

**Submission by the United Nations High Commissioner for Refugees**  
**For the Office of the High Commissioner for Human Rights' Compilation Report**  
**Universal Periodic Review: 3rd Cycle, 34th Session**

**REPUBLIC OF MADAGASCAR**

**I. BACKGROUND INFORMATION**

Madagascar acceded to the *1951 Convention relating to the Status of Refugees* (hereinafter the *1951 Convention*) on 18 December 1967, but maintains a number of declarations<sup>1</sup> under Articles 7 (1)<sup>2</sup>, 8<sup>3</sup>, 9 and 17.<sup>4</sup> The Malagasy Government has not acceded to the *1967 Protocol to the 1951 Convention*. Madagascar signed the *1969 OAU Convention Governing Specific Aspects of Refugee Problems in Africa* (hereinafter the *OAU Convention*), however it is yet to ratify it. In addition, Madagascar acceded to the *1954 Convention relating to the Status of Stateless Persons* in 1962, but denounced it four years later.<sup>5</sup> Madagascar is not a Party to the *1961 Convention on the Reduction and Elimination of Statelessness*.

The national immigration law of Madagascar comprises special provisions for refugees and stateless persons. *Loi No. 62-006* du 6 juin 1962 (“*Loi No. 62-006*”) provides safeguards in cases of expulsion, but does not mention the principle of *non-refoulement* and does not explicitly refer to asylum-seekers, refugees or stateless persons.<sup>6</sup> *Décret No. 94-652* establishes regulations for applying *Loi No.62-006*. It includes a section on refugees and stateless persons, which also stipulates the duties of the Office for Refugees and Stateless Persons<sup>7</sup> that was established in 1962 by *Décret No. 1962-001*.<sup>8</sup> However, despite these

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<sup>1</sup> For an overview of the declarations introduced by Madagascar to the *1951 Convention*, see: <https://www.unhcr.org/protection/convention/3d9abe177/reservations-declarations-1951-refugee-convention.html>.

<sup>2</sup> The Malagasy Declaration under Art. 7(1) of the *1951 Convention* reads as follows: “*The provisions of article 7 (1) shall not be interpreted as requiring the same treatment as is accorded to nationals of countries with which the Malagasy Republic has concluded conventions of establishment or agreements on co-operation*”. Therefore, the declaration allows Madagascar to deny refugees access to special benefits or provisions that are otherwise afforded to nationals of countries with whom Madagascar entered international agreements.

<sup>3</sup> The Malagasy Declaration to Art. 8 of the *1951 Convention* reads: “*The provisions of articles 8 and 9 shall not be interpreted as forbidding the Malagasy Government to take, in time of war or other grave and exceptional circumstances, measures with regard to a refugee because of his nationality in the interests of national security*”. In this vein, Madagascar retains discretion to apply restrictive measures to refugees from particular countries on grounds of national security.

<sup>4</sup> The Malagasy Declaration regarding Art. 17 of the *1951 Convention* reads: “*The provisions of article 17 cannot be interpreted as preventing the application of the laws and regulations establishing the proportion of alien workers that employers are authorized to employ in Madagascar or affecting the obligations of such employers in connexion with the employment of alien workers*.” Thus, Madagascar has discretion to provide refugees and foreign nationals lawfully in Madagascar the same treatment regarding access to wage-earning opportunities.

<sup>5</sup> By a notification received by the Secretary-General on 2 April 1965, the Government of Madagascar denounced the Convention; the denunciation took effect on 2 April 1966.

<sup>6</sup> Madagascar: *Loi No. 62-006* du 6 juin 1962 fixant l’organisation et le contrôle de l’immigration, *Droit Afrique: Madagascar – Code Civil* (2000) at p. 189, <http://www.droit-afrique.com/upload/doc/madagascar/Madagascar-Code-2000-Civil.pdf>.

