (Union of the Independent journalist of Togo-UJIT).
- Providing training on media company management.
- Advocating for improvement of the working conditions of journalists (remuneration, social security, etc.).

Panellists:

Media (list in alphabetical order of surname):

1. Pierre Agbanda, leader of media professionals' associations
2. Franck Ayawo Assah, print press journalist, media consultant and lecturer at ISICA
3. Aimé Atana, journalist, director of community radio
4. Pierrot Attiogbe, journalist, radio expert
5. Théophane Eudoxie, journalist, director of private television
6. Emile Kouton, online press journalist

Civil Society (list in alphabetical order of surname):

7. Dr Aimé Adi, head of Human Rights Association
8. Yves Komi Azanledji, president of the Association for the Protection and Promotion of the Rights of Persons with Disabilities
9. Donko Balogou, lecturer researcher in Info-Com
10. Nadou Lawson, trade unionist
11. Attoh Mensah, lawyer
12. Dosseh Soyeh, journalist and commissioner at the National Human Rights Commission (CNDH)

Rapporteur: Eugene N. Nforngwa, media policy analyst

Moderator: Sadibou Marong, journalist, media expert

This AMB panel discussion took place in Kpalimé, Togo, from 21 – 23 August 2021.