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## **National report submitted in accordance with paragraph 5 of the Annex to Human Rights Council resolution 16/21\***

### **Madagascar**

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## **Introduction**

1. Madagascar presented its initial report in 2010. After the consideration of the report, Madagascar accepted 65 of the 84 recommendations made. The political crisis which began in 2009 lasted more than 4 years and prevented the implementation of some of the recommendations made, particularly those on economic, social and cultural rights.

2. This report has been prepared in conformity with Economic and Social Council resolution 5/1 and decision No. 17/119 of 17 June 2011 on follow-up to resolution 16/21 of the Human Rights Council on the universal periodic review.

## **I. Description of the methodology**

3. This report has been drawn up by the Committee responsible for drafting initial and periodic reports relating to the international human rights instruments,<sup>1</sup> with the assistance of the Office of the United Nations High Commissioner for Human Rights and of UNDP; in conformity with the instructions of the Human Rights Council, it has been prepared in four stages: in April, September and November 2013 and updated in June 2014.

4. During the first stage, the Ministries concerned by the recommendations were identified and the requisite tasks shared out among them. The second stage, which took place at Toamasina from 24 to 27 September 2013, involved the collection and pooling of the information provided by each of the ministries concerned. The third and fourth stages, which were dedicated to updating the information and final drafting, took place at Antsirabe from 26 to 29 November 2013 and from 16 to 20 June 2014. Members of the interministerial committee representing the Ministry of Foreign Affairs, the Ministry of Justice, the Ministry of the Interior, the Ministry of Public Security, the Ministry of Population, the Ministry of the Civil Service, the Ministry of Education, the Ministry of Health, the Ministry of Youth and representatives of civil society organizations took part in the preparation of the report.

## **II. Country background**

### **A. Political background**

#### **Restoration of a lasting democracy and a return to the constitutional order through the organization of elections<sup>2</sup>**

5. With a view to achieving a comprehensive and broadly accepted political solution, a dialogue involving all the parties involved in the conflict led to the signing of a road map by 10 political parties. The road map has been incorporated into domestic law under Act No. 2011-014 of 28 December 2011.

6. The implementation of the road map has made it possible to form a national unity Government and to set up and bring into operation the Independent National Electoral Commission for the Transition and the Special Electoral Court charged with announcing the results.

7. The organization of the second round of the presidential election in conjunction with the legislative elections on 20 December 2013, which were supported and coordinated by UNDP through its Project in Support of the Electoral Cycle in Madagascar (PACEM), marked the restoration of the constitutional order.

8. Recognition by national and international observers and by the international community of the democratic nature of the elections led to the lifting of sanctions by the Southern African Development Community (SADC), the African Union (UA), the European Union (UE) and the International Organization of La Francophonie (OIF).

9. The gradual establishment of the institutions of the 4th Republic began with the investiture of the new president, Mr. Hery Rajaonarimampianina on 25 January 2014, the appointment of the Prime Minister on 11 April 2014 and the appointment of the members of the Government on 18 April 2014, at the same time as the 147 democratically elected members of parliament took their seats in the National Assembly.

10. In his inaugural address, the new President set out his programme and expressed his determination to restore the rule of law and good governance, to combat corruption and ensure respect for human rights. He also announced free primary education and the re-enrolment of children who had dropped out of school.

## B. Economic and social background

### 1. The economy

11. On account of the closure of tax-exempt firms following the suspension of the African Growth and Opportunity Act (AGOA) and the withdrawal of external budgetary support and financial assistance, Madagascar's economic and social indicators took a turn for the worse.

12. The country's economy has seen a small rise in GDP since 2011.

Table 1

#### Nominal and real trend in gross domestic product (GDP) and rate of inflation

<i>Year</i>	<i>Nominal GDP (billions of MGA)</i>	<i>Growth (per cent)</i>	<i>Inflation (per cent)</i>
2013	23 460	2.4	5.8
2012	21 774	3.0	5.8
2011	20 034	1.5	9.5
2010	18 245	0.3	9.2
2009	16 726	-4.0	9.0

*Source:* Economic Analysis Department, National Statistical Institute (INSTAT).

### 2. Social trends

13. Poverty among the population increased as a result of the crisis. The poverty rate increased from 68.7 per cent in 2005 to 76.5 per cent in 2010, and to 71.5 per cent in 2012–2013. Poverty is more prevalent in rural areas (77.3 per cent) and also varies considerably from one area to another. It is 97 and 93 per cent respectively in Androy and in Atsimo Atsinanana in comparison with 47 per cent in Analamanga and 42.2 per cent in DIANA.<sup>3</sup>

14. The unemployment rate increased from 2.8 per cent in 2005 to 3.8 per cent in 2010 before falling to 1.3 per cent in 2012. The rate is 3.4 per cent in urban areas in comparison with 0.7 per cent in rural ones.

### **III. Normative and institutional human rights framework**

#### **A. Compliance with international commitments**

15. The act authorizing the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, called for in recommendation No. 3, was adopted by parliament in November 2013.

#### **B. Changes in the constitution, in legislation and in case law**

##### **Changes in the Constitution**

16. A new Constitution was adopted by referendum on 11 December 2010. In its article 137, the new Constitution preserves, in the following terms, the provisions on the precedence over domestic law of treaties that have been ratified: “Duly ratified treaties or agreements shall, as soon as they have been published, take precedence over laws (...)”. Accordingly, in case of conflict between domestic law and the provisions of an international instrument, the latter take precedence.