<sup>7</sup> Madagascar: *Décret No. 94-652* du 11 octobre 1994 fixant les modalités d’application de la loi No. 62-006 du 6 juin 1962, *Droit Afrique: Madagascar – Code Civil* (2000) at p. 218, <http://www.droit-afrique.com/upload/doc/madagascar/Madagascar-Code-2000-Civil.pdf>.

provisions, in practice, there is no asylum system in Madagascar and the Office for Refugees and Stateless Persons has never been established.

The Ministry of Interior handles matters pertaining to immigration, but it does not have responsibilities towards protecting and assisting refugees. Consequently, persons seeking asylum do not enjoy full legal protection in Madagascar. UNHCR has no presence in Madagascar; the UNHCR Regional Representation for Southern Africa located in Pretoria, South Africa conducts mandate refugee status determination for all asylum-seekers in Madagascar.

Currently, there are 108 asylum-seekers and 44 refugees in Madagascar. The most common countries of origin of these persons are Pakistan, Yemen, Afghanistan, Democratic Republic of Congo and Somalia. UNHCR does not have reliable information on the number of stateless persons in Madagascar. However, there are indications that some segments of the population are affected by statelessness, particularly amongst minority communities, such as the Karana and Comorians.

In the absence of a functioning legal framework on asylum, prospects for local integration as a durable solution for refugees are almost not existent. Voluntary return and resettlement remain the primary durable solutions available for refugees in the country. This situation is exacerbated in the absence of conditions for safe and dignified return of some refugees living in Madagascar to their countries of origin, such as Yemen, Democratic Republic of Congo and Afghanistan.

## **II. ACHIEVEMENTS AND POSITIVE DEVELOPMENTS**

UNHCR commends Madagascar for supporting the adoption of the *Global Compact on Refugees* in December 2018, which represents the political will and ambition of the international community as a whole for strengthened cooperation and solidarity with refugees and host countries.

## **III. KEY PROTECTION ISSUES, CHALLENGES AND RECOMMENDATIONS**

### **Challenges linked to outstanding 2nd cycle UPR recommendations**

#### **Issue 1: Prevention of statelessness and expansion of birth registration**

**Linked to 2nd cycle UPR recommendation no. 108.62: “Step up efforts to improve the civil registration service so that all children will be registered at birth.”** (Turkey)

Birth registration helps prevent statelessness, serving as a key evidence of the link between the child and the parents’ country of nationality and/or the country of birth. It facilitates acquisition of or prove the nationality for the child. Conversely, failure to document a person’s legal existence not only raises risks of statelessness, but it also hampers the effective enjoyment of human rights, such as education and health care.

Madagascar has a relatively high birth registration rate compared to other African countries but, according to the World Bank, 17 per cent of children are not registered or in possession of a birth certificate.<sup>9</sup>

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<sup>8</sup> National Legislative Bodies / National Authorities, Madagascar: Décret No. 1962-001 du 1962 portant sur la création d'un bureau des réfugiés et apatrides au Ministère de l'Intérieur (Direction de la Sécurité Nationale), 13 January 1962, <http://www.refworld.org/docid/3ae6b4f528.html>.

<sup>9</sup> The World Bank *Data: Global Identification Challenge by the Numbers*, available at: <http://id4d.worldbank.org/global-dataset>.

### **Recommendations:**

UNHCR recommends that the Government of Madagascar:

- (a) Ensure that birth registration is universal, free, accessible, and made available immediately after the birth of a child, and that late birth registration procedures are available.

