



Plenary sitting

B8-0646/2017

14.11.2017

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 Madagascar
(2017/2963(RSP))

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on behalf of the ALDE Group

B8-0646/2017

**European Parliament resolution on Madagascar
(2017/2963(RSP))**

The European Parliament,

- having regard to its previous resolutions on Madagascar, particularly those of 7 May 2009, of 11 February 2010 and of 9 June 2011, and the ACP-EU Joint Parliamentary Assembly fact-finding mission to Madagascar of 10-11 July 2010,
 - having regard to of the Cotonou Agreement,
 - having regard to the Constitution of Madagascar,
 - having regard to the EU Guidelines on Human Rights Defenders and the EU Human Rights Guidelines on Freedom of Expression,,
 - having regard to the Universal Declaration of Human Rights,
 - having regard to the International Covenant on Civil and Political Rights signed by Madagascar in 1969 and ratified in 1971,
 - having regard to the African Charter on Democracy, Elections and Governance (ACDEG),
 - having regard to the African Charter on Human and Peoples' Rights
 - having regard to the 120th session of the Human Rights Committee, which took place in Geneva and reviewed the fourth periodic report of Madagascar on its implementation of the International Covenant on Civil and Political Rights on 10th and 11th July 2017,
 - having regard to Rule 135 of its Rules of Procedure,
- A. Whereas Madagascar is one of the most environmentally exceptional place in the earth but the poorest non-conflict country in the world with 92% of people living on less than 2\$ per day;
- B. Whereas the illegal trafficking of timber and animal species poses a significant threat to Madagascar's environment and biodiversity, as well as the environmental rights of its people; whereas the environmental impact and lack of transparency in the management of extractive industries, often harms local communities and their sustainable development; whereas trafficking networks have alleged links to organised crime, which threatens democratic governance in the country;

- C. Whereas after a five years period of political turmoil in the course of which donors suspended development-aid programmes, Madagascar held credible and democratic parliamentary elections in October 2013 and presidential elections in December 2013 leading Hery Rajaonarimampianina as president; whereas the political situation has remained volatile although the resumption of relations with donor countries which have then have removed all restrictions on cooperating with the new government;
- D. Whereas prior to the 2013 elections, many media were closed and censored in "respect for the rule of law" and the imperative "sanitation of the audio-visual landscape" advanced by the Ministry of Communication; whereas the situation has calmed down but does not seem to be moving in the right direction; whereas a new code of communication has emerged, strongly criticized by Malagasy journalists, insofar as it refers to the penal code to rule on press offenses, potentially leading to a criminalization of the profession;
- E. Whereas a presidential election in principle due next year, although no firm date has yet been set, President Hery Rajaonarimampianina's regime is showing increasing signs of excitement;
- F. Whereas Amnesty International's Regional Director for Southern Africa stated on 10 July 2017 that Madagascar's human rights record is on a sharp decline as a result of the blatant disregard for the rule of law, and added that violations such as extrajudicial executions by police and the imprisonment of human rights defenders, are happening because no one is being brought to justice;
- G. Whereas Amnesty International has also documented reports of law enforcement officials seeking revenge after incidents of mob justice; whereas in February 2017, police officers allegedly burnt down five villages in Antsakabary town after two of their colleagues were allegedly killed by villagers and an elderly woman died from burns during the attack as she was unable to escape; whereas police are now investigating the fire attack despite being implicated in it;
- H. Whereas journalists and human rights defenders continue to be subject to intimidation and harassment by the authorities in an attempt to silence them and obstruct their investigative or human rights work;
- I. Whereas the environmental activist Clovis Razafimalala who has denounced the illegal trafficking and exploitation of rosewood and other timber has been detained since 16 September 2016 for more than ten months on trumped-up charges of rebellion, destruction of public documents and goods and arson in spite of the blatant absence of proofs; whereas the environmental and human rights defender Raleva was arrested on 27 September 2017 for "use of a false title", while questioning the operations of a gold-mining company, after mining had been banned due to environmental degradation; whereas Raleva received a two year suspended sentence on 26 October 2017;
- J. Whereas Fernand Cello, director of radio known for his inquiries on sensitive subjects such as illegal sapphire mining was prosecuted on 6 May 2017 for "forgery and use of forgeries"; whereas Reporters Sans Frontières (RSF) denounced the fierceness of the authorities in the region against the director of

radio Jupiter for false motives by people who had been implicated in his investigations;