17. The Constitution also prohibits torture and ill-treatment and declares detention to be the exception. As a result of its incorporation into the Constitution, this prohibition and the exceptional nature of detention are legally binding on all public executive, legislative and judicial institutions.

##### **Changes in the law**

18. In the legislative sphere, Act No. 2014-007 establishing the Independent National Human Rights Commission was adopted by the National Assembly on 19 June 2014.

19. Prior to the adoption of the Act, in May 2012, with the support of the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the United Nations Development Programme (UNDP), the Directorate of Human Rights and International Relations within the Ministry of Justice organized a workshop to evaluate the conformity of the 2008 Act with the Paris Principles.<sup>4</sup> The evaluation showed that a number of essential rules set forth in the Paris Principles have not been taken into account, and in particular the rule concerning the appointment of the Commission’s members. The 2008 Act assigns responsibility for appointing the members of the Commission to the Executive, a provision that suggests that the Executive will exercise control over the Commission.

20. The following innovations prescribed by the Paris Principles have been taken into account:

- Independence from the Executive, reflected in the new title Independent National Human Rights Commission;
- Appointment procedure assigned to each agency represented on the Commission rather than to the Executive;
- Managerial and financial independence;
- Extension of its mandate in order better to promote and protect human rights;
- Representativeness and pluralism;
- Regular meetings and permanent exercise of its mandate.

21. Other reforms are under way:

- A bill on trafficking to extend its remit to cover domestic trafficking and the exploitation of others, including children, for begging;<sup>5</sup>
- A bill to reform the law on vaccination and on national youth policy;
- A bill on the Nationality Code to correct the discrimination that affects children of a foreign father married to a Malagasy woman.

#### **Changes in case law**

22. Decision No. 86 of 7 June 2012 National Social Insurance Fund (CNaPS) versus ROBILALAO Jeannette et al.

The facts:

ROBILALAO Jeannette et al., employees of the Central Bank, brought a suit against CNaPS after they were denied payment of their pensions, despite having paid contributions until the age of 60, on the grounds that under the social insurance code the normal age of entitlement to a pension is 60 years for men and 55 years for women. The plaintiffs based their suit on the provisions of the Central Bank's collective agreement, which sets the age of retirement at 60 years for both sexes, and on the various international human rights agreements ratified by Madagascar, including ILO Convention No. 111.

Decision:

The Antananarivo Court of Appeal upheld the decision by the social security court of first instance in favour of the plaintiffs.

## **IV. Protection of human rights in the field**

### **A. Protection of women's rights<sup>6</sup>**

#### **Nationality and gender equality**

23. In order to end the discrimination affecting children born to a foreign father married to a Malagasy woman, a bill amending and supplementing certain provisions of Ordinance No. 60-064 of 22 July 1960 on the Nationality Code has been forwarded to the competent bodies for submission to the National Assembly for adoption.

24. The bill is intended to guarantee:

- Malagasy nationality for children of couples of mixed nationality, on the same grounds as children born to a Malagasy father and a foreign mother;
- Preservation of the right of a child to a nationality:
  - Acquisition of Malagasy nationality provided one of the parents is Malagasy, regardless of whether the child is born in or out of wedlock (new art. 9);
  - Preservation of Malagasy nationality for children concerned by a full international adoption (new art. 17, para. 2);
  - Automatic acquisition of Malagasy nationality by foreign children legally adopted by a person of Malagasy nationality (new art. 17, para. 1);
- Recognition of the right of women to a nationality:
  - The possibility for a woman of Malagasy nationality to pass on her nationality to her children regardless of her marital status (new art. 40);

- The possibility for a woman who has married an alien to keep her own nationality, even if she acquires that of her spouse, provided the national law of her spouse so permits (new art. 47).

## **B. Efforts to combat trafficking<sup>7</sup>**

### **Prosecution and punishment**

25. In Madagascar, Act No. 2007-038 of 14 January 2007 concerns efforts to combat trafficking and sex tourism. The scope of the Act encompasses trafficking in persons, sex tourism and the sexual exploitation of children for commercial ends.

26. Implementation of the Act on trafficking, sexual exploitation and sex tourism faces three obstacles:

- There have been few prosecutions, convictions or awards of compensation to victims, in spite of the training provided since 2007;
- Victims are afraid to complain to the competent authorities, either because they are unaware of their rights, ashamed or afraid of reprisals by the offenders;
- Victims prefer an out-of-court settlement for compensation.

27. To overcome these obstacles, training will continue to be provided for law-enforcement officials and information and awareness campaigns will be continued and intensified.

28. To achieve greater efficacy, a bill on trafficking will be submitted to the competent bodies for presentation to the National Assembly for adoption. The bill has expanded its scope beyond sexual exploitation, to cover domestic trafficking, exploitation of begging by others, debt servitude and organ trafficking. The bill covers both national and transnational trafficking.

### **Prevention**

#### *Adoption of a plan of action*

29. There are also plans to set up a standing mechanism to combat trafficking: it will be responsible for:

- Proposing a national plan of action to combat trafficking, including a component to prevent, prosecute and punish traffickers, and the provision of compensation and rehabilitation for victims;
- Proposing legislative reforms in conformity with international standards;
- Establishing a multidisciplinary support mechanism.

