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## Human Rights Council

### Working Group on the Universal Periodic Review

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## Compilation prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21

### Madagascar

The present report is a compilation of the information contained in reports of the treaty bodies and special procedures, including observations and comments by the State concerned, in reports of the United Nations High Commissioner for Human Rights, and in other relevant official United Nations documents. It is presented in a summarized manner owing to word-limit constraints. For the full texts, please refer to the documents referenced. The report does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights other than those contained in public reports and statements issued by the Office. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the periodicity of the review, and developments during that period.

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## I. Background and framework

### A. Scope of international obligations<sup>1</sup>

#### International human rights treaties<sup>2</sup>

	<i>Status during previous cycle</i>	<i>Action after review</i>	<i>Not ratified/not accepted</i>
<i>Ratification, accession or succession</i>	ICERD (1969) ICESCR (1971) ICCPR (1971) CEDAW (1989) CAT (2005) OP-CAT (signature, 2003) CRC (1991) OP-CRC-AC (2004) OP-CRC-SC (2004) CRPD (signature, 2007) CPED (signature, 2007)	ICCPR-OP 2 (signature, 2012)	ICCPR-OP 2 (signature, 2012) OP-CAT (signature, 2003) ICRMW CRPD (signature, 2007) CPED (signature, 2007)
<i>Reservations and/or declarations</i>	ICERD (reservation, art. 22, 1969) ICESCR (reservation, art. 13, para. 2, 1971) OP-CRC-AC (declaration, art. 3, para. 2, age of recruitment 18 years, 2004)		
<i>Complaints procedures, inquiries and urgent action<sup>3</sup></i>	OP-ICESCR (signature, 2009) ICCPR-OP 1 (1971) OP-CEDAW (signature, 2000) CAT, art. 20 (2005) OP-CRPD (signature, 2007) CPED (signature, 2007)	OP-CRC-IC (signature, 2012)	ICERD, art. 14 OP-ICESCR (signature, 2009) ICCPR, art. 41 OP-CEDAW (signature, 2000) CAT, arts. 21 and 22 OP-CRC-IC (signature, 2012) ICRMW OP-CRPD (signature, 2007) CPED (signature, 2007)

#### Other main relevant international instruments

	<i>Status during previous cycle</i>	<i>Action after review</i>	<i>Not ratified</i>
<i>Ratification, accession or succession</i>	Palermo Protocol <sup>4</sup> Rome Statute of the International Criminal Court Convention on refugees <sup>5</sup> Geneva Conventions of 12 August 1949 and Additional Protocols I and II <sup>6</sup> ILO fundamental conventions <sup>7</sup> UNESCO Convention against Discrimination in Education		Convention on the Prevention and Punishment of the Crime of Genocide Protocol on refugees and conventions on stateless persons <sup>8</sup> ILO Conventions No. 169 and No. 189 <sup>9</sup> Additional Protocol III to the 1949 Geneva Conventions <sup>10</sup>

1. In 2011, the Committee against Torture (CAT) invited Madagascar to ratify ICRMW, CRPD and CPED.<sup>11</sup> The Committee also encouraged Madagascar to accede to the 1967 Protocol relating to the Status of Refugees<sup>12</sup> and recommended it to make the declarations provided for in articles 21 and 22 of the Convention.<sup>13</sup>
2. In 2012, the Committee on the Rights of the Child (CRC) encouraged Madagascar to accede to OP-ICESCR, ICCPR-OP 2, OP-CEDAW, OP-CAT, ICRMW, CRPD, OP-CRPD, and CPED.<sup>14</sup>
3. In 2013, the Special Rapporteur on contemporary forms of slavery, including its causes and its consequences (the Special Rapporteur on slavery) recommended that Madagascar fully comply with the international conventions on slavery and the Trafficking in Persons Protocol, and ratify ICRMW.<sup>15</sup>
4. In 2013, the Special Rapporteur on the sale of children, child prostitution and child pornography (Special Rapporteur on the sale of children) recommended to Madagascar the promotion and monitoring of the implementation of the Convention on the Rights of the Child, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and of other relevant international and regional instruments.<sup>16</sup>
5. In 2014, the United Nations country team in Madagascar recommended that Madagascar ratify the Convention on the Rights of Persons with Disabilities,<sup>17</sup> the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness.<sup>18</sup>
6. In 2014, the Office of the United Nations High Commissioner for Refugees (UNHCR) requested Madagascar to lift the reservations made on articles 7, 8, 9 and 17 of the 1951 Convention relating to the Status of Refugees, as well as to accede to the 1967 Protocol relating to the Status of Refugees, the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.<sup>19</sup>

## **B. Constitutional and legislative framework**

7. On 25 October 2013, the Secretary-General of the United Nations noted the generally peaceful conduct of the first round of presidential elections in Madagascar, after the political impasses of the recent past. The Secretary-General appreciated the efforts of the Government of Madagascar and relevant stakeholders to restore constitutional order. He applauded the support provided by the partners of Madagascar both within the region and in the wider international community. The United Nations provided technical assistance to the Transitional Independent National Electoral Commission in preparing the elections, and coordinated international technical and financial assistance.<sup>20</sup>
8. On 18 January 2014, the Secretary-General welcomed the validation of the final results of the presidential election of Madagascar, which international observers had assessed as peaceful and orderly. He called on all candidates to abide by the ruling of the Special Electoral Court and to channel any complaints peacefully through the established legal avenues. The Secretary-General also called on the new Administration to reach out to the opposition and to lead the country in the interest of all its citizens. He encouraged the political leaders and State institutions to work together toward genuine reconciliation, the deepening of democratic governance and economic recovery.<sup>21</sup>
9. In 2014 the United Nations country team reported that, on 17 September 2011, following mediation by the Southern African Development Community (SADC) and the African Union, the main political groupings in Madagascar had signed a road map out of the crisis that had engulfed the country since the unconstitutional change of government in

