



Plenary sitting

B8-0070/2019

15.1.2019

MOTION FOR A RESOLUTION

with request for inclusion in the agenda for a debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 135 of the Rules of Procedure

on the situation in Togo
(2019/2518(RSP))

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on behalf of the PPE Group

**European Parliament resolution on the situation in Togo
(2019/2518(RSP))**

The European Parliament,

- having regard to the [Cotonou Agreement](#) and the Joint Africa-EU Partnership,
- having regard to the outcome of the 22nd ECOWAS-EU Political Dialogue Meeting of 30 November 2018,
- having regard to the universal declaration of Human Rights,
- having regard to the African charter on human and peoples' rights of 1981,
- having regard to the African Charter on Democracy, Elections and Governance of January 2007,
- having regard to the 19th session of the Togo-EU political dialogue, held in Lomé on 20 November 2018,
- having regard to the European Commission's "National Indicative Programme for Togo",
- having regard to the 2018 resolution 397 (LXII) on the human rights in Togo by the [African Commission on Human and Peoples' Rights](#) adopted during the 62 ordinary session,
- having regard to the 2017 Annual Report on Human Rights by the European Parliament,
- having regard to a declaration by the G5 (embassies of Germany, France, USA, UN, EU) on the situation in Togo on 13 December 2018,
- having regard to the pastoral message by the evangelical Presbyterian and Methodist churches in Togo of 3 December 2018,
- having regard to the 26 November 2018 ECOWAS communiqué on the social-political situation in Togo,
- having regard to the ECOWAS Declaration on 31 July 2018 on Togo,
- having regard to the resolution on Togo by the 62nd ordinary session of the African Commission for Human and Peoples' Rights (ACHPR) held in Nouakchott, Mauritania from 25 April - 5 May 2018,
- having regard to Rule 135 and 123 of its Rules of Procedure,

- a) whereas disputed parliamentary elections were held in Togo on 20 December;
- b) whereas Togo has been ruled by the Eyadema family since 1967, when Gnassingbé Eyadema took power and ruled until his death in 2005, when he was replaced by his son, Faure Gnassingbé;
- c) whereas poverty, lack of economic, democratic and social progress, lack of human rights, as well as corruption remain eminent in Togo and keep the country from fulfilling its full potential;
- d) whereas domestic and international pressure prompted Togo to introduce the 1992 constitution, which included multiparty elections and a two-term limit on the presidency;
- e) whereas since the adoption of multiparty politics in 1992, major opposition parties boycotted Togo's first three legislative elections due to the lack of a level-playing field;
- f) whereas in 2002, the legislature amended the constitution to remove presidential term limits and change elections from two rounds to a single-round plurality vote system;
- g) whereas in the elections in 2007 and 2013 the opposition participated, despite shortcomings, for the first time, and held the ruling party to less than 50 percent;
- h) whereas since 2017, hundreds of thousands of Togolese took to the streets, calling for a constitutional referendum to block Gnassingbé from seeking a fourth term, but whereas these protests were brutally suppressed by policy forces;
- i) whereas the biggest NGO human rights network CACIT (Collectif des Associations Contre l'Impunité au Togo) stated that the right of assembly is repeatedly violated and investigations into human rights violations by security forces are delayed;
- j) whereas according to the Togolese League of Human Rights (LTDH) between 19 August 2017 and 20 July 2018, during demonstrations against the government, a total of 22 people were killed, 941 wounded and 472 arrested;
- k) whereas at its 62nd ordinary session (25 April-5 May 2018) held in Nouakchott, Mauritania, the African Commission for Human and Peoples' Rights (ACHPR) adopted a resolution on the situation in Togo, expressing deep concern about the deterioration of the human rights situation in the country, following the demonstrations calling for constitutional and institutional reforms in August 2017;
- l) whereas on 1 August the 53rd ECOWAS Summit of Heads of State and Governments, after mediation by Ghana's and Guinea's Presidents, Nana Akufo-Addo and Alpha Condé, put forward a roadmap, and called on all political actors and the government to work to adopt the two-turn election model for Presidential elections, reduce to two the maximum number of presidential mandates, recompose the Constitutional Court, set a maximum number of terms for its members and reform the electoral process; whereas these recommendations were welcomed by the government and opposition of Togo,

but ultimately were not implemented by the government;

