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Plenary sitting

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**B8-0641/2017 }**  
**B8-0643/2017 }**  
**B8-0644/2017 }**  
**B8-0645/2017 }**  
**B8-0646/2017 }**  
**B8-0647/2017 } RC1**

15.11.2017

## JOINT MOTION FOR A RESOLUTION

pursuant to Rules 135(5) and 123(4) of the Rules of Procedure

replacing the motions by the following groups:

ECR (B8-0641/2017)

Vers/ALE (B8-0643/2017)

GUE/NGL (B8-0644/2017)

S&D (B8-0645/2017)

ALDE (B8-0646/2017)

PPE (B8-0647/2017)

on Madagascar

(2017/2963(RSP))

**Cristian Dan Preda, Tomáš Zdechovský, Pavel Svoboda, Lefteris  
Christoforou, Dubravka Šuica, Tunne Kelam, Eduard Kukan, Marijana  
Petir, Jarosław Wałęsa, Laima Liucija Andrikiienė, Mairead McGuinness,  
David McAllister, Jaromír Štětina, Romana Tomc, Željana Zovko,  
Patricija Šulin, Giovanni La Via, Manolis Kefalogiannis, Maurice Ponga,  
Adam Szejnfeld, Joachim Zeller, Bogdan Brunon Wenta, Sandra Kalniete,  
Milan Zver, Roberta Metsola, Andrey Kovatchev, Lars Adaktusson, Seán  
Kelly, Deirdre Clune, Krzysztof Hetman, Michael Gahler, Inese Vaidere,  
Ivana Maletić**

on behalf of the PPE Group

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**Elena Valenciano, Victor Boştinaru, Soraya Post, Boris Zala**

on behalf of the S&D Group

**Karol Karski, Ruža Tomašić, Charles Tannock, Jan Zahradil, Notis**

**Marias, Jana Žitňanská, Ryszard Czarnecki, Angel Dzhambazki**

on behalf of the ECR Group

**Louis Michel, Javier Nart, Hilde Vautmans, Izaskun Bilbao Barandica,**

**Nedzhmi Ali, Petras Auštrevičius, Beatriz Becerra Basterrechea, Dita**

**Charanzová, Gérard Deprez, Martina Dlabajová, Fredrick Federley,**

**Nathalie Griesbeck, Marian Harkin, Filiz Hyusmenova, Ivan Jakovčić,**

**Ilhan Kyuchyuk, Patricia Lalonde, Urmas Paet, Maite Pagazaurtundúa**

**Ruiz, Jozo Radoš, Frédérique Ries, Robert Rochefort, Jasenko Selimovic,**

**Pavel Telička, Ivo Vajgl, Marietje Schaake, Johannes Cornelis van Baalen,**

**Cecilia Wikström, Valentinas Mazuronis**

on behalf of the ALDE Group

**Miguel Urbán Crespo, Marie-Christine Vergiat, Merja Kyllönen, Kateřina**

**Konečná, Jiří Maštálka, Dimitrios Papadimoulis, Stelios Kouloglou,**

**Kostadinka Kuneva, Lola Sánchez Caldentey, Tania González Peñas,**

**Estefanía Torres Martínez, Xabier Benito Ziluaga**

on behalf of the GUE/NGL Group

**Jordi Solé, Maria Heubuch**

on behalf of the Verts/ALE Group

**Rolandas Paksas, Piernicola Pedicini, Ignazio Corrao, Isabella Adinolfi**

on behalf of the EFDD Group

## 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<sup>1</sup>, of 11 February 2010<sup>2</sup> and of 9 June 2011<sup>3</sup>, and to the ACP-EU Joint Parliamentary Assembly fact-finding mission to Madagascar of 10-11 July 2010,
- having regard to the information provided by the WHO on 2 November 2017 on the recent plague outbreak,
- having regard to the Concluding Observations of 22 August 2017 of the UN Human Rights Committee (ICCPR) on the fourth periodic report of Madagascar,
- having regard to the statement by United Nations Special Rapporteur John H. Knox of October 2016 on the conclusion of his mission to Madagascar,
- having regard to the Southern African Development Community (SADC) Extraordinary Summit on Madagascar of 20 May 2011 and the roadmap proposed by the SADC mediation team after the lifting of sanctions on Madagascar by the EU, the African Union and the SADC,
- having regard to the Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment of 26 April 2017 on his visit to Madagascar,
- having regard to Articles 8 and 9 of the revised 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 Online and Offline,
- having regard to the Universal Declaration of Human Rights,
- having regard to the International Covenant on Civil and Political Rights (ICCPR) 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

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<sup>1</sup> OJ C 212E, 5.8.2010, p. 111.