2009. The road map, which was incorporated into the Malagasy legal order, had set forth a transition process culminating in free, credible elections. With the support of the international community, presidential and parliamentary elections had been held in October and December 2013, paving the way for a return to institutional legality in Madagascar, and that had permitted a gradual resumption of cooperation with its main foreign partners. However, the country is once again in quest of political equilibrium and, until there is national reconciliation, there is still a long way to go before a stable, sustainable situation is achieved.<sup>22</sup>

10. The United Nations country team reported that, in December 2010, Madagascar had adopted a new Constitution, which in its preamble makes the International Bill of Human Rights a constitutional principle and which declares that international treaties prevail over domestic law.<sup>23</sup>

11. In 2014, while noting that Madagascar had put in place a practice of protection and assistance to refugees, in close collaboration with UNHCR and UNDP, UNHCR stated that Madagascar had neither passed legislation nor administrative regulations on asylum and refugee protection, and therefore lacked a national asylum system and procedure. To date, the refugee status determination had been done by UNHCR. UNHCR requested Madagascar, *inter alia*, to consider enacting a national law or regulation establishing national procedures for refugee status determination,<sup>24</sup> and amend legislation to include safeguards against statelessness.<sup>25</sup>

### C. Institutional and human rights infrastructure and policy measures

#### Status of national human rights institutions<sup>26</sup>

<i>National human rights institution</i>	<i>Status during previous cycle</i>	<i>Status during present cycle<sup>27</sup></i>
Commission Nationale des Droits de l'Homme de Madagascar (National Human Rights Commission of Madagascar)	C (status withdrawn in October 2006)	C (Status withdrawn in October 2006)

## II. Cooperation with human rights mechanisms

### A. Cooperation with treaty bodies<sup>28</sup>

#### 1. Reporting status

<i>Treaty body</i>	<i>Concluding observations included in previous review</i>	<i>Latest report submitted since previous review</i>	<i>Latest concluding observations</i>	<i>Reporting status</i>
CERD	August 2004	–	–	Nineteenth and twentieth reports overdue since 2008
CESCR	November 2009	–	–	Third report overdue since June 2014
HR Committee	March 2007	–	–	Fourth report overdue since 2011
CEDAW	October 2008	2014	–	Sixth and seventh reports pending consideration
CAT	–	2010	November 2011	Second report due in 2015

<i>Treaty body</i>	<i>Concluding observations included in previous review</i>	<i>Latest report submitted since previous review</i>	<i>Latest concluding observations</i>	<i>Reporting status</i>
CRC	September 2003	2009 (CRC)/2012 (OP-CRC-AC and OP-CRC-SC)	February 2012	Fifth and sixth reports due in 2018 (CRC)/ Initial reports pending consideration in 2015 (OP-CRC-AC and OP-CRC-SC)

## 2. Responses to specific follow-up requests by treaty bodies

### Concluding observations

<i>Treaty body</i>	<i>Due in</i>	<i>Subject matter</i>	<i>Submitted in</i>
HR Committee	2008	National human rights institution; judicial system; and prisoners held for long periods pending appeal. <sup>29</sup>	2009. <sup>30</sup> Follow-up ongoing. <sup>31</sup>
CEDAW	2010	Violence against women; and trafficking and exploitation of prostitution. <sup>32</sup>	2011. <sup>33</sup> Follow up ongoing. <sup>34</sup>
CAT	2012	Non-justification of torture, and investigations; living conditions in places of detention; national human rights institution; and hostage-taking of relatives. <sup>35</sup>	Reminder sent. <sup>36</sup>

## B. Cooperation with special procedures<sup>37</sup>

	<i>Status during previous cycle</i>	<i>Current status</i>
<i>Standing invitation</i>	No	Yes
<i>Visits undertaken</i>	–	Food (2011) Slavery (2012) Sale of children (2013)
<i>Visits agreed to in principle</i>	Food	–
<i>Visits requested</i>	–	Summary executions
<i>Responses to letters of allegation and urgent appeals</i>	During the period under review five communications were sent. The Government replied to one of them.	