### **Additional protection challenges**

#### **Issue 2: Accede to the 1967 Protocol Relating to the Status of Refugees (“1967 Protocol”) and ratify the 1969 Convention Governing the Specific Aspects of Refugee Problems in Africa (“OAU Convention”)**

The *1951 Convention* is the key international instrument regarding the protection of asylum-seekers and refugees. In addition to the declarations that Madagascar maintains with regard to the *1951 Convention*, the Government also enforces the geographically restrictive interpretation of this instrument which limits the *Convention’s* application to persons fleeing events that only occurred in Europe. Accession to the *1967 Protocol* would overcome the temporal and geographical limitations of the *1951 Convention* and support granting equal status to all refugees covered by the *Convention*. Nonetheless, accession to the *1967 Protocol* would have no effect on the declarations made by Madagascar regarding the *1951 Convention*. In addition, we note that during the Ministerial Intergovernmental Event on Refugees and Statelessness Persons held in December 2011, Madagascar pledged to consider accession to the *1967 Protocol*.<sup>10</sup>

The *OAU Convention*, in turn, is a regional instrument that addresses specific refugee protection issues in Africa. The *OAU Convention* is of particular importance because a significant number of persons fleeing conflicts in Africa are not covered by the *1951 Convention*, but would be entitled to protection under the *OAU Convention* as it extends protection to persons who are fleeing, *inter alia*, events seriously disturbing public order.

In the absence of a national legal framework on asylum that complies with international standards, the legal regime that governs refugee protection in Madagascar is ineffective and persons seeking asylum are unlikely to receive adequate protection.

### **Recommendations:**

UNHCR recommends that the Government of Madagascar:

- (a) Accede to the *1967 Protocol* to the *1951 Convention*;
- (b) Ratify the *1969 OAU Convention*; and
- (c) Seek the technical assistance of UNHCR in developing national asylum legislation and refugee status determination procedures consistent with relevant international standards.

#### **Issue 3: Amend Décret No. 94-652 du 11 octobre 1994 (“Décret No. 94-652”) to establish a functioning legal system that governs granting of international protection in the country, including procedures for refugee status determination (RSD)**

Despite the provisions regarding refugees in *Décret No. 94-652*, the Government of Madagascar does not conduct RSD and relies on UNHCR to assess asylum claims with a view to resettling persons found to be in need of international protection. This approach does not constitute a tenable long-term solution. In addition, as neither the Ministry of Interior nor any other government agency currently deals with asylum claims, there is a significant deficit of knowledge regarding refugee law and its application in practice.

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<sup>10</sup> UN High Commissioner for Refugees (UNHCR), *Ministerial Intergovernmental Event on Refugees and Stateless Persons - Pledges 2011*, October 2012, available at: <https://www.refworld.org/docid/50aca6112.html>.

Without an effective asylum system providing for proper identification and referral mechanisms that ensures access to asylum procedures with guarantees for the right to receive justified negative decisions and the right to appeal, there is a concrete risk that persons may be subject to *refoulement* contrary to the *1951 Convention* and the *International Covenant on Civil and Political Rights* (ICCPR).

### **Recommendations:**

UNHCR recommends that the Government of Madagascar:

- (a) Amend the *Décret No. 94-652* to establish a functioning legal system for ensuring international protection, which includes prompt access to fair, efficient and individualized refugee status determination procedures with right to appeal;
- (b) Establish the Office for Refugees and Stateless Persons in accordance with *Décret No. 1962-001*;
- (c) Provide adequate and sufficient training to all government officers who may be involved in refugee status determination procedures to accurately assess refugee claims; and
- (d) Seek the technical assistance of UNHCR in developing national asylum legislations and refugee status procedures consistent with relevant international standards.

### **Issue 4: Ensure labour right and facilitate the integration of all beneficiaries of international protection in Madagascar without discrimination**

The certificates issued by UNHCR to asylum-seekers and refugees have no valid legal status under Malagasy law, and they are only recognised by the Government of Madagascar as a means of identification before police officers and other security forces in the country. They are thus essential to prevent detention for lack of valid documentation or *refoulement*. Notwithstanding the importance of the UNHCR certificates, they provide no legal basis under Malagasy law to ensure refugees and asylum-seekers with access to gainful economic opportunities, formal employment and social protection. Preventing refugees from obtaining work permits is at variance with a number of human rights norms, particularly those enshrined in Article 26 of the ICCPR, Article 7 of the *International Covenant on Economic, Social and Cultural Rights* (ICESCR), and Article 17 of the *1951 Convention*, to all of which Madagascar is a State Party. In addition, preventing refugees from accessing economic opportunities and formal employment goes against the spirit and the letter of the *Global Compact on Refugees*, whose adoption Madagascar has supported and which encourages States to promote economic opportunities, decent work, job creation and entrepreneurship opportunities for host community members and refugees.<sup>11</sup>