- m) whereas the government has not fulfilled a long list of democratic reforms promises;
 - n) whereas legislative elections were originally planned for July but were postponed in line with the call of a number of civil society organisation, including churches, to allow for facilitated talks between the opposition and the government, but the government continued to resist demands to restore the 1992 constitution;
 - o) whereas the government refused to reinstate the term limits and voting provisions of Togo's 1992 constitution;
 - p) whereas the allegedly independent electoral commission, despite promises for change, was predominately composed by members of the ruling parties;
 - q) whereas despite previous promises, the bias in favour of the ruling party concerning the delimitations of the legislative districts was not reformed;
 - r) whereas on 7 December 2018, the National Assembly of Togo adopted a law on cybersecurity which significantly restricts freedom of expression by criminalising and could easily be misused against whistle-blowers and others reporting on human rights abuses, while also granting additional powers to police, particularly in terms of surveillance of communication or IT equipment, without adequate judicial control;
 - s) whereas as a result of the lack of democratic reforms, the opposition saw no level-playing field and consequently decided to not participate in the elections;
 - t) whereas according to the initial results the ruling parties, despite a loss of seats and significant doubts about the proper organisation of the elections, will maintain a majority, and whereas the 59% turnout of the elections was lower than at previous elections;
 - u) whereas at the 45th session of the leaders of the African Union in Abuja, Nigeria, on 22 December 2018, the session discussed the situation in Togo;
 - v) whereas as a result of the violence and prosecution by the government a number of citizens had to leave their homes and either relocate inside Togo or were forced to seek exile abroad;
- 1) Strongly criticises the government for not living up to its promises of democratic reforms;
 - 2) Condemns the violence and human rights violations committed by government forces and condemns the lack of impunity for crimes committed;
 - 3) Calls on international organisations, in particular the ECOWAS, the AU and the UN to strive for a mediation process to ensure a proper inclusion of all democratic forces in order to ensure meaningful and needed democratic reforms;
 - 4) Calls on the government to fully implement without delay the recommendations put forward by ECOWAS in August 2018 and to do their utmost to include all relevant

stakeholders in a dialogue on necessary reforms regarding the country's political system;

- 5) Calls on the government in particular to restructure the electoral commission CENI towards a multi-party supervisory and professionalized body in order to serve as an independent institution respected by all stake holders and above partisan activities;
- 6) Calls on the government to present an electoral code with a delimitation of electoral districts that represent an equal amount of voters with a very limited margin, so as to guarantee that the weight of each vote is equal;
- 7) Encourages the opposition and civil society actors to actively stay engaged and seek constructive and non-violent solutions to work for a more democratic and constructive future for Togo;
- 8) Calls for an independent investigation into human rights violations and the death of political and societal activists;
- 9) Condemns the continued excessive use of force, acts of torture, ill-treatment and killings by the defense and security forces in Togo, and urges the Togolese authorities to put an end to them in accordance with their international commitments;
- 10) Calls on the Togolese authorities to accept an independent investigation into the allegations of serious attacks on life and physical integrity, and on the freedoms and rights of citizens, in the context of popular protests of August 2017;
- 11) Urges the Togolese authorities to take measures to reassure exiles and IDPs who have fled repression or threats and to facilitate their return to their places of departure, in liaison with the relevant UN agencies and non-governmental organisations, as well as international governments willing to support this process;
- 12) urges the Togolese Government to guarantee, without undue restrictions, the right of citizens to demonstrate peacefully throughout the Togolese territory, on the understanding that the circulation of illicit firearms, a phenomenon facing almost all States of the world, cannot be used as a pretext to prohibit or unduly restrict demonstrations;
- 13) Calls on the Togolese authorities to release without delay the protesters arrested and imprisoned during the period starting from August 2017 who have not yet been released;
- 14) Calls on Togolese political parties and civil society organisations to educate, sensitise and properly supervise their members, supporters and audiences, with a view to prevent any violent or otherwise reprehensible acts or remarks;
- 15) Calls on the Togolese authorities to refrain from future restrictions on access to mobile telecommunications networks and the internet, a practice that undermines the civil and political, as well as the economic, social and cultural rights of the Togolese people and their interlocutors outside from Togo;

- 16) Encourages the Togolese authorities to put an end to the harassment and intimidation of activists from pro-democracy organisations and human rights organisations;
- 17) Welcomes the progress, albeit below the commitments and expectations, achieved by the Togolese authorities in recent years in the field of legislation on fundamental rights and freedoms, but regrets new provisions which are detrimental to rights and freedoms, particularly in relation to freedom of expression and terrorism;
- 18) Urges the Togolese authorities to do much more in terms of reforming the legislation on fundamental rights and freedoms;
- 19) Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the governments and parliaments of the Member States, the Secretary-General of the United Nations, the secretariat of ECOWAS and the AU, and the Government and Parliament of Togo.