## C. Cooperation with the Office of the United Nations High Commissioner for Human Rights

12. In 2011, OHCHR deployed a Human Rights Advisor to work with the Resident Coordinator's Office in Antananarivo.<sup>38</sup> OHCHR provided substantive support for and input into a joint project with UNDP, UNFPA and UNICEF that analysed initiatives in access to justice and proposed measures for judicial reform, including transitional justice.<sup>39</sup>

13. In September 2012, Madagascar adopted an amnesty law in line with international norms after a joint OHCHR and Southern African Development Community mission to the country to provide technical support to the transitional authorities in relation to its drafting.<sup>40</sup>

14. In 2013, OHCHR supported civil society organizations, including journalists, to strengthen their capacity to ensure respect for human rights during electoral processes through, inter alia, advocacy, training and awareness-raising.<sup>41</sup>

### **III. Implementation of international human rights obligations, taking into account applicable international humanitarian law**

#### **A. Equality and non-discrimination**

15. In 2012, CRC recommended that Madagascar increase measures to combat discrimination, in particular against girls, twins, children with disabilities and children living with HIV/AIDS.<sup>42</sup>

16. In 2013, the Special Rapporteur on slavery recommended that Madagascar take effective and innovative measures to strengthen the understanding of the equality of women and men, and work with the media in order to promote a more positive, non-stereotypical image of women.<sup>43</sup>

17. In 2014, the United Nations country team noted that the 2010 Constitution places an emphasis on women's rights and establishes the principle of non-discrimination. However, discrimination is not clearly defined. The United Nations country team recommended that the Constitution should clearly define gender discrimination.<sup>44</sup> In addition, even though the law on landownership no longer discriminates against women, the United Nations country team found that customary law, which is widely applied in practice, precluded many women from inheriting land.<sup>45</sup>

18. In 2013, the ILO Committee of Experts on the Application of Conventions and Recommendations (the ILO Committee of Experts) requested Madagascar to take the necessary measures to add the grounds of colour and social origin to the list of prohibited grounds of discrimination in the Labour Code and to add race, colour and social origin to those prohibited by the Civil Service Regulations, in accordance with article 1, paragraph 1 (a), of ILO Convention No. 111 concerning Discrimination in Respect of Employment and Occupation. In addition, with a view to supplementing and increasing the effectiveness of the legislative measures protecting workers against discrimination, the Committee requested Madagascar to consider the possibility of including provisions defining and explicitly prohibiting all discrimination, including indirect discrimination, in the Labour Code and the Civil Service Regulations.<sup>46</sup> In 2014 the United Nations country team made a similar recommendation.<sup>47</sup>

19. The Special Rapporteur on slavery stressed that the issue of caste discrimination should be addressed openly, not as a taboo, and that issues relating to vulnerability, poverty and slavery-like practices should be dealt with in a comprehensive manner, in order to combat caste discrimination.<sup>48</sup>

## B. Right to life, liberty and security of the person

20. While noting that Madagascar had applied a de facto moratorium on the death penalty by systematically commuting death sentences to prison terms, CAT regretted that the moratorium had not been given formal expression under the law.<sup>49</sup>

21. CAT recommended that Madagascar amend its law against torture in order to incorporate a scale of penalties for acts of ill-treatment and amend its Criminal Code and Code of Criminal Procedure to include relevant provisions from the law against torture.<sup>50</sup>

22. Concerning the living conditions in prisons, CAT recommended that Madagascar, inter alia, ensure that prison conditions were in line with the Standard Minimum Rules for the Treatment of Prisoners; provide funding for the Prison Oversight Commission; and provide non-governmental organizations with free access to places of detention.<sup>51</sup>

23. The Special Rapporteur on slavery recommended that Madagascar hold discussions at the community level, in particular with the *fokontany*, and take other steps to reduce the incidence of and ultimately eliminate forced marriages and *moletry*; and enforce the obligation to register all marriages in order to monitor their compliance with domestic law and the conventions that it has ratified.<sup>52</sup> CAT and CRC made similar recommendations.<sup>53</sup>

24. CAT and CRC encouraged Madagascar to pass a law to prevent and punish marital rape and prohibit corporal punishment of children in all settings,<sup>54</sup> including within the family and in alternative care settings.<sup>55</sup>

25. In 2014 the United Nations country team found that, in recent years, the percentage of women victims of gender-related violence had noticeably increased. It added that, despite the existence of, for example, manuals and support mechanisms designed to encourage victims to break their silence and direct them to the proper services, most women victims of physical or sexual violence had never attempted to get help. In addition, marital rape had not been made a criminal offence. The United Nations country team recommended, among other things, the adoption of specific legislation on gender-related violence, including marital rape, and of programmes on gender mainstreaming and on the elimination of violence.<sup>56</sup>

26. In 2012, the ILO Committee of Experts noted the measures taken by Madagascar for the social reintegration of victims of the worst forms of child labour, but expressed concern at the fact that the number of street children had increased. It requested Madagascar to intensify its efforts to ensure that street children were protected from the worst forms of child labour, and provided with support for their rehabilitation and social integration.<sup>57</sup>

27. On the same issue, the Special Rapporteur on slavery recommended that Madagascar reinforce the legal framework to combat the worst forms of child labour and take all the legal and policy measures necessary to eradicate them.<sup>58</sup> The Special Rapporteur on the sale of children recommended that Madagascar strengthen and ensure access to protection mechanisms for all children, without discrimination, including by introducing alternative forms of sustainable reintegration for street children and by regularly monitoring children.<sup>59</sup>

28. CRC was greatly concerned at the high level of trafficking in persons from Madagascar to neighbouring countries and the Middle East for purposes of domestic servitude and sexual exploitation.<sup>60</sup> CRC recommended that Madagascar, inter alia, enforce existing legislation and policies on sexual exploitation, in particular Law No. 2007-038 (2008) amending and supplementing certain provisions of the Penal Code combating trafficking in persons and sex tourism.<sup>61</sup> In 2013, the Special Rapporteur on the sale of children made a similar recommendation.<sup>62</sup>