Furthermore, as refugees and asylum-seekers do not have access to work permits, they are unable to ensure their self-reliance, which forces them into situations of dependency on assistance provided through UNHCR and vulnerability to risks of violence, abuse and exploitation. In addition, without access to gainful economic opportunities, refugees are prone to resorting to negative coping mechanisms, including but not limited to undertaking hazardous work in the informal labour market or child labour in order to provide for themselves and their dependents.

Access to gainful, regular and formal economic opportunities and employment is in the interest of both the host country and the beneficiaries of international protection. It discourages the recourse to informal employment; increases self-reliance; promotes integration in the host community; and provides people with an opportunity to not only develop but contribute their skills, knowledge and experience. It may also facilitate reintegration into the country of origin, if voluntary repatriation becomes feasible, by allowing

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<sup>11</sup> Global Compact on Refugees, A/73/12 (Part II), paras. 70-71, adopted by Resolution of the General Assembly A/RES/73/151, 17 December 2018, paras 70-71, available here: <https://www.un.org/en/ga/73/resolutions.shtml>.

refugees who return home to do so with a degree of financial independence or acquired work skills and experience.

### **Recommendations**

UNHCR recommends that the Government of Madagascar:

- (a) Consider providing work permits and access to gainful employment to beneficiaries of international protection without discrimination, in accordance with international human rights standards and commitments under the Global Compact on Refugees.

### **Issue 5: Ensure the inclusion of asylum-seekers and refugees into social protection schemes, based on vulnerability criteria, providing targeted support to meet specific, urgent or emergency needs**

Refugees and asylum-seekers in Madagascar have no legal access to national social protection schemes making them dependent on assistance provided by UNHCR. With further restrictions imposed on access to the labour market, refugees and asylum-seekers hardly enjoy their right to health care, education or social services, except for the limited financial assistance and basic medical care provided by UNHCR. Social assistance modalities, such as cash grants or cash assistances schemes should be extended to refugees and asylum-seekers to provide targeted support to meet their specific, urgent and emergency needs.

UNHCR held a meeting with the Ministry of Population, Social Protection and Women in January 2017, where Government representatives deemed appropriate and feasible UNHCR's proposal to extend social assistance modalities to refugees and asylum-seekers provided the requisite funding could be allocated for such a programme. However, at present, vulnerable and at risk asylum-seekers and refugees on the territory remain without access to national social protection schemes and services.

### **Recommendations**

UNHCR recommends that the Government of Madagascar:

- (a) Consider establishing legal mechanisms to provide both accessible and appropriate social protection and assistance to refugees and asylum-seekers; and
- (b) Consider making adequate budgetary allocations to implement social protection mechanisms that are available to refugees and asylum-seekers.

### **Issue 6: Prevention and reduction of statelessness**

Madagascar is not Party to the *1954 Convention*, which imposes on States the obligation to ensure that stateless persons enjoy a minimum set of human rights. The *1961 Convention*, in turn, requires States to prevent the occurrence of statelessness at birth and later in life. In particular, it provides for an obligation that States grant nationality to children who have ties with the State – through birth or descent – and who otherwise would be stateless.

### **Recommendations**

UNHCR recommends that the Government of Madagascar:

- (a) Accede to the *1954 Convention relating to the Status of Stateless Persons* and to the *1961 Convention on the Reduction of Statelessness*.

**UNHCR,  
April 2019**

## ANNEX

### Excerpts of relevant Recommendations from the 2nd cycle Universal Periodic Review, Concluding Observations from UN Treaty Bodies and Recommendations of Special Procedures mandate holders

## MADAGASCAR

We would like to bring your attention to the following excerpts from the 2nd cycle UPR recommendations and UN Treaty Monitoring Bodies' Concluding Observations relating to issues of interest and persons of concern to UNHCR with regards to MADAGASCAR.