#### *Training for law-enforcement officials, social workers and community-development workers*

30. From 2009 to 2013, with the support of the United Nations Development Programme (UNDP), the Office of the United Nations High Commissioner for Human Rights (OHCHR), the International Office of La Francophonie (OIF) and the Cultural Cooperation and Action Service (SCAC), the Ministry of Justice provided a number of training programmes on the implementation of the Act on trafficking and sex tourism. The programmes, for 40 participants at each venue, were held at Taolagnaro, Toamasina, Mahajanga, Antsiranana, Antananarivo and Mananjary and concerned law-enforcement officials together with members of the bar and representatives of civil society organizations.



31. In 2012, in partnership with the NGO Groupe Développement, the Office for Mass and Civic Education (OEMC) provided training for 200 teachers from the capital and from Mahajanga on how children can protect themselves from sexual exploitation. The teachers passed on the lessons learned to 3,000 schoolchildren.

*Administrative measures*

32. The following measures have been adopted to address the risks of trafficking and exploitation for prostitution to which migrant workers are exposed:

- The repatriation and social rehabilitation of 85 women and 1 child from the Lebanon in March 2011;
- Provision of social and occupational rehabilitation by the Ministry of Population, together with payment of reinstallation grants;
- A temporary halt to sending workers to high-risk countries such as Saudi Arabia, Kuwait and Qatar and to any other country lacking adequate human rights safeguards in general and safeguards for the rights of migrant workers in particular.

33. In the wake of this decision, the Government of Saudi Arabia offered to draw up a bilateral agreement with Madagascar on the protection of migrant workers.

**C. Efforts to combat poverty and to protect vulnerable women and children during the crisis<sup>8</sup>**

34. During the crisis, measures concerning access to loans, health and nutrition were adopted on behalf of vulnerable women and children.

**Access to loans**

35. In order to facilitate access to credit so as to enable women to become financially independent, the Ministry of Finance and Budget has set up within the Treasury Department a national agency to coordinate microfinance (CNMF). The agency is responsible for developing Credit with Education (CAE) on behalf of vulnerable women and for providing training for women's groups and associations in the following fields:

- Maternal and child health and family planning;
- Managing a household budget;
- Children's education;
- Management of income-generating activities.

36. The table below shows the trend in the amount of financial support provided by CNMF to popularize microfinance intended for women. The funding was provided from 2006 to 2007 and the relevant partnership agreements ended in 2009.

Table 2  
**Financial support from CNMF to promote Credit with Education (CAE)**  
 (UNDP funding)

<i>Institutions</i>	<i>Region</i>	<i>Date</i>	<i>Amount</i>	
			<i>MGA</i>	<i>USD</i>
OTIV Alaotra	Alaotra	June 2006	140 000 000	64 113
		November 2007	24 000 000	13 615
OTIV Antananarivo	Analamanga	June 2006	304 000 000	139 216
OTIV Diana	Diana	June 2006	98 557 000	45 143
Haingonala	Amoron'i Mania	June 2006	202 200 000	92 597
ODDER	Anosy	October 2006	208 420 000	97 885
AECA	Boeny	November 2007	70 000 000	39 712
OTIV SAVA	SAVA	November 2007	40 000 000	22 692
CECAM	Bongolava	November 2007	66 000 000	37 443
<b>Total</b>			<b>1 153 197 000</b>	<b>552 415</b>

Table 3  
**Number of beneficiaries and average amount of funding**

<i>Impact</i>	
Number of women receiving loans	25 000
Average loan granted	163 100 ariary

*Source:* Ministry of Finance and Budget.

37. The overall trend in the proportion of women who are members or customers of microfinance institutions (MFI) and other types of lending institutions providing microfinance is shown below.

Table 4  
**Percentage of women who are members or customers of MFI and lending institutions**

	<i>Dec. 2008</i>	<i>Dec. 2009</i>	<i>Dec. 2010</i>	<i>Dec. 2011</i>	<i>Dec. 2012</i>	<i>March 2013</i>	<i>June 2013</i>
Number of service points	638	652	700	739	784	789	803
Household penetration rate	13.9%	16.1%	17.5%	19.5%	22.69%	23.13%	23.69%
Number of members and/or customers	529 774	629 302	733 864	844 340	984 683	1 010 537	1 042 421
Number of women members and/or customers	228 120	285 388	340 586	387 636	452 166	465 554	483 579

	Dec. 2008	Dec. 2009	Dec. 2010	Dec. 2011	Dec. 2012	March 2013	June 2013
% of women members and/or customers	43.06%	45.35%	46.41%	45.91%	45.92%	46.07%	46.39%

Source: www.madamicrofinance.mg (charts tracking MFI received by CNMF).

38. The table shows that the percentage of women receiving the loans increased from 43.06 per cent in 2008 to 46.39 per cent in June 2013.

39. The purpose of the current National Inclusive Finance Strategy (SNFI)<sup>9</sup> 2013–2017 is to improve access by women to financial and microfinance services.

40. In order to implement the activities planned, on 23 October 2013 actors in the microfinance sector approved the SNFI budget. The United Nations Capital Development Fund (UNCDF) and the United Nations Development Programme (UNDP) will allocate funding for 2013 to 2015, and by 2017, SNFI plans to extend its benefits to more than a million women.

