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*Plenary sitting*

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**B8-0644/2017**

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))

**Miguel Urbán Crespo, Malin Björk, Merja Kyllönen, Marie-Christine Vergiat, Lola Sánchez Caldentey, Estefanía Torres Martínez, Tania González Peñas, Xabier Benito Ziluaga, Dimitrios Papadimoulis, Kostadinka Kuneva, Stelios Kouloglou, Takis Hadjigeorgiou**  
on behalf of the GUE/NGL Group

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

*The European Parliament,*

- Having regard the Cotonou Agreement, concerning political dialogue and respect for human rights respectively,
- Having regard to the African Charter on Human and Peoples' Rights,
- Having regard previous resolutions on Madagascar, of the European Parliament particularly those of 7 June 2011,
- Having regard to the European Convention on Human Rights, the European Social Charter and the Charter of Fundamental Rights of the European Union,
- Having regard to the Universal Declaration on Human Rights,
- Having Regards to the 1966 International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights,
- Having Regards the visit on October 2016 of the United Nations Special Rapporteur on Human Rights and the Environment, and taking into account his report A / HRC / 34/49 / Add.1 of March 2017,
- Having regard the Resolution 26/9 of the United Nations Human Rights Council (HRC), in which it decided to establish an open-ended intergovernmental working group to develop an international legally binding instrument on transnational corporations and other companies with respect to human rights,
- Having regard to the concluding observations of the United Nations Human Rights Committee of 22 August 2017 on the fourth periodic report on Madagascar,
- Having regard to the Resolution of the Human Rights Council (resolution 25/21, paragraph 9), which has recognized the important role played by human rights defenders in "the promotion and protection of human rights in relation to the enjoyment of an environment" safe, clean, healthy and sustainable ",
- Having regard to the Resolution of the Human Rights Council (resolution 31/32), that environmental and land defenders are among the most at risk human rights defenders,
- Having regard to Rule 123(2) of its Rules of Procedure,

A. Whereas in March 2009 Andry Rajoelina took power in Madagascar. Whereas in 2010, the Road Map for the exit of the crisis was signed in Antananarivo, agreeing that Andry Rajoelina remained as transitional president until the presidential and legislative elections were held. Whereas in December 2013, presidential and legislative elections were held in which Hery Rajaonarimampianina was elected president. Whereas at the end of 2018 new presidential elections will be held;

B. Whereas corruption is fairly widespread in the political media, the judiciary, and police authorities. Whereas corruption is also present in the award of public contracts to companies. Whereas the illegal logging and illicit trafficking of natural resources is closely related to corruption;

C. Whereas 91% of Madagascar's population lived on less than 2 US\$ per day. Whereas 50% of the population suffers chronic malnutrition (the fourth highest rate in the world). Whereas, 47% of children suffer from stunting, and almost 10% suffer from acute malnutrition;

D. Whereas the deterioration of the primary health care system was a major obstacle to access to even basic health services. Whereas limited access to drinking water and deficiencies in sanitation and hygiene practices. Whereas the plague is an endemic disease on the island that almost every year affects 600 people between September and April. Whereas this year between August and November there have been at least 1,947 cases of people affected and 133 people who died from the plague;

E. Whereas Madagascar is the most susceptible country in the world in terms of the global index of natural disaster risks. Whereas 5 million Malagasy live in regions subject to natural disasters such as cyclones, floods and droughts. Whereas between 2006 and 2015, natural disasters killed more than 700 people and affected more than 9 million. Whereas in 2016, Madagascar suffered one of the worst droughts in its history, which caused almost 850,000 people (in southern Madagascar) suffered a severe food insecurity;

F. Whereas Madagascar hosts 5% of the world's plant and animal species and almost 80% of its animal and plant species are endemic. Whereas according to the United Nations Special Rapporteur on Human Rights and the Environment, "the loss of one hectare of forest in Madagascar has a greater effect on biodiversity than the loss of forests in other parts of the world" and the disappearance of this unique biodiversity would be a loss for the world, but it would affect more drastically the people of Madagascar because for population who lives in rural areas, forest biodiversity is the basis of their livelihood;

G. Whereas international organizations ensure that, after the 2009 many transnational mining and agribusiness companies have obtained an exploitation license in Madagascar. Whereas the large national parks are under the illegal exploitation of rosewood. Whereas although in 2010, the government banned the export "of any precious wood, a definition that includes rosewood and ebony", between 2010 and 2015, 150 thousand tons of rosewood were exported. As of 2013, 11 species in Madagascar were declared extinct, 290 species in danger and another 166 species in critical danger. Whereas according to Special Rapporteur on Human Rights and the Environment, illegal logging and trafficking of precious woods, and mining concessions are closely related to the violence against the local population;

H. Whereas all the existing information regarding intimidation, harassment and mistreatment of journalists, political opponents and human rights defenders. Whereas the Communications Code of 2016 provides the possibility of imposing fines for defamation, insult and outrage to good morals and Law 2014-006 of the Fight against Cybercrime, that provides imprisonment for libel or defamation against State officials by electronic means (articles 7 and 19). Whereas on 26 September, the Ihosy Criminal Court in southern Madagascar sentenced Fernand Cello, a research journalist, to two years' imprisonment, after its reports on issues related to mining in Ilakaka;