### I. Universal Periodic Review (Second Cycle – 2014)

Recommendation <sup>12</sup>	Recommending State/s	Position <sup>13</sup>
<b>Nationality and birth registration</b>		
108.62 Step up efforts to improve the civil registration service so that all children will be registered at birth;	Turkey	Supported
108.63 Reform its nationality law to ensure that all citizens have equal right to confer nationality to their children and the children born to citizen mothers are no longer at risk of statelessness;	United States of America	Supported
108.61 Continue its efforts to adopt legislations to combat trafficking and protect women's rights in particular nationality and gender equality;	Sudan	Supported
108.66 Step up efforts directed at fighting discrimination based on gender, particularly in order to end discriminatory treatment affecting children born to a foreign father married to a Malagasy women	Brazil	Supported
<b>Equality and non-discrimination</b>		
108.48 Continue its efforts to empower women through its work with UNDP which will enable women to become financially independent and improve their managerial skills and productivity;	Singapore	Supported
108.58 Take steps to eliminate traditional cultural practices that discriminate against women;	Ghana	Supported
108.60 Step up its efforts to ensure that legislation combating gender-based discrimination is effectively implemented and that effective measures are adopted to strengthen gender equality;	Spain	Supported
109.13 Progressively realize the right to health to the maximum of its available resources by ensuring the equal and non-discriminatory access of all persons, including women and children to quality and low-cost community health care and the respect of this right by everybody; including "traditional leaders" and other stakeholders	Germany	Supported
<b>Prevention of torture and ill-treatment</b>		
108.38 Ratify the Optional Protocol to the Convention against Torture and ensure that all officials strictly observe the detention regulations defined by Malagasy law as well as the Standard Minimum Rules for the Treatment of Prisoners, in accordance with international human rights standards;	Germany	Supported
108.112 Review national legislation on the basis of current international standards in order to effectively criminalize acts of torture and cruel, inhuman and degrading treatment;	France	Supported
<b>Violence against women and children</b>		

<sup>12</sup> All recommendations made to Madagascar during its 2nd cycle UPR can be found in: "Report of the Working Group on the Universal Periodic Review of Madagascar" (23 December 2014), A/HRC/28/13, available at: <https://www.ohchr.org/EN/HRBodies/UPR/Pages/MGIndex.aspx>.

<sup>13</sup> Madagascar's views and replies, in English, can be found in: *Addendum* (16 February 2015), A/HRC/28/13/Add.1, available at: <https://www.ohchr.org/EN/HRBodies/UPR/Pages/MGIndex.aspx>.