#### Access to health care for mothers and children

41. Measures have been taken to protect the health of women and children:

- A bill on vaccination which is currently before parliament is intended:
  - To provide a legal framework for implementing preventive measures for vaccine-preventable diseases, in conformity with the obligations laid down in the Constitution;
  - To guarantee mandatory free vaccination for vaccine-preventable diseases; and
  - To make available the necessary permanent funding to achieve these specific objectives;
- In 2012, prevention of common illnesses affecting children under 5 years of age through vaccination against pneumonia, meningitis and otitis;
- Community case management of illnesses common among children under 5 years of age such as malaria, diarrhoea and acute respiratory infection has been strengthened in 107 of the 112 health districts;
- Distribution of insecticide-impregnated bednets to prevent malaria has been improved among pregnant women through intermittent preventive treatment with sulfadoxine-pyrimethamine;
- In 2013, a vaccine to prevent cervical cancer was introduced for 10-year-old girls;
- In 2014, a vaccine to prevent diarrhoeal diseases was introduced.

42. In 2012, Madagascar was awarded the regional trophy for vaccination. DPT coverage increased from 72.8 per cent to 86 per cent.<sup>10</sup> Among pregnant women, anti-tetanus (TT) vaccine coverage increased from 49 per cent to 58 per cent.<sup>11</sup>

#### Improved child nutrition

43. In 2010, a manual on feeding infants and young children and nutrition for women (*ANJE et NdF*) was published. It is intended for physicians and paramedical staff and

provides a reference for vulnerable groups. It also ensures the survival and development of each child.

44. Since 2010, 224 health workers, 860 leaders and 2,854 community health workers in four regions (Analamanga, Androy, Atsimo-Andrefana and Anosy) have received training in how to put across the manual's message.

#### D. Access to health care<sup>12</sup>

45. Since the crisis and the ensuing exodus of health workers to towns, 474 basic health centres (CSB) have closed and 174 reopened.

46. In order to improve the population's access to health care:

- 346 physicians and 1,122 paramedical staff have been recruited on the State budget;
- 653 paramedical staff have been given contracts thanks to the financial support of technical and financial partners (United Nations Children's Fund (UNICEF), United Nations Fund for Population Activities (UNFPA) and the Global Alliance for Vaccines and Immunization (GAVI) Health Systems Strengthening (HSS) funds).

##### Free health care

47. Preventive care and treatment are provided free of charge for children under 5 years of age and for women:

- Family planning services are provided in all public health facilities for women of childbearing age (15 to 49 years);
- Prevention of anaemia by the distribution of iron supplements and folic acid and by deworming, prevention of malaria by the distribution of insecticide impregnated bednets and anti-tetanus vaccine for pregnant women;
- Preventive care (vaccination, prevention of malaria by the distribution of bednets impregnated with long-lasting insecticide), case management of malaria in children under 5 years of age.

##### Equity fund

48. A contribution by users makes it possible to ensure that medicines and medical supplies are always available in health facilities. In 2012, in response to the crisis and in order to bring down the cost of medicines, the 35 per cent profit margin was reduced to 15 per cent. As a result, the value of the equity fund generated by 3 per cent of overall revenue and used to cover the cost of treating destitute persons also fell.

49. Information campaigns have focused on the importance of attending health facilities to give birth.

50. The table below shows the trend in births and caesarean sections.

Table 5  
Trend in childbirths in health facilities

<i>Indicators</i>	<i>2009</i>	<i>2010</i>	<i>2011</i>	<i>2012</i>	<i>2012 Goals</i>
Births in a health facility (per cent)	31.59%	33.97%	30%	29.50%	42%

<i>Indicators</i>	<i>2009</i>	<i>2010</i>	<i>2011</i>	<i>2012</i>	<i>2012 Goals</i>
Caesarean sections (per cent)	1.07%	0.9%	0.93%	1.37%	1.5%

*Source:* Ministry of Health.

## **E. Free primary education<sup>13</sup>**

51. The crisis has deeply affected access to education and between 1 and 1.5 million children have abandoned school.<sup>14</sup>

52. Primary education is still not completely free of charge.

53. In order to encourage girls and boys to attend primary school, the State has introduced the following measures to lighten the financial burden for parents:

- Issue of school kits to 1,409,890 pupils in 2011 and 4,235,000 in 2013, with the support of the Agence Française de Développement (AFD), of Norway and of UNICEF;
- Cancellation of enrolment fees and provision of a 3,000 ariary per pupil for each school fund;
- Provision of school canteens in areas where food insecurity is high;<sup>15</sup>
- Subsidies for teachers paid by the Fikambanan'ny Ray amandrenin'ny Mpianatra/Parent-Teacher Associations (FRAM) and teachers who are not State-employed (ENF) with the support of technical partners, and their recruitment as contractual State employees.

54. The 2013–2015 interim plan for education is designed to improve access to education without discrimination.

55. A campaign to encourage school enrolment of children excluded from the education system was carried out among parents and communities with the support of UNICEF.

56. In 2013, 6,365 children who had left or never attended school received remedial lessons to enable them to resume formal education.

57. During the 2013/14 school year, 83,000 children who had returned to school but were facing learning difficulties received remedial teaching.

58. Between 2009 and 2012, the gradual expansion of preschool classes in public primary schools made it possible to form 3,725 such classes.

59. In addition, support from UNICEF made it possible to build 36 classrooms in the regions of Analanjirifo and Androy; a further 32 are being built in the regions of Melaky, Sofia, Anosy, Atsimo Atsinanana and Atsimo Andrefana.

60. The enrolment of children with disabilities in school is governed by article 4 of Decree No. 2009-1147 of 1 September 2009, which determines overall policy on inclusive education.<sup>16</sup>

61. In 2012, 300 children with disabilities in the regions of Analamanga and Atsimo-Atsinanana received specialized education from the NGO Act, Provide Support and Mobilize for Children's Future (ASMAE)<sup>17</sup> with the support of the European Union.