29. While noting the adoption of Law No. 2007-038 (2008) to combat trafficking in persons and sex tourism, the ILO Committee of Experts highlighted the concern expressed by CRC that the law was not sufficiently implemented and, in particular, had not resulted in any convictions. The Committee requested Madagascar to take the necessary measures to ensure that the sanctions against persons found guilty of trafficking in children under 18 years of age or their use, procuring or offering for sexual exploitation, were applied in practice;<sup>63</sup> and indicate the measures taken or envisaged to make the public aware of the phenomenon of trafficking in persons and to protect victims by facilitating their social rehabilitation.<sup>64</sup> In 2014 the United Nations country team made similar recommendations.<sup>65</sup>

### **C. Administration of justice, including impunity, and the rule of law**

30. CAT was particularly concerned about the population's systematic recourse to the traditional justice system (*Dina*), which was apparently attributable to a lack of confidence in the formal system of justice. It recommended that Madagascar, inter alia: ensure that the *Dina* system was compatible with its human rights obligations; take urgent measures to closely monitor the decisions of *Dina* courts in line with Act No. 2001-004 of 25 October 2001, which inter alia required the approval of *Dina* court decisions by ordinary courts; ensure that all decisions by *Dina* courts were appealed before the ordinary courts; and undertake judicial reforms to resolve the main problems in the administration of justice that were undermining the credibility of the justice system.<sup>66</sup>

31. The Special Rapporteur on the sale of children recommended that Madagascar ensure the effective application of laws by effectively combating corruption and impunity in the context of child sexual exploitation.<sup>67</sup>

32. CRC recommended that Madagascar bring its juvenile justice system fully into line with the Convention. In particular, the Committee urged Madagascar to, inter alia, establish special jurisdiction for children, including child-friendly courts and other procedures; ensure that children and adults were separated in prison; ensure that the judiciary applied child-friendly procedures to protect and respect the best interest of the child; and establish a programme of reintegration of children after release from prison or institutions.<sup>68</sup>

### **D. Right to privacy, marriage and family life**

33. CRC recommended that Madagascar finalize the reform of the legislation on nationality and ensure that no discrimination existed against children born of a Malagasy mother and a father of foreign nationality or children born out of wedlock. It also urged Madagascar to ensure that children born in the country did not risk being stateless.<sup>69</sup>

34. CRC recommended that Madagascar intensify its efforts in ensuring free and compulsory birth registration for all children, including through the use of mobile registration centres.<sup>70</sup> UNHCR made a similar recommendation.<sup>71</sup>

35. According to the United Nations country team, the fact that there were thousands of persons of foreign origin in Madagascar who were in fact stateless, which had long been ignored, had now been recognized and, with the support of external partners, the Government had started to look for a solution. Information campaigns had been conducted and a census taken in the communities concerned. The United Nations country team recommended, among other things, amending the law, including the Nationality Code, and changing administrative practices, as well as establishing a deadline for resolving the problem.<sup>72</sup> UNHCR made similar recommendations.<sup>73</sup>



## **E. Freedom of expression, and right to participate in public and political life**

36. The United Nations country team reported that, for reasons that were more often political, several radio and television stations had been closed down and had still not been reopened despite the Government's promises. In addition, journalists were constantly subjected to pressure, intimidation and imprisonment as they went about their work. There was also discrimination in terms of geographical coverage and only the national radio station was allowed to provide nationwide coverage. The United Nations country team recommended the adoption of a new communications code and giving private radio and television stations the right to broadcast nationally.<sup>74</sup>

37. In 2014, the United Nations Educational, Scientific and Cultural Organization (UNESCO) encouraged Madagascar to introduce a freedom of information law that was in accordance with international standards; decriminalize defamation and insults laws and place them within the civil code that was in accordance with international standards; and reform the insult provisions and their penalties in order to better align them with international standards. UNESCO also requested Madagascar to develop self-regulatory mechanisms of the media and strengthen the professional standards of journalism.<sup>75</sup>

38. The United Nations country team noted an increase in the number of women members of Parliament after the 2013 elections, in which 30 women deputies were elected; that represented 20 per cent of seats, whereas the proportion had never been higher than 10 per cent in the past.<sup>76</sup>

## **F. Right to social security and to an adequate standard of living**

39. In 2012, CRC urged Madagascar to take immediate and effective measures to ensure the right to an adequate standard of living for children and to provide parents and families, especially in rural areas, with material assistance and support programmes, particularly with regard to nutrition, clothing, housing and access to clean drinking water. In that regard, the Committee encouraged Madagascar to consider the recommendations of the Special Rapporteur on the right to food.<sup>77</sup>

40. In 2011, the Special Rapporteur on the right to food recommended, among other things, that the Government of Madagascar fulfil its undertaking to establish a national institution for the promotion and protection of human rights in accordance with the Paris Principles, in order to reinforce the implementation of policies and strategies on food security. Pending the establishment of such an institution, a mechanism to monitor the implementation of the National Nutrition Plan should be put in place and the Plan itself should be improved so as to apply the principles that should govern the adoption of a national strategy on the gradual realization of the right to food.<sup>78</sup>

