



General Assembly

Distr.: General
23 September 2022

English, French and Spanish only

Human Rights Council

Fifty-first session

12 September–7 October 2022

Agenda item 4

Human rights situations that require the Council's attention

Written statement* submitted by Centre Europe - tiers monde, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[19 August 2022]

* Issued as received, in the language of submission only.



Human Rights Violations in Madagascar, Especially in Rural Areas (1)

Context

1. The “coup d'Etat” led on 17 March 2009 by Andry Rajoelina (current president of the country), then mayor of Antananarivo, has plunged Madagascar into a cycle of successive institutional crises, setting back democracy and the rule of law. The human rights situation continues to deteriorate. Between corruption, looting of public property and natural resources, arbitrary detentions, trafficking in human beings, extrajudicial executions, violations of peasants' rights and land grabbing, the fundamental rights of Malagasy citizens are being constantly trampled.
2. Systematic human rights violations have become part of daily life for the Malagasy people. Moreover, the Independent National Commission for Human Rights (CNIDH in French) is still not up and running because of the Malagasy government's persistent reluctance to approve its entry into service. This body was established by Law No. 2014-007 of 22 July 2014, which entered into force on 13 October 2016.
3. However, despite the commitment made by Madagascar during the Universal Periodic Review (UPR) in Geneva in 2019 and several grievances and appeals lodged by civil society organizations, the two elected representatives of the CNIDH were arbitrarily excluded from this body by the presidential decree of 26 May 2021.

Extrajudicial executions

4. Symbolic of the widespread insecurity in the country, extrajudicial executions have claimed several thousand victims in Madagascar since 2012. As we have mentioned many times in our previous statements to the Human Rights Council and its subsidiary bodies, most of the victims of these executions are peasants wrongly accused of being bandits. These abuses – often perpetrated by the security forces – take place in regions that are very fertile and rich in natural resources. This land is very sought after by national and international stakeholders, most often transnational corporations (TNC) aiming to establish themselves in the country to exploit these resources. Recently (July 2022), 32 people were executed in Ankazobe, as part of a land dispute.

Abduction of peasants

5. In recent months, a new phenomenon has gained ground: the abduction of peasants. This concerns several regions rich in vast arable land, including the regions of Alaotra-Mangoro, Menabe and Anjozorobe. Also in these cases, the targets of the kidnappers are mostly simple peasants, as seen last July in the region of Alaotra-Mangoro (village of Anosy Boribory) (2). In this region, groups have repeatedly demanded a large ransom to release the hostages, who are sometimes teenagers, which forces peasants to sell all their properties (agricultural equipment, crops, real estate, land) to have their relatives freed.

Land grabbing

6. The exceptional richness of Madagascar's subsoil is at the heart of land grabbing. Despite the 2006 law on untitled land ownership, which protects rural communities from this type of phenomenon, land grabbing continues. For example, the inhabitants of Mampikony and Port-Bergé have been defending their land rights for several years against the transnational company Cotona Real Estate (SOCOTA Group), which claims to have obtained the land rights, without any official document legitimizing the acquisition. This TNC continues to illegally seize these lands and evict Malagasy peasants.
7. Since 18 January 2022, following a demonstration against this land dispute, 39 peasants have been arbitrarily arrested and imprisoned and 3,000 others have gone into hiding

in the forest for fear of reprisals. Because of this situation, many children cannot continue their education. In addition, crops grown by peasants, as well as some infrastructure, have been ransacked and destroyed (3). In March 2022, the rice fields of peasants in this region were arbitrarily requisitioned by individuals protected by the police and the company Cotona Real Estate. Rural communities affected by these grabs, following the theft of their crops estimated at 5,000 tons, are now threatened with famine. Even more recently, these peasant communities and non-governmental organizations have alerted the government and the relevant authorities to the situation in the districts of Mampikony. The land grabs (especially of rice fields) perpetrated in these regions by transnational corporations are a disaster for the rural communities living on these crops, which are thus deprived of their only source of income and subsistence.

Human trafficking

8. The country also faces the problem of trafficking in human beings, exacerbated by national legislation in this area that has proved ineffective. Indeed, court decisions punishing the perpetrators remain insufficient and are an ineffective deterrent. To date, the Malagasy government has not initiated any investigation into Malagasy officials complicit in this trafficking, explaining the resurgence of the activities of trafficking networks. Thus, since 2009, tens of thousands of Malagasy women have been victims of trafficking, particularly to the Middle East and Asia (Lebanon, Saudi Arabia, China, etc.). Despite promises of measures made by the government, this trafficking is still happening in 2022, although some traffickers have been arrested. The latter represent only a tiny part of the network and are sometimes even released because of procedural errors.

Freedom of expression and arbitrary detentions

9. We have also observed flagrant violations in freedom of expression, often resulting in cases of arbitrary detention. In 2021, peaceful protests were severely repressed, leading to arbitrary arrests and other forms of violence. In this context, the authorities have used defamation laws to curb public debate and any journalistic investigations that do not align with government policy. In addition, under the Cybercrime Act (4), journalists and social media users are regularly arrested by the Malagasy authorities and detained without trial, sometimes for very long periods.

Recommendations

10. In view of the above, we call on the Human Rights Council to deploy its competent mechanisms to investigate human rights violations in this country and to intervene with the Malagasy authorities in order to:

- uphold its international human rights commitments.
- prevent population displacement and land grabbing by proposing a fair implementation of land use planning, in accordance with the UN Declaration on the Rights of Peasants and in particular Article 17 on the Right to Land. In short, a clear policy of agrarian reform must be put in place for peasant producers equipped with support measures (public security, supply of drinking water and irrigation, providing the necessary public services to ensure the realization of land development by individuals) based on a tool of reasoned and national spatial planning.
- guarantee the right to life of the Malagasy population, by putting an end to extrajudicial executions.
- guaranteeing freedom of expression, a necessary condition for the proper functioning of democracy.
- review electoral instruments to put an end to the recurring irregularities repeatedly denounced during each election.

- (1) This declaration was drafted in collaboration with Malagasy GTT International
- (2) <http://gtt-international.blogspot.com/2022/08/vague-de-kidnapping-dans-la-region.html>
- (3) It should also be noted that the Malagasy national courts have always allowed the Fokonolona (members of rural communities living in this area) to use this land, and this, since the beginning of the land conflict that has now lasted 10 years. Just one year ago, on April 7, 2021, the Mahajanga Court of Appeal issued Judgment No. 187 authorizing the Fokonolona of Andranomadio, Antsiraka, Tsararivotra, Tsimijaly, Sarodrano, Ampampamena and Ampandroangisa to continue to "cultivate on the property of the Port-Bergé colonization lot until the end of the state procedure already initiated by them". However, the Mampikony District Joint Design Body does not comply with the court's decisions. On the contrary, on 15 and 28 April 2021, it even took decisions unfavourable to peasants. In its minutes, the Joint Design Body concludes that judgment No. 187 of the Court of Appeal was not a final judgment, while inferring that it was forbidden for "squatters" (designating Malagasy peasants) to grow crops on SOCOTA's land. It is very likely that it was on the basis of this decision that the police brought tractors to destroy the crops of the 10 Fokontany, on December 7, 2021. According to the Testimony of the Fokonolona, seven tractors came to the scene, each with three armed gendarmes on board. These tractors were followed by groups of individuals paid by Cotona.
- (4) Law No. 2014-006 of 17 July 2014 on the fight against cybercrime.