62. Under the inclusive education policy, children with a handicap have been enrolled in regular classes in some schools.

## **F. Assistance for the victims of violence<sup>18</sup>**

63. Legislation on trafficking and sex tourism makes provision for compensation and care for victims.

64. Reparation covers both compensation for physical harm and the social rehabilitation of victims.

## **G. International cooperation and protection of human rights<sup>19</sup>**

65. Madagascar receives support from the following technical and financial partners through bilateral or multilateral cooperation in order to promote and protect human rights: OHCHR, UNDP, UNFPA, UNICEF, the World Food Programme (WFP), the Food and Agriculture Organization of the United Nations (FAO), the World Health Organization (WHO), the International Labour Organization (ILO), the European Union, SADC, the Indian Ocean Commission (IOC), OIF, SCAC, the International Organization for Migration (IOM), the United States, Norway and Switzerland.

## **H. Gender equality<sup>20</sup>**

66. The new Constitution proclaims equality before the law for all, without distinction as to sex.<sup>21</sup>

67. Women are entitled, on the same terms as men, to choose the marital home and to receive equal treatment from the courts. Women are entitled to the same protection at all levels of the procedure without restriction.

68. The same provisions apply to the signing of contracts, administration of property and freedom of movement.

69. The law on marriage and matrimonial property regimes awards women the exercise of parental authority on the same terms as men.<sup>22</sup>

70. Although polygamy is prohibited by law, some inhabitants of Madagascar still practice it on account of their customs or religion, which explains the difficulties encountered in eliminating the practice.

## **I. Cultural practices that are harmful to women and children<sup>23</sup>**

### **Moletry**

71. *Moletry*, which is practised in some places in the north-west of the country, is a form of premarital arrangement involving a dowry or the promise of a dowry (*Moletry*) from the future husband to the bride's family and made up of a sum of money and cattle, depending on the agreement reached during negotiations; the value of the dowry is frequently determined by the social status of the future bride, as well as by her age and looks.

72. In order to combat harmful practices, with the support of UNDP the Ministry of Justice has entrusted the Miaramita consultancy firm with a survey to identify the underlying causes that account for the persistence of *Moletry*, which sometimes concerns underage girls.

73. In 2008, a workshop was held in Mampikony for the purpose of eradicating the practice by convincing all those concerned of the need to prohibit *Moletry* for girls. The administrative authorities, the police and traditional leaders together with religious leaders

of all denominations signed a road map setting out specific measures to put an end to the practice.

74. The impact of these measures was due to be evaluated in 2009, but this proved impossible on account of the political crisis.

### **Twins**

75. In the districts of Mananjary, the birth of twins is considered by the members of the Antambahoaka community as a whole to be a curse and for this reason there is a strict ban on them staying with their biological family. The ban also prevents them from living in the town of Mananjary.

76. In response to this situation, in 2008, with the support of UNDP the Ministry of Justice carried out studies to determine the root causes of the practice, its scale and ways and means of eradicating such discrimination against twins, who suffer from exclusion and stigmatization.

77. In 2008 a workshop attended by judicial, traditional and religious authorities was held at Mananjary. The purpose of the workshop was to convince participants of the harm caused by discrimination against twins and to secure their commitment to combating the practice.

78. At the end of the workshop, the participants signed a road map setting out the commitments made by each of them to combat the phenomenon and to take concrete steps within their sphere.

79. Although the *Ampanjaka*, who exercise authority over customary practices, did not give their wholehearted support, they were willing to agree to parents not abandoning twins.

80. This marks a significant change because it means that twins may now live in Mananjary with their biological family and with the members of the community.

## **J. Violence against women and girls, including domestic violence<sup>24</sup>**

### **Prevention**

81. Measures to combat gender-based violence, whose aim is to break down the wall of silence, have been introduced; they include the establishment of centres providing counselling and legal advice and of forums at all levels based on the three Ps: prevention, provision of adequate services and promotion of the right to justice.

82. Where adolescents and young people are concerned, activities to combat violence were facilitated by the coming into operation of the Interministerial Committee for Youth.

83. In 2012, a free telephone helpline (511) was introduced by Child Help Line International to help provide referral and guidance for young people. Four thousand copies of the manual “a youth-friendly service” were published and distributed in a number of regions.

### **Punishment and compensation**

84. Violence against women and girls as a whole and domestic violence in particular constitute criminal offences under the criminal code. Such offences include trafficking, rape, incest, assault and battery and murder.<sup>25</sup>

85. A broad consultation is being carried out on the bill to classify marital rape as an offence before it is submitted to the competent bodies for adoption.

86. The law, and in particular the Malagasy Code of Criminal Procedure provides for penalties and the award of compensation.

87. In order to provide better protection for child victims, the Criminal Code provides as follows:<sup>26</sup>

- The statutory limitation to public right of action applies only from the age of majority;
- A child who is a victim of trafficking, sexual exploitation or incest may themselves take the matter to the court to request compensation for the harm suffered without involving their parents or guardians, who may be the perpetrators of the offences.

## K. Empowerment of women<sup>27</sup>

88. National law recognizes the right of women to own real estate, to inherit property and to manage wealth on the same terms as men.

89. Women's associations and groups in Farafangana, Manakara and Mananjary have received support from UNDP to help them better exercise their civil and economic rights.