I. Whereas in recent years there has been an increase in arrests and legal proceedings against human rights and environmental defenders who denounce illegal trafficking, exploitation of natural resources, and corruption in the state. Whereas Armand Marozafy, Clovis Razafimalala, Raymond Mandiny, and Raleva, are environmental defenders who have faced

legal proceedings and convictions following their complaints about the extraction of natural resources, illegal logging or illicit trafficking in natural resources;

J. Whereas the duration of preventive detention may be extended up to 12 days. Whereas complaints that detainees have difficulties to use the services of a lawyer. Whereas according to the Human Rights Committee, the duration of preventive detention remains excessive and abusive for a large number of people;

K. Whereas allegations that state security forces have burned villages and extrajudicially executed civilians. Whereas allegations against police officers reportedly burning in February 2017, five villages in the city of Antsakabary after allegedly two of their colleagues were killed by the villagers. Whereas reports revealing acts of torture and inhuman or degrading treatment during police arrest and detention. Whereas the legislation of Madagascar does not establish sanctions in case of ill-treatment or the imprescriptibility of acts of torture;

L. Whereas there are attacks against freedom of association and freedom of assembly, denial of authorization to demonstrate to trade unions and non-governmental organizations (NGOs), and limitations to join trade union movements;

M. Whereas the reform of the Nationality Code, introduced in 2016, allows women to automatically transmit nationality to their children but not to their foreign or stateless husband or their adopted children. Whereas the discrimination in the ownership and administration of land by women in rural areas, and in matters of inheritance. Whereas forced and early marriages continues taking place. Whereas the prevalence of gender violence and sexual abuse and its wide social acceptance. Whereas the low number of complaints of this type of violence by the victims, in particular due to the lack of confidence in judicial institutions and social pressures. Whereas Article 332 of Law 2000-21 punishes rape, but does not contemplate conjugal rape. Whereas Article 317 of the Criminal Code of Madagascar that forbid the voluntary interruption of pregnancy for the mother and the medical staff, without exceptions;

1. Expresses its deeply concern for the increase in the number of arbitrary arrests of human rights defenders, journalists and opponents and those who denounce illegal trafficking, exploitation of natural resources, and corruption in the state. Condemns any form of repression against the opposition, censorship of the media, of intimidation of journalists and human rights and environmental defenders, of arrests and torture of civilians;

2. Condemns any interference by third countries in the political situation of the country notably in this pre-electoral period; reaffirms the need and ability of the Malagasy people to choose their future and to be willing to themselves; denounces the role played by the former colonial powers in the destabilization of the country

3. Urges the Madagascar's Authorities to fully respect the freedom of expression, association and the press; reiterates its call on the Madagascar's Authorities to put an end to the harassment and arbitrary detention and detention of human rights and environmental defenders, independent journalists and social activists;

4. Reminds the Relevant Authorities of Madagascar of its obligation to guarantee fundamental

rights, including access to justice and the right to a fair trial, in accordance with the provisions of the African Charter and other international and regional human rights instruments;

5. Condemns the human rights violations and abuses by the current Malagasy security forces against their own population and call for full respect for the civil, political, social and economic rights of all citizens and calls for the independent investigation of these acts, the aim of which should be to bring the perpetrators of human rights violations to justice;

6. Urges the Madagascar's Authorities to implement the recommendations of the recent report of the United Nations Special Rapporteur on Human Rights and the Environment; believes that the lack of access of the population to the natural resources of the country, the widening of income inequalities, the increase of unemployment, the deterioration of the social situation and the impoverishment are obstacles to stability and that the fight against these problems must be a top priority in the immediate future

7. Recalls the paramount importance of preserving the biodiversity of Madagascar. Expresses its deepening alarm for the continuing illegal looting and export of precious timber, minerals and wildlife from national parks and protected areas, and the increasing threats to community management of biodiversity and supports conservation groups and civil society in their continuing efforts to prevent the slide into environmental destitution;

8. Urges transnational companies to respect human rights and the principle of due diligence as the UN Guiding Principles on Business and Human Rights; and to take all the necessary measures to respect and protect the environment and to not use corruption as a mean to achieve public contract. Calls on the institutions of the Union to work towards the conclusion of binding international agreements that reinforce respect for human rights, especially in the case of companies based in the Union operating in third countries; and specifically, demands the support for the binding treaty that is being built within the United Nations; calls on the European Commission and the Member States to take the necessary measures against European companies that do not respect these standards or that do not satisfactorily compensate victims of human rights violations directly or indirectly their responsibility;

9. Condemns the economic, social and political interference implemented in third countries through the Structural Adjustment Plans of the World Bank and the IMF, as well as the free trade agreements known as the Economic Partnership Agreements concluded by the EU; stresses that these policies have led to land grabbing and natural resources, and economic, social, political and humanitarian crises; highlights on this regard its disagreement with the conclusion of the IMF mission in Madagascar 7 to 21th of September 2017 which aim was to push forward structural reforms in the country; urges the EU and its Members states to build new types of cooperation with third countries based on mutual development and people's interest instead of free trade agreements;

10. Calls on the Madagascar's Authorities to continue taking measures to ensure strict gender equality, especially in matters of nationality, access to property and succession, and to fight against forced marriages;

11. Invites the Madagascar's Authorities to review its legislation in order to eliminate the prohibition on abortion; calls urgently to enact laws that define and typify all acts of violence

against women, especially gender violence, spousal rape and sexual abuse;

12. Requests the Madagascar's Authorities to ensure respect for the principle of separation of powers and to redouble its efforts to fight against corruption and impunity;

13. 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 institutions of the African Union and the Secretary-General of the United Nations.