41. The Special Rapporteur on the right to food also encouraged the Government to improve the operation of the rice sector to ensure that it worked to the benefit of the great majority of producers, and to tighten up the domestic regulations on fishing, not least in order to ensure suitability and prevent industrial fishing impacting negatively on coastal communities which depend on small-scale fishing for subsistence.<sup>79</sup>

42. In 2013, the World Bank reported that between 2009 and 2013, it implemented in Madagascar an Emergency Food Security and Reconstruction Project. The aim of the project was to enable poor households and communities to deal with shocks through temporary employment and improved access to social services, including the reconstruction of basic services damaged from natural disasters. The project had met its overall development objectives in terms of creating temporary employment, improving access to

basic services and restoring infrastructure following cyclones. Those achievements were noteworthy given the difficult economic and political context facing the country during the project's implementation, the political crisis having caused the withdrawal of donor resources, which, combined with the economic crisis, resulted in significant fiscal declines.<sup>80</sup>

43. In a special report of 9 October 2013, a joint mission from the Food and Agriculture Organization of the United Nations (FAO) and the World Food Programme (WFP) to evaluate food security in Madagascar found that household food security had deteriorated as a result of high food prices, low agricultural production, the impact of cyclone Haruna in February 2013 and a locust infestation in 2013. Many households in the southern and eastern coastal regions, the most susceptible to food insecurity, were cutting their food consumption. Households were suffering from poor nutrition and inadequate meals, basically because of the poor harvests and the rise in food prices, which had forced them to make do with cheaper food and smaller helpings. The joint mission also stated that food was the main item of expenditure for around one third of households, which spent up to 75 per cent of their budget on food. The survey showed that around 28 per cent of rural households suffered from food insecurity and around 61 per cent of people were at risk of food insecurity in the majority of regions.

44. The joint mission recommended in particular that: the necessary measures to mitigate food insecurity should be taken or stepped up, for example humanitarian food aid, in tandem with action to support rehabilitation or rebuild essential community productive assets ("food for work" or "cash for work"); the locust-control programme worked out by FAO and the Government should have adequate funding and be implemented as speedily as possible; support for boosting staples farming should be increased, along with support for the promotion of short-cycle, climate-resistant varieties, the reinforcement or diversification of income-generating activities and better water management; and a system of regular monitoring of the nutrition and food situation, at least in vulnerable areas, should be established.<sup>81</sup>

45. In 2014, the United Nations country team found that the economic and social situation had deteriorated owing to the impact of the global economic crisis, which had been compounded by the internal political crisis and natural disasters such as cyclones, floods, drought and plagues of locusts. There was great poverty in Madagascar, most notably in the rural areas, where the situation was made worse by problems of access to, for example, drinking water, health, sanitation and natural resources. According to the 2013 national Millennium Development Goals follow-up report, 71.5 per cent of the population was below the poverty line and the country would not be able to reach most of the Millennium Development Goals by 2015, despite the progress made on education and combating HIV/AIDS.<sup>82</sup> The United Nations country team recommended the implementation of a welfare strategy as part of the national development strategy, the reform of land legislation with a view to granting land to small farmers, a review of budget policy to increase expenditure on food and a review of the fishing regulations in order to make fishing sustainable.<sup>83</sup>

46. The United Nations country team also found that, in 2012, only around 28 per cent of the population had access to drinking water and 52 per cent of the population did not have sanitation.<sup>84</sup>

## **G. Right to health**

47. The United Nations country team reported that the economic and political crisis had reduced the State's ability to meet its obligations in the area of health. The State's budget allocation to the health sector had been cut by 30 per cent after the 2009 crisis and by 50

per cent in 2012. Maternal and infant mortality rates were still very high. Health personnel were still unevenly distributed, and not in favour of remote and isolated regions, where people could only reach health centres with great difficulty. In addition, persons living with HIV were still strongly stigmatized, which made it difficult to monitor their treatment.<sup>85</sup>

## H. Right to education

48. CRC noted that an extensive programme of educational reform had been adopted in 2006 but that it had been interrupted due to the crisis.<sup>86</sup> CRC recommended that Madagascar allocate sufficient financial resources to the school system, including early childhood education, to enable all children, in particular the most vulnerable, to have access to education.<sup>87</sup>

49. In 2012, the ILO Committee of Experts expressed hope that Madagascar would take measures to raise the age of completion of compulsory schooling so that it coincided with the age of admission to employment or work.<sup>88</sup> The Committee also considered that education contributed to preventing the engagement of children in the worst forms of child labour, and requested Madagascar to intensify its efforts to improve the functioning of the education system.<sup>89</sup> In 2014, the United Nations country team made similar recommendations.<sup>90</sup>

50. The Special Rapporteur on slavery recommended that Madagascar take steps to ensure equal access of girls and young women to all levels of education, to retain girls in school and to implement re-entry policies so that girls and young women return to school after pregnancy. The Government should also take measures to increase the enrolment of girls at all levels, and introduce incentives for parents to send girls to school.<sup>91</sup>

51. The United Nations country team found that parity between girls and boys had been reached at primary school level, but there was a slight regression in secondary school, where girls were at a disadvantage as a result of early pregnancy, distance from school and parents' poverty, not to mention early or forced marriages, which were on the rise. The team also noted that State school rules always required pregnant girls to be sent home and barred them from returning after the baby was born.<sup>92</sup>