Table 6

### Location of the programme's beneficiaries

<i>Area of intervention</i>	<i>Number of groups supported by the project</i>	<i>Number of groups using community mobilization techniques</i>
Farafangana	80	75
Manakara	58	52
Mananjary	56	51
<b>Total</b>	<b>194</b>	<b>178</b>

*Source:* Activities report from the project supported by UNDP, July 2013.

90. Women belonging to each group were given support to enable them to work in small farming: pig breeding, poultry farming, rice farming and fish farming. Income from these activities enables them to put their children through school, to obtain health care, to improve their daily lot and to live independently.

91. In 12 of Madagascar's regions, women in rural areas have received training to allow them to become independent.

Table 7

### Number of women who received training in agriculture, livestock farming and handicraft from the Malagasy Employment and Training Observatory (OMEF)

<i>Region</i>	<i>Type of training</i>	<i>Number of participants</i>	<i>Number of women trained</i>	<i>% of women trained</i>
Diana	Handicraft	20	13	65%
AtsimoAndrefana	Dairy farming	20	05	25%
VatovavyFitovinany	Palm oil	20	05	25%
Boeny	Fish curing	13	04	30.77%
Haute Matsiatra	Cassava	20	10	50%
Amoron'i Mania	Beekeeping	20	07	35%



<i>Region</i>	<i>Type of training</i>	<i>Number of participants</i>	<i>Number of women trained</i>	<i>% of women trained</i>
AtsimoAtsinanana	Brick making	23	02	8.69%
AlaotraMangoro	Fish farming	20	03	15%
Analanjirofo	Clove cultivation	15	01	6.66%
Bongolava	Maize	20	09	45%
Itasy	Fish farming	20	02	10%
Atsinanana	Banana paste	20	00	0%

*Source:* Statistics from OMEF – Employment Promotion Department.

92. In addition, programmes to enable women to become financially independent have been implemented in the Nord, Centre and Sud-Est regions with the support of international agencies.<sup>28</sup>

93. The objective is to improve women’s managerial skills, to provide them with production materials to improve their productivity and better to market their products. In October 2013, women entrepreneurs belonging to the Malagasy Section of Indian Ocean Entrepreneurship by Women (EFOI) received training in export techniques funded by UNDP.

## **L. Protection for the rights of the child<sup>29</sup>**

### **Establishment of an institution to monitor and evaluate the Convention on the Rights of the Child<sup>30</sup>**

94. The National Child Protection Committee (CNPE), which was set up by Decree No. 2012-858 of 28 December 2012, has the following tasks:

- To provide guidance for national policy and programmes for the protection of children, bearing in mind the implementation of the Convention on the Rights of the Child and the recommendations made by the treaty bodies;
- Coordination of action for the protection of children;
- Ensuring collaboration among all stakeholders involved in the protection of children.

### **Protection of street children**

95. Literacy programmes have been developed for children who do not attend school and in particular street children. The programmes encourage:

- Learning to read and write in Malagasy;<sup>31</sup>
- A new method for learning to calculate.<sup>32</sup>

96. The programme implementing the methodology suited to the needs of children not attending school or who have dropped out of school is known as Asa Sekoly Avotra Malagasy or Remedial Educational Measures for Malagasy adolescents (ASAMA); it involves a 10-month preparation for the exam that marks the completion of primary education. It is also designed to prepare pupils of 9 or 10 years of age to return to school in the final year of primary school.

97. Between 2011 and 2013, this programme made it possible for 3,394 children, including street children from the region of Analamanga, who had dropped out of or never attended school, to enrol.

98. Other programmes developed by NGOs such as Manda, KOZAMA, SOS Village d'enfants also provide remedial education or make it possible for street children in the capital and surrounding areas to return to school, while the INTERAID and VOZAMA NGOs operate in the Sud-Est region and in Amoron'i Mania.

#### **M. Efforts to combat torture and other cruel, inhuman or degrading punishment or treatment<sup>33</sup>**

99. The process of ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment has begun, with a view to its submission for adoption to the new National Assembly.

100. Act No. 2008-008 of 25 June 2008 on the prohibition of torture and other cruel, inhuman or degrading punishment or treatment includes a definition of torture which conforms to that of the Convention. Torture constitutes a specific criminal offence which carries penalties consonant with the seriousness of the acts.

101. Following an allegation of torture that led to the death of R.J.B, the Antananarivo prosecution service began an investigation and set the case before the investigating judge in a preliminary indictment for torture and murder, acts which are covered by articles 2 and 10 of the Act to prevent torture, and articles 295 and 302 of the Criminal Code. At present, the investigation is continuing before the third investigating judge of Antananarivo.

102. A handbook for law-enforcement officials has been produced by the Ministry of Justice, with the assistance of the World Organization against Torture (OMCT), the Association for the Prevention of Torture (APT), Action by Christians for the Abolition of Torture (ACAT Madagascar) and the Cultural Cooperation and Action service (SCAC) to help implement Act No. 2008-008 of 25 June 2008 on the prohibition of torture and other cruel, inhuman or degrading punishment or treatment.

103. Five thousand copies of brochures on the same subject have been published and issued, with the support of APT and SCAC.

104. Since 2008, several training courses have been organized at Antananarivo, Toamasina, Taolagnaro and Toliara for law-enforcement officials including judges, the police, gendarmes, lawyers, prison warders and military personnel.

105. Training modules on human rights have been developed for those responsible for training in the training colleges for judges, the police, the gendarmes and for military and prison personnel. The modules cover efforts to combat trafficking, torture and violence against women.