108.67 Institute a framework for combating gender-based violence and punishing perpetrators;	Ghana	Supported
108.69 Adopt a national plan of action to combat sexual and gender-based violence, criminalize marital rape as a matter of urgency and strengthen laws and their implementation on trafficking in persons;	Ireland	Supported
108.81 Adopt additional measures to eliminate violence against women and children and ensure gender equality in society;	Russian Federation	Supported
108.78 Adopt the necessary measures to address the issues of sexual exploitation of children and traditional practices of violence against children such as the abandonment of twins, as a matter of priority, including at the level of accountability;	Portugal	Supported
108.88 Combat violence against women and children, by implementing existing legislation and adopting comprehensive measures to address all forms of domestic violence;	South Africa	Supported
<b>Trafficking and exploitation</b>		
108.80 Step up measures to combat trafficking in persons and sex tourism, including through rapid creation within the Government of a special body to deal with these issues;	Russian Federation	Supported
108.82 In collaboration with the international community, intensify efforts to combat trafficking of persons, particularly children;	Rwanda	Supported
108.90 Strengthen the legal framework to combat and eradicate the worst forms of child labour, through legislative measures and awareness-raising campaigns;	Spain	Supported
108.99 Strengthen existing legislation on sexual exploitation and human trafficking, and ensure its full implementation;	Botswana	Supported
108.102 Identify the root causes of trafficking in persons and sexual exploitation of children in order to provide appropriate solutions;	Central African Republic	Supported
108.107 Seek to overcome obstacles that hinder the implementation of the act on trafficking, and expedite the current process of setting up a standing mechanism to combat trafficking;	Egypt	Supported
<b>Freedom of expression</b>		
109.5 Decriminalize defamation, abolish insult laws and take all additional measures to ensure, in law and in practice, a safe and enabling environment for journalists;	Ireland	Noted
109.6 Take concrete steps to protect and promote freedom of expression and press freedom as outlined in the road map for ending the crisis;	Japan	Noted
109.8 Step up its efforts in order to provide a safe environment for journalists, human rights defenders and other civil society actors;	Tunisia	Noted
109.9 Remove the restrictions on the capacity of journalists to freely criticize the Government without fearing reprisals by updating the law on communication of 1990, and the Special Commission on Audio-Visual Communication	Canada	Noted
<b>Migrants' rights</b>		
108.1 Take the necessary steps to ratify the Convention on the Rights of Persons with Disabilities (CRPD), the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICRMW), the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (OP-CEDAW) and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OP-CAT);	Ghana	Supported

## **II. Treaty Bodies**

### **Human Rights Committee**

Concluding Observations, (22 August 2017), [CCPR/C/MDG/CO/4](#)

### **Human trafficking**

39. The Committee notes the State party's considerable efforts in this domain but remains concerned about: (a) the prevalence of trafficking, especially of women and children, including for the purpose of economic and sexual exploitation; and (b) reports that Malagasy migrant workers are subjected to exploitation, in particular in northern Africa and the Middle East (arts. 7, 8 and 24).

**40. The State party should: (a) strictly enforce the provisions of the Anti-Trafficking Act, No. 2014-040, of 20 January 2015; (b) allocate to the National Anti-Trafficking Office the necessary budget to allow it to fulfil its mandate, and strengthen monitoring mechanisms; (c) ensure that suspected cases of trafficking in persons are thoroughly investigated and that those held to be responsible are prosecuted and, if found guilty, are sentenced appropriately; and (d) ensure that Malagasy migrant workers are properly informed of their rights, and step up the oversight of placement agencies to ensure that no Malagasy workers are exploited while abroad.**

#### **Refugees and asylum seekers**

43. While noting that there have been very few refugees and asylum seekers in Madagascar, the Committee finds it nonetheless regrettable that the State party has yet to adopt a coherent legal framework on the determination of refugee status or to take any steps to establish an office for refugees and stateless persons (art. 13).

**44. The State party should: (a) amend Decree No. 94-652 of 11 October 1994 on the application of the Immigration Organization and Control Act No. 62-006 of 6 June 1962 with a view to ensuring that asylum seekers have access to a fair and satisfactory procedure for the determination of their status as refugees; and (b) consider ratifying the Protocol relating to the Status of Refugees.**

#### **Birth registration and the right to recognition as a person before the law**

47. Despite the significant efforts made by the State party, the Committee remains concerned at reports that a considerable number of children are still not registered, especially in some rural areas. It is also concerned that, owing to the restrictive effect of the rules on nationality, persons and children born in Madagascar remain stateless (arts. 7, 13, 16 and 24).

**48. The State party should: (a) continue to take steps to expedite the registration of children who remain unregistered; (b) continue to run campaigns to raise awareness of birth registration among the general public and families; and (c) ensure that its laws and regulations on nationality address all problems of statelessness.**

#### **Committee on the Elimination of Discrimination against Women**

Concluding Observations, (4 November 2015), [CEDAW/C/MDG/CO/6-7](#)

#### **Trafficking and exploitation of prostitution**

22. The Committee welcomes the efforts undertaken by the State party, in collaboration with civil society and the international community, to combat the trafficking and sexual exploitation of women and girls and the exploitation of prostitution and to establish an electronic database with the countries of the Southern African Development Community. The Committee also welcomes the creation of a national bureau to combat trafficking in persons, but is concerned that it is not yet operational and lacks resources. It reiterates its concern at the prevalence of sex tourism in the State party and the lack of information on efforts to prevent the exploitation of prostitution and to address its root causes as well as the lack of disaggregated statistical data on trafficking and exploitation of prostitution.