52. In 2014, UNESCO stated that Madagascar faced challenges in providing free primary education and seemed to not have taken sufficient measures to ensure it. It encouraged Madagascar to reinforce policies regarding teacher's training, especially in primary school where they were in short supply. It also encouraged Madagascar to strengthen measures related to food policies in public schools, which was a fundamental aspect to maintain children in school.<sup>93</sup>

## I. Persons with disabilities

53. The United Nations country team noted that persons with disabilities were excluded in all sectors of Malagasy society, that they had very limited access to employment owing to a lack of education and job opportunities, and that the lack of access to nearly all public infrastructure, the absence of any place of treatment and the fact that there was no policy for persons with disabilities impaired the exercise of their rights. The country team noted that women with disabilities were victims of dual discrimination, on grounds of their sex and their disability, and that many women and girls with disabilities were also subjected to sexual violence. It noted that teaching methods in ordinary schools were not suitable for children with disabilities, and this affected their personal development and their future. The United Nations country team recommended, among other things, the implementation of a

strategy for the advancement of persons living with a disability, with a proper budget allocation.<sup>94</sup> In 2012, CRC made similar observations and recommendations.<sup>95</sup>

## J. Migrants, refugees and asylum seekers

54. In 2011, CAT recommended that Madagascar amend the law against torture (2008) so that it also covered cases of deportation and refoulement.<sup>96</sup>

## K. Right to development, and environmental issues

55. In 2013, the Special Rapporteur on slavery recommended that Madagascar establish and implement regulations to ensure that the business sector complied with international and domestic standards in corporate social responsibility, in accordance with the Guiding Principles on Business and Human Rights.<sup>97</sup>

56. In December 2013, FAO stated that a joint three-year programme prepared by the Government of Madagascar and FAO in response to the locust plague was being implemented. The programme was composed of three successive locust control campaigns, with the last one ending in 2016. The objective of the programme was to protect the food security of the country, the locust invasion which started in 2012 having damaged crops and discouraged farmers in affected areas from planting.<sup>98</sup>

57. In 2014, the United Nations country team reported that, since the 2009 crisis, environmental regulation had deteriorated, with an increase in illegal trading in rare woods. It noted that the rapid increase in mining activities and the weakening of the role of the State and local communities had had a negative impact on the environment. Even though the inclusion of civil society in the steering committee on rare woods reform was a step forward, the right of a grass-roots organization (the Fokonolona) to challenge acts that might be harmful to the environment was not incorporated into the new Constitution in 2012, even though the preamble contained provisions on the environment, notably the need to conserve natural resources for future generations. The United Nations country team recommended that the Government should be more transparent in the granting of permits, and that it should set up mechanisms for sustainable economic exploitation and systematically include anti-corruption measures in the management of natural resources.<sup>99</sup>

### Notes

<sup>1</sup> Unless indicated otherwise, the status of ratification of instruments listed in the table may be found on the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org/>. Please also refer to the United Nations compilation on Madagascar from the previous cycle (A/HRC/WG.6/7/MDG/2).

<sup>2</sup> The following abbreviations have been used for this document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT

CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
OP-CRC-IC	Optional Protocol to CRC on a communications procedure
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to CRPD
CPED	International Convention for the Protection of All Persons from Enforced Disappearance

- <sup>3</sup> Individual complaints: ICCPR-OP 1, art. 1; OP-CEDAW, art. 1; OP-CRPD, art. 1; OP-ICESCR, art. 1; OP-CRC-IC, art. 5; ICERD, art. 14; CAT, art. 22; ICRMW, art. 77; and CPED, art. 31. Inquiry procedure: OP-CEDAW, art. 8; CAT, art. 20; CPED, art. 33; OP-CRPD, art. 6; OP-ICESCR, art. 11; and OP-CRC-IC, art. 13. Inter-State complaints: ICCPR, art. 41; ICRMW, art. 76; CPED, art. 32; CAT, art. 21; OP-ICESCR, art. 10; and OP-CRC-IC, art. 12. Urgent action: CPED, art. 30.
- <sup>4</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.
- <sup>5</sup> 1951 Convention relating to the Status of Refugees.
- <sup>6</sup> Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Geneva Convention relative to the Treatment of Prisoners of War (Third Convention); Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); and Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at [www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html](http://www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html).
- <sup>7</sup> International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour; Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise; Convention No. 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.
- <sup>8</sup> 1967 Protocol relating to the Status of Refugees, 1954 Convention relating to the Status of Stateless Persons, and 1961 Convention on the Reduction of Statelessness.
- <sup>9</sup> International Labour Organization Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries and Convention No. 189 concerning Decent Work for Domestic Workers.
- <sup>10</sup> Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at [www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html](http://www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html).
- <sup>11</sup> Concluding observations of the Committee against Torture (CAT/C/MDG/CO/1), para. 23.
- <sup>12</sup> *Ibid.*, para. 19.
- <sup>13</sup> *Ibid.*, para. 22.
- <sup>14</sup> Concluding observations of the Committee on the Rights of the Child (CRC/C/MDG/CO/3-4), para. 69.
- <sup>15</sup> A/HRC/24/43/Add.2, para. 171.
- <sup>16</sup> A/HRC/25/48/Add.2, para. 118.
- <sup>17</sup> UNCT submission to the UPR on Madagascar, 2014, p. 4.
- <sup>18</sup> *Ibid.*, p. 9.
- <sup>19</sup> UNHCR submission to the UPR on Madagascar, pp. 2 and 6.
- <sup>20</sup> Statement available from [www.un.org/News/Press/docs/2013/sgsm15422.doc.htm](http://www.un.org/News/Press/docs/2013/sgsm15422.doc.htm).
- <sup>21</sup> Statement available from [www.un.org/News/Press/docs/2014/sgsm15589.doc.htm](http://www.un.org/News/Press/docs/2014/sgsm15589.doc.htm).