- K. Whereas Claudine Razaimamonjy's arrest on the initiative of the Bianco (Bureau Independent anti-corruption) accused of misappropriation of public funds within several communes became an affair of State as she is a close ally and advisor of the Head of State Hery Rajaonarimampianina; whereas before her arrest the gendarmerie made a request to bring for investigation Mrs Raharimanantsoa Saholiniaina Jacqueline, Randriantsara Linah Sylvie and Razaimamonjy Claudine; whereas it turns out nevertheless that these three ladies are only one and the same person, Claudine Razaimamonjy who never answered the summons for investigations;
- L. Whereas the "Claudine case" provoked an open conflict between the government and the judiciary, the Minister of Justice personally having called publicly for the liberation of Claudine to avoid an extension of her police custody; whereas the magistrates' union declared having been offended by the position and the direct involvement of the government in the case pleading the separation of powers and stressing that this affair has no relation with politics;
- M. Whereas the epidemic has been coming back every year since the 1980s but the outbreak of the pneumonic plague is particularly violent this year; whereas according to the WHO the unusual nature and fast spread since August 2017 is due to a deterioration of the health system bound to the socio-political crisis that has hit the country in recent years;
- N. Whereas the abortion is still forbidden in the country by a law which dates 1920 although about ten women a day die in the childbirth; whereas this ban leads to clandestine and hazardous termination of pregnancies with stout women or paramedical staffs;
1. Welcomes the re-establishment of the rule of law by the elections of October and December 2013; remind to authorities of Madagascar and first and foremost its President, of their responsibility to protect citizens throughout the country, including the protection of all abuses and crimes and to exercise their mission of government in the strict respect of the rule of law, wishes for the upcoming elections a peaceful and serene climate so that they are even more democratic and transparent than in the past,
 2. Expresses its concern about the prevalence of mob justice and the involvement of law enforcement officials in cases of extrajudicial killing, calls for an independent and impartial investigation which guarantees the safety of the victims from any reprisal attacks should they submit evidence in the burnt down of the of the five villages in Antsakabary town,
 3. Denounces the arbitrary detention of journalists human rights defenders and environmental activists on basis of fabricated charges, calls for an definitive end to harassment and intimidation against them, disapproves the measures taken against the media prior to the last elections and calls for the restoration of all

individual and collective liberties in all their fullness, calls on the Malagasy government to repeal the restrictive elements in the Communication Code,

4. Calls on the Government of Madagascar to let justice to follow its normal and independent course on “Claudine case” and all active and passive corruption; requires that the politics do not interfere in judiciary and let the Bianco (Bureau Indépendant Anti-corruption) to freely conduct its corruption investigations,
5. Requests that the Malagascan legislative and executive authorities still consider examination of the topic of abortion that was discussed in the Senate and finally rejected by it, asks that this time a dialogue is held on the matter involving the civil society, NGOs, religious and traditional authorities,
6. Expresses its concern about the rise of Koranic School in Madagascar, held by foreign preachers who force pupils to convert to Islam, which goes against the freedom of religious belief defended by the EU.
7. Underlines that the EU and its Member States must invest in providing support and protection to human rights defenders, as key actors in sustainable development, including by means of urgent grants under the EIDHR emergency fund for human rights defenders at risk;
8. Calls on the EU to pay attention to ensuring that the preparations for the forthcoming Presidential elections are inclusive, transparent and accepted by all.
9. Instructs its President to forward this resolution to the Vice-President/High Representative of the EU for Foreign Affairs and Security Policy, the Commission, the Council of the European Union, the ACP-EU Council, and the Secretary-General of the United Nations, the SADC and the Commission of the African Union.