106. The Code of Criminal Procedure limits the period of custody to 48 hours. A bill to reduce the current 15-day period of custody in cases involving threats to State security is under consideration.

#### **N. Reform of the judicial and prison system<sup>34</sup>**

107. In response to recommendation No. 50 which draws attention to reform of the judicial and prison system, the Directorate of Human Rights and International Relations within the Ministry of Justice has recruited, with the assistance of UNDP, an international consultant charged with carrying out a study into the criminal justice system, with the following main objectives:

- Analysis of the malfunctions, identification of needs and concrete solutions to improve the operation of the criminal justice system; and

- Formulation of recommendations to improve coordination of the criminal justice system.

108. As part of the study, individual consultations have been held with the different actors involved in the criminal justice system, from the preliminary investigation stage to the handing down of the judgement and exhaustion of the appeal procedure. The consultations were followed up by a discussion workshop attended by all those involved in the criminal justice system at both the central and regional levels.

109. Also with the support of UNDP, the same Directorate has recruited an international consultant to carry out a study to pinpoint bottlenecks in anti-corruption measures and to produce specific proposals to restore confidence in the criminal justice system and effectively to combat corruption. Those consulted during the study include members of the Committee for the Safeguard of Integrity, of the Independent Anticorruption Office and of The Anti-Corruption Crime Channel and Financial Information Service to combat money-laundering (SAMIFIN).

110. Feedback and validation of the outcome of these studies took place on 9 May and 17 June 2014. The next stages will involve drafting and effectively implementing a national criminal justice policy and a national policy to combat corruption so as to restore the population's confidence in the criminal justice system and effectively to combat corruption.

#### **Reform of the judiciary**

111. The National Commission on Reform of the Criminal Justice System is currently drafting a bill on:

- The High Council of the Judiciary;
- The adoption of alternative measures to imprisonment.

#### **Reform of the prison system**

112. A commission on prison reform has been set up with responsibility for drafting projects to reform the prison system.

113. In order to reduce the persistent prison overcrowding, which makes it impossible to ensure the internationally recognized rights of prisoners, a delegation of representatives of the Ministry of Justice, of the prison administration and of OHCHR carried out an exploratory mission to study good practices in Rwanda, where the prison population has been reduced in the past two decades from 150,000 to 56,000.

114. The progress made by Rwanda in respect of prison reform will serve as a basis for reforming the Malagasy prison system.

### **O. Improving conditions of detention<sup>35</sup>**

115. In December 2012, 18,719 prisoners, 52.9 per cent of whom were in pretrial detention, were being held in Madagascar's 82 prisons.

Table 8  
**Breakdown of the prison population**

	<i>Convicted prisoners</i>	<i>Prisoners awaiting trial</i>	<i>Total</i>	<i>Capacity</i>
Men	8 442	8 978	<b>17 420</b>	
Women	283	522	<b>805</b>	
Boys	93	372	<b>465</b>	
Girls	2	27	<b>29</b>	10 319
<b>Total</b>	<b>8 820</b>	<b>9 899</b>	<b>18 719</b>	
Percentage	47.12%	52.88%	<b>100%</b>	

*Source:* Ministry of Justice, Prison Service, Department responsible for monitoring detention and statistics.

116. A rehabilitation centre for young offenders has been set up in Antsiranana. Efforts are being made gradually to improve facilities in order to keep young offenders separate from adults.

117. All prison facilities comply with the prohibition on forced labour.

118. The following bodies have been established in order to improve the health, food and hygiene of prisoners:

- A specialized medical committee to improve the health of prisoners;
- A body to monitor the food of prisoners;
- A “cooking pot” (*marmite*)<sup>36</sup> programme to combat malnutrition, with the support of the Catholic Prison Chaplaincy (ACP) and the International Committee of the Red Cross (ICRC);
- A hygiene committee inside each prison facility.

119. A project to form a pool of trainers on human rights has been initiated in the Ministry of Justice; it involves the department responsible for humanizing detention and preparing detainees for rehabilitation within the Directorate of Human Rights and International Relations, ICRC and the professional union of social workers.

## **P. Release of persons detained in connection with the political events that occurred between 2002 and 2009<sup>37</sup>**

120. The ad hoc Supreme Court Committee on amnesty has decided to grant an amnesty to all political prisoners, with the exception of those facing prosecution for crimes involving bloodshed.

## **Q. The rights of persons with disabilities**

121. The promotion and protection of the rights of persons with a disability is governed by:

- Act No. 97-044 of 2 February 1998;
- Decree No. 2001-162 of 21 February 2001;
- Six interministerial decisions of December 2004.<sup>38</sup>

122. No one may be discriminated against on account of his or her disability. Accordingly, persons living with a disability are entitled to the same rights as all other citizens as regards access to health care, education, employment and vocational and professional training.

123. An effort needs to be made to ensure that the visually impaired are able to exercise their political rights

124. Access to education for people living with a disability is governed by Decree No. 2009-1147 of 1 September 2009, which sets out overall inclusive education policy; in its article 4, the Decree stipulates that “All children shall be entitled to an education. Any child with a disability shall be entitled to receive an education in the regular school system. No child shall be denied enrolment in a primary school without legitimate grounds.”

125. In 2012, 300 children living with disabilities were provided with a specialized education by the association ASMAE. In other educational establishments, children living with disabilities have been enrolled in regular classes alongside children without disabilities.