**23. The Committee calls upon the State party:**



- (a) To ensure sufficient human, technical and financial resources for the effective implementation of Law No. 2014-040 to combat trafficking in persons, its national plan of action and the national database on trafficking and also ensure the speedy functioning of the National Bureau to Combat Human Trafficking;
- (b) To continue its efforts to ensure international, regional and bilateral cooperation with countries of origin, transit and destination to prevent trafficking through information exchange and to harmonize legal procedures aiming at prosecution of traffickers;
- (c) To provide continuing capacity-building programmes for law enforcement officials on the identification of and provision of assistance to victims;
- (d) To carry out nationwide education and awareness-raising campaigns about the risks and criminal nature of trafficking;
- (e) To address the root causes of the trafficking and exploitation of women and girls, including poverty, in order to eliminate their vulnerability in this regard and strive to ensure the recovery and social integration of victims by providing them with adequate assistance, rehabilitation and shelters (see also CEDAW/C/MDG/CO/5, para. 21).

### **Nationality**

26. The Committee reiterates its concern (see CEDAW/C/MDG/CO/5, para. 24) that the current nationality legislation discriminates against Malagasy women, who cannot transmit their nationality to their foreign or stateless spouse or to their children on an equal basis with men. The Committee notes the efforts made by the State party to increase birth registrations, but is concerned that 20 per cent of births remain unregistered, increasing the risk of statelessness, and about the difficulties faced by women in ensuring the registration of their children.

### **27. The Committee recommends that the State party:**

- (a) Amend its nationality law to enable Malagasy women to transmit their nationality to their foreign or stateless spouse and to their children on an equal basis with men, in accordance with article 9 of the Convention (see also CEDAW/C/MDG/CO/5, para. 25);
- (b) Ensure the retroactive application of the law so that all persons currently stateless as a result of the discriminatory law are granted nationality;
- (c) Facilitate birth registration of all children by allocating adequate resources to registration centres, providing mobile registration services and reducing the fees and simplifying the birth registration procedure

### **Committee on the Rights of the Child**

Concluding Observations, report on the sale of children, child prostitution and child pornography (28 October 2015), [CEDAW/C/MDG/CO/6-7](#)

### **Measures to prevent offences prohibited under the Optional Protocol**

21. While welcoming the efforts undertaken by the State party to reintegrate children who had dropped out of school, the Committee remains concerned that education and awareness-raising measures are not enough to prevent children from becoming victims of offences prohibited under the Optional Protocol. The Committee is particularly concerned that 20 per cent of children are not registered at birth, which puts them at greater risk of becoming victims of sale, prostitution and pornography, and that few targeted activities are carried out for children in the most vulnerable situation, such as children living in extreme poverty, orphans, children living or working on the street and child domestic workers.

### **22. The Committee recommends that the State party:**

- (a) Take all necessary measures to ensure that all children are registered at birth;**
- (b) Develop educational programmes for parents and children to address the customs and discriminatory traditions and stereotypes regarding the roles and responsibilities of women and girls in the family and society;**
- (c) Adopt a comprehensive and targeted strategy, especially for the most vulnerable children, to study the root causes and the risk factors for offences prohibited under the Optional Protocol, including poverty and lack of parental protection, and address these factors;**
- (d) Strengthen its efforts to design and implement prevention strategies for all offences, set up adequate mechanisms where children can report violations under the Optional Protocol and take concrete steps, including by setting up effective mechanisms, to identify, report and refer children in need of protection.**