<sup>2</sup> OJ C 341E, 16.12.2010, p. 72.

<sup>3</sup> OJ C 380E, 11.12.2012, p. 129.

Geneva and reviewed the fourth periodic report of Madagascar on its implementation of the International Covenant on Civil and Political Rights on 10 and 11 July 2017,

- having regard to Rules 135(5) and 123(4) of its Rules of Procedure,
- A. whereas after a five-year 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 to the election of Hery Rajaonarimampianina as President; whereas the political situation has remained volatile, although the resumption of relations with donor countries has removed all restrictions on cooperating with the new government;
- B. whereas a new code of communication has emerged, which has been strongly criticised by Malagasy journalists insofar as it refers to the penal code regarding rulings on press offences, potentially leading to criminalisation of the profession; whereas the situation has calmed down but does not seem to be moving in the right direction;
- C. whereas, in principle, a presidential election is due to be held next year, although no firm date has yet been set; whereas the Malagasy President has declared himself in favour of a constitutional reform to permit him to stay in power during the electoral period and shown willingness to distort proposed amendments to the electoral law drafted by the national independent electoral commission, experts, civil society and the opposition; whereas these declarations have been contested by his political opponents and parts of civil society, who are concerned that this may be an attempt to delay the election and remain in power beyond his constitutional mandate; whereas this is likely to increase tensions in an already fragile political context;
- D. whereas Amnesty International's Regional Director for Southern Africa stated on 10 July 2017 that Madagascar's human rights record is in sharp decline as a result of the blatant disregard for the rule of law; whereas more than 50 % of all prisoners are held in preventive imprisonment without trial, and violations such as extrajudicial executions by the police and the imprisonment of human rights defenders are occurring because of the lack of free and fair access to justice;
- E. 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 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 the police are now investigating the fire attack, despite being implicated in it;
- F. whereas journalists and human rights defenders face intimidation and harassment from the authorities in an attempt to silence them and obstruct their investigative or human rights work; whereas since the 2013 elections, many media outlets have been closed down and censored in 'respect for the rule of law' and the imperative 'sanitation of the audiovisual landscape' advanced by the Ministry of Communication;

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- G. whereas in 2013, the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) adopted an action plan for Madagascar which required that the country strengthen its enforcement efforts and place an embargo on the export of any stockpiles of wood; whereas since then, the CITES Secretariat and the CITES Standing Committee have repeatedly stated that Madagascar has failed to comply with the action plan; whereas, according to the CITES Secretariat, widespread impunity prevails for illegal logging and infractions of environmental laws; whereas, on the other hand, individuals opposing illegal logging have been convicted by the courts, which are at serious risk of corruption;
- H. whereas Madagascar is one of the most environmentally exceptional locations on earth, but the poorest non-conflict country in the world, with 92 % of people living on less than USD 2 per day, and is ranked 154th out of 188 in the Human Development Index;
- I. whereas the illegal trafficking of timber and animal species poses a significant threat to Madagascar's environment and biodiversity, as well as to the environmental rights of its people; whereas the environmental impact of, 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; whereas according to the Special Rapporteur on human rights and the environment, illegal logging and trafficking of precious woods, and mining concessions, are closely linked to violence against the local population;
- J. 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 on trumped-up charges of rebellion, destruction of public documents and goods, and arson, in spite of a blatant absence of proof; 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; whereas Augustin Sarovy, director of an NGO combating rosewood trafficking, was forced to flee to Europe after receiving death threats;
- K. whereas Fernand Cello, a radio director known for his inquiries into sensitive subjects such as illegal sapphire mining, was prosecuted on 6 May 2017 for 'forgery and use of forgeries'; whereas Reporters Sans Frontières (RSF – Reporters Without Borders) denounced the harsh treatment of the director of Radio Jupiter by the authorities in the region based on false allegations by people who had been implicated in his investigations;
- L. whereas Claudine Razaimamonjy's arrest on the initiative of the Bianco (Bureau Indépendant Anti-Corruption – Independent Anti-Corruption Bureau) for misappropriation of public funds in several communes became an affair of state, as she is a close ally and advisor to the Head of State Hery Rajaonarimampianina; whereas before her arrest the gendarmerie made a request to bring in Ms Jacqueline Raharimanantsoa Saholiniaina, Ms Sylvie Randriantsara Linah and Ms Claudine

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Razaimamonjy for questioning; whereas it turns out, in fact, that these three women are one and the same person, Claudine Razaimamonjy, who never answered the summons to come in for questioning;