- 22 UNCT submission to the UPR on Madagascar, 2014, p. 1.
- 23 Ibid., p. 2.
- 24 UNHCR submission to the UPR on Madagascar, p. 2.
- 25 Ibid., p. 6.
- 26 According to article 5 of the rules of procedure of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC) Sub-Committee on Accreditation, the classifications for accreditation used by the Sub-Committee are: A: Voting Member (fully in compliance with each of the Paris Principles), B: Non-Voting Member (not fully in compliance with each of the Paris Principles or insufficient information provided to make a determination), C: No Status (not in compliance with the Paris Principles).
- 27 For the list of national human rights institutions with accreditation status granted by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), see A/HRC/27/40, annex.
- 28 The following abbreviations have been used in the present document:
- |              |  |
|--------------|--|
| CERD         | Committee on the Elimination of Racial Discrimination        |
| CESCR        | Committee on Economic, Social and Cultural Rights            |
| HR Committee | Human Rights Committee                                       |
| CEDAW        | Committee on the Elimination of Discrimination against Women |
| CAT          | Committee against Torture                                    |
| CRC          | Committee on the Rights of the Child                         |
- 29 Concluding observations of the Human Rights Committee (CCPR/C/MDG/CO/3), para. 28.
- 30 CCPR/C/MDG/CO/3/Add.1.
- 31 Letters from HR Committee to the Permanent Mission of Madagascar to the United Nations Office and other international organizations in Geneva, dated 3 September 2009, 11 December 2009, 28 September 2010 and 25 November 2011, available from [http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/MDG/INT\\_CCPR\\_FUL\\_MDG\\_11913\\_F.pdf](http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/MDG/INT_CCPR_FUL_MDG_11913_F.pdf); [http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/MDG/INT\\_CCPR\\_FUL\\_MDG\\_11911\\_F.pdf](http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/MDG/INT_CCPR_FUL_MDG_11911_F.pdf); and [http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/MDG/INT\\_CCPR\\_FUL\\_MDG\\_11910\\_F.pdf](http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/MDG/INT_CCPR_FUL_MDG_11910_F.pdf).
- 32 Concluding observations of the Committee on the Elimination of Discrimination against Women (CEDAW/C/MDG/CO/5), para. 43.
- 33 CEDAW/C/MDG/CO/5/Add.1 and CEDAW/C/MDG/CO/5/Add.2.
- 34 Letter from CEDAW to the Permanent Mission of Madagascar to the United Nations Office and other international organizations in Geneva, dated 19 September 2012, available from [http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/MDG/INT\\_CEDAW\\_FUL\\_MDG\\_13598\\_E.pdf](http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/MDG/INT_CEDAW_FUL_MDG_13598_E.pdf).
- 35 CAT/C/MDG/CO/1, para. 26.
- 36 Letter from CAT to the Permanent Mission of Madagascar to the United Nations Office and other international organizations in Geneva, dated 1 December 2012, available from [http://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/MDG/INT\\_CAT\\_FUL\\_MDG\\_12929\\_E.pdf](http://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/MDG/INT_CAT_FUL_MDG_12929_E.pdf).
- 37 For the titles of special procedures, see [www.ohchr.org/EN/HRBodies/SP/Pages/Themes.aspx](http://www.ohchr.org/EN/HRBodies/SP/Pages/Themes.aspx) and [www.ohchr.org/EN/HRBodies/SP/Pages/Countries.aspx](http://www.ohchr.org/EN/HRBodies/SP/Pages/Countries.aspx).
- 38 OHCHR, *Annual Report 2011*, "OHCHR in the Field: Africa", p. 261, available from [http://www2.ohchr.org/english/ohchrreport2011/web\\_version/ohchr\\_report2011\\_web/allegati/21\\_Africa.pdf](http://www2.ohchr.org/english/ohchrreport2011/web_version/ohchr_report2011_web/allegati/21_Africa.pdf). See also OHCHR, *Annual Report 2011*, p. 141.
- 39 OHCHR, *Annual Report 2011*, pp. 60 and 104.
- 40 OHCHR, *Annual Report 2012*, p. 40.
- 41 OHCHR, *Annual Report 2013*, pp. 40 and 81.
- 42 CRC/C/MDG/CO/3-4, para. 24.
- 43 A/HRC/24/43/Add.2, para. 175 (e).
- 44 UNCT submission to the UPR on Madagascar, 2014, pp. 4–6.
- 45 Ibid., p. 5.
- 46 ILO Committee of Experts on the Application of Conventions and Recommendations, Observation concerning the ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111) – Madagascar, adopted in 2013, published 103rd ILC session (2014), available from [www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID:3147274](http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3147274).