- M. whereas the ‘Claudine case’ provoked an open conflict between the government and the judiciary, the Minister of Justice having personally called publicly for the release of Claudine Razaimamonjy to avoid an extension of her police custody; whereas the magistrates’ union declared that it was offended by the position taken and the direct involvement of the government in the case, pleading the separation of powers and stressing that this affair had no connection with politics; whereas this year, magistrates have gone on strike three times to condemn the repeated intimidations and governmental interferences with their activities and to reaffirm their independence;
  - N. whereas Madagascar has been subject to epidemic plagues every year since the 1980s, but the latest outbreak, which started in August 2017, has been particularly violent, affecting major cities and non-endemic areas; whereas more than 1 800 cases and 127 deaths have been reported; whereas according to the WHO, the unusual nature and fast spread this year is due to a deterioration in the health system linked to the socio-political crisis that has hit the country in recent years; whereas the WHO estimates that the risk of potential further spread of the plague outbreak at national level remains high;
  - O. whereas the predominance of customary laws in the country has favoured harmful traditional practices, including arranged, forced and early marriages; whereas women and girls continue to suffer sexual or other physical violence, while reporting rates are low and prosecutions rare; whereas abortion is still forbidden in the country by a law which dates back to 1920; whereas about ten women a day die in childbirth; whereas the ban on abortion may lead to clandestine and hazardous termination of pregnancies by people who are not medically qualified;
1. Welcomes the re-establishment of the rule of law with the elections of October and December 2013; reminds the authorities of Madagascar, and first and foremost its President, of their responsibility to uphold and protect the rights of their citizens throughout the country, including the prevention of all abuses and crimes, and to exercise their mission to govern in strict respect of the rule of law; urges them to take all necessary measures to guarantee the exercise of their citizens’ fundamental freedoms, including freedom of expression;
  2. Hopes that the upcoming elections will take place in a peaceful and serene climate so that they are democratic and transparent; insists that constitutional order and political stability must be preserved and that only dialogue and consensus building among all political actors can guarantee timely and credible elections in 2018; calls on the international community to take all possible steps to ensure a fair and free electoral process for the 2018 presidential elections;
  3. Expresses its concern about the prevalence of mob justice and the involvement of law enforcement officers in cases of extrajudicial killing; calls for an independent and impartial investigation into the burning down of five villages in Antsakabary, which

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guarantees the safety of the victims from any reprisal attacks should they submit evidence on this matter; calls on the Malagasy authorities to systematically conduct impartial investigations into extrajudicial executions, to prosecute the perpetrators, and to ensure that the families of victims receive adequate compensation;

4. Calls on the Malagasy authorities to respect their obligations stemming from CITES, including by greatly strengthening the effective enforcement of the laws against illegal logging and trafficking;
5. Welcomes the ongoing revision of the mining code and calls on the government to ensure that the revised code meets international requirements, such as prior assessment and consultation with most people affected, access to remedies and minimisation of environmental harm; calls on the government to review the mining permits issued by the transitional government and to suspend those permits not in accordance with the MECIE decree;
6. Denounces the arbitrary detention of journalists, human rights defenders and environmental activists on the basis of fabricated charges; calls for a definitive end to harassment and intimidation against them, disapproves of the measures taken against the media prior to the last elections and calls for the full restoration of all individual and collective liberties; calls on the Malagasy Government to repeal the restrictive elements in the Communication Code;
7. Calls on the Government of Madagascar to let justice follow its normal and independent course in the 'Claudine case' and in all cases of active and passive corruption; insists that politics should not interfere with the judiciary and that the Bianco be allowed to freely conduct its corruption investigations; insists on the strict respect of the principle of separation of powers and stresses that the independence and impartiality of the judiciary must be guaranteed in all circumstances; requests that the Madagascar authorities redouble their efforts to tackle corruption and impunity in the country and ensure that all cases of corruption are brought to justice;
8. Expresses its concern about the rise of activities of foreign preachers who force pupils to convert to an extremist form of Islam;
9. Stresses 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 European Instrument for Democracy and Human Rights (EIDHR) emergency fund for human rights defenders at risk;
10. Urges transnational companies to respect human rights and the principle of due diligence as set out in the UN Guiding Principles on Business and Human Rights;
11. Calls on the EU to pay attention to ensuring that the preparations for the forthcoming presidential elections are inclusive, transparent and accepted by all, including by means of a two-year package of support for election arrangements;
12. Instructs its President to forward this resolution to the Vice-President of the

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Commission / High Representative of the Union for Foreign Affairs and Security Policy, the Commission, the Council, the ACP-EU Council of Ministers, the Government of Madagascar, the Secretary-General of the United Nations, the Southern African Development Community and the Commission of the African Union.

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