- 47 UNCT submission to the UPR on Madagascar, 2014, p. 9.
- 48 A/HRC/24/43/Add.2, para. 164.
- 49 CAT/C/MDG/CO/1, para. 16.
- 50 Ibid., para. 6.
- 51 Ibid., para. 10.
- 52 A/HRC/24/43/Add.2, para. 175 (d).
- 53 CAT/C/MDG/CO/1, para. 13; CRC/C/MDG/CO/3-4, para. 54.
- 54 CAT/C/MDG/CO/1, para. 13.
- 55 CRC/C/MDG/CO/3-4, paras. 37 and 46.
- 56 UNCT submission to the UPR on Madagascar, 2014, pp. 5–6.
- 57 ILO Committee of Experts on the Application of Conventions and Recommendations, Observation concerning the Worst Forms of Child Labour Convention, 1999 (No. 182), adopted 2012, published 102nd ILC session (2013), available from: [www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID:3081342](http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3081342).
- 58 A/HRC/24/43/Add.2, para. 169.
- 59 A/HRC/25/48/Add.2, para. 114.
- 60 CRC/C/MDG/CO/3-4, para. 63.
- 61 Ibid., para. 62 (a).
- 62 A/HRC/25/48/Add.2, para 112.
- 63 ILO Committee of Experts on the Application of Conventions and Recommendations, Observation concerning the Worst Forms of Child Labour Convention, 1999 (No. 182), adopted 2012, published 102nd ILC session (2013), available from: [www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID:3081342](http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3081342).
- 64 ILO Committee of Experts on the Application of Conventions and Recommendations, Direct Request concerning the Forced Labour Convention, 1930 (No. 29), adopted 2012, published 102nd ILC session (2013), available from: [www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID:3081273](http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3081273).
- 65 UNCT submission to the UPR on Madagascar, 2014, p. 10.
- 66 CAT/C/MDG/CO/1, para. 11.
- 67 A/HRC/25/48/Add.2, para. 112.
- 68 CRC/C/MDG/CO/3-4, para. 66.
- 69 Ibid., para. 32.
- 70 Ibid., para. 34.
- 71 UNHCR submission to the UPR on Madagascar, p. 4.
- 72 UNCT submission to the UPR on Madagascar, 2014, pp. 8–9.
- 73 UNHCR submission to the UPR on Madagascar, p. 6.
- 74 UNCT submission to the UPR on Madagascar, 2014, pp. 3–4.
- 75 UNESCO submission to the UPR on Madagascar, paras. 30–33.
- 76 UNCT submission to the UPR on Madagascar, 2014, p. 6.
- 77 CRC/C/MDG/CO/3-4, para. 56.
- 78 A/HRC/19/59/Add.4, para. 55.
- 79 Ibid.
- 80 World Bank, Report No: ICR2816, available from [http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2014/01/09/000333037\\_20140109124751/Rendered/PDF/ICR28160P113130IC0disclosed01070140.pdf](http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2014/01/09/000333037_20140109124751/Rendered/PDF/ICR28160P113130IC0disclosed01070140.pdf), pp. 18, 20, 21 and 26. See also pp. 13–27.
- 81 FAO and WFP, «Rapport spécial – Mission FAO/PAM d'évaluation de la sécurité alimentaire à Madagascar», October 2013, available from: <http://documents.wfp.org/stellent/groups/public/documents/ena/wfp260197.pdf>, pp. 8, 42 and 43.
- 82 UNCT submission to the UPR on Madagascar, 2014, pp. 1 and 11.
- 83 Ibid., p. 11.
- 84 Ibid., p. 12.
- 85 Ibid., pp. 11 and 12.
- 86 CRC/C/MDG/CO/3-4, para. 57.
- 87 Ibid., para. 60.
- 88 ILO Committee of Experts on the Application of Conventions and Recommendations, Observation concerning the Minimum Age Convention, 1973 (No. 138), adopted 2012, published 102nd ILC

session (2013), available from [www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID:3081335](http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3081335).

- <sup>89</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, Direct Request concerning the Worst Forms of Child Labour Convention, 1999 (No. 182), adopted 2012, published 102nd ILC session (2013), available from [www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID:3081339](http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3081339).
- <sup>90</sup> UNCT submission to the UPR on Madagascar, 2014, p. 10.
- <sup>91</sup> A/HRC/24/43/Add.2, para. 175 (b).
- <sup>92</sup> UNCT submission to the UPR on Madagascar, 2014, pp. 5–6.
- <sup>93</sup> UNESCO submission to UPR on Madagascar, paras. 26, 28 and 29.
- <sup>94</sup> UNCT submission to the UPR on Madagascar, 2014, pp. 4 and 12.
- <sup>95</sup> CRC/C/MDG/CO/3-4, paras. 47 and 48.
- <sup>96</sup> CAT/C/MDG/CO/1, para. 19.
- <sup>97</sup> A/HRC/24/43/Add.2, para. 172.
- <sup>98</sup> Food and Agriculture Organization of the United Nations, “Locust plague campaign gets results in Madagascar”, available from [www.fao.org/news/story/en/item/210810/icode/](http://www.fao.org/news/story/en/item/210810/icode/).
- <sup>99</sup> UNCT submission to the UPR on Madagascar, 2014, p. 3.