## **R. Freedom of expression of the press, of association and of peaceful assembly<sup>39</sup>**

126. Article 10 of the Constitution enshrines civil liberties.<sup>40</sup>

127. The following measures have been taken to offer a way out of the crisis and to organize peaceful, free, democratic and fair elections, without intimidation and with full respect for freedom of assembly:

- Release of the imprisoned journalists and technicians from Radio Fahazavana and Free FM;
- Respect for freedom of opinion and of expression during the electoral campaign;
- Fair sharing of airtime on public audiovisual media during the electoral campaign;
- Training for journalists covering the elections;
- With support from UNDP and as part of the Project in Support of the Electoral Cycle in Madagascar (PACEM), training on the need to respect civil liberties and human rights during the electoral campaign, on the day of the elections and after has been provided for law-enforcement officers.

128. These actions ensured that both rounds of the presidential elections and the legislative elections took place peacefully and democratically.

## **S. Improving public awareness of human rights**

129. Outreach activities on the human rights instruments have been continued in order to inform the public of their rights and of the ways and means of exercising them.

130. In 2011, the Office for Mass and Civic Education (OEMC) drew up new curricula and teaching manuals, incorporating the international human rights instruments and gender equality, for lower and upper secondary schools, technical colleges and vocational training colleges.

131. A pool of 10 persons received human rights training from the Ministry of Justice, with the assistance of UNDP, which they then passed on to members of civil society organizations in the capital.

## **T. Cooperation with the human rights mechanisms**

### **Submission of reports to the treaty bodies**

132. Since its initial report under the universal periodic review was considered, Madagascar has submitted reports on:

- The Convention against Torture, in 2011 (initial report);
- The Convention on the Rights of the Child, in 2012. (3rd and 4th periodic reports).

133. The reports listed below have been written and submitted for consideration by the Committee on the Rights of the Child and the Committee on the Elimination of All Forms of Discrimination against Women:

- Initial reports on the implementation of the two Optional Protocols to the Convention on the Rights of the Child;<sup>41</sup>
- Periodic report on the implementation of the Convention on the Elimination of all Forms of Discrimination against Women;
- Initial report on the implementation of the African Charter on the Rights and Welfare of the Child (ACRWC) to the African Committee on the Rights and Welfare of the Child.

134. The following reports are being prepared for submission to the treaty bodies:

- The fourth periodic report on the implementation of the International Covenant on Civil and Political Rights, for the Human Rights Committee;
- A report on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination, for the Committee on the Elimination of Racial Discrimination;
- The third and fourth periodic reports on the implementation of the International Covenant on Economic, Social and Cultural Rights;
- The second periodic report on the implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

### **Special procedures**

135. With regard to the implementation of recommendation No. 24 on acceptance of special procedures, between 2011 and 2013 three special rapporteurs visited Madagascar: the Special Rapporteurs on the right to food, on contemporary forms of slavery and on child prostitution and child pornography.

136. The Special Rapporteur on the right of everyone to the enjoyment of the highest state of physical and mental health is due to visit Madagascar in 2014.

## **U. Training for the judiciary and for law-enforcement officials (Recommendation No. 63)**

137. In 2011, the directors of the training colleges for judges, lawyers, the police, the gendarmerie, prison warders and military personnel made a commitment to devote a significant amount of teaching time in their respective institutions to teaching human rights.

138. A joint training course for human rights trainers from these colleges was organized in Antsirabe, in September 2012, with the support of OHCHR and UNDP. The course covered violence against women and children.

139. In addition, ad hoc training that takes into account the specific nature of the work of each law-enforcement professional has been provided in Antsirabe and Antananarivo.

140. In September 2012 in Antsirabe, military human rights trainers were provided with training that focused on their day-to-day professional concerns.

141. In Antananarivo, trainers from the training colleges for judges, the prison administration, the police, the gendarmerie and for lawyers were provided with training focusing on their professional duties.

142. In February 2012, with the support of the Office of the High Commissioner for Human Rights, the Ministry of Justice provided training in Taolagnaro for judges, police officers, gendarmes and military personnel on violence against women and children.

143. In 2013, with the support of the Office of the High Commissioner for Human Rights, two human rights training courses were provided for civil society actors from Anosy Taolagnaro region, together with training for trainers. The topics addressed were the international and national systems for the promotion and protection of human rights, women's rights, the protection of children, gender violence, inheritance rights and real-estate rights. Participants also received basic training in monitoring and reporting human rights violations.

144. The directorate of in-service training and research and the central police vice and juvenile protection squad have trained police officers and gendarmes on human rights, the protection of children and ways of combating domestic violence and sex tourism.

Table 9

**Training for prison warders**

<i>Topic</i>	<i>Date</i>	<i>Place</i>	<i>Number of participants</i>
Human rights	8 to 11 May 2012	Antanimora training centre	14
Combating conjugal violence	3 to 5 July 2012	Antanimora training centre	17
	10 to 12 July 2012	Antanimora training centre	17
Raising awareness of efforts to combat conjugal violence	16 to 26 July 2013	Antanimora training centre	302
	8 to 11 May 2012	Antanimora training centre	15
Sexual offences	22 to 26 April 2013	Antanimora training centre	25
Capacity-building to protect children and their rights	27 May to 1 June 2013	Antanimora training centre	25
Legislation on the protection of children	5 to 7 March 2013	Antanimora training centre	25

## V. Follow-up to the consideration of the previous report

- After consideration of the initial UPR report in 2010, measures were taken to implement the 65 recommendations that were accepted, on the understanding that their implementation was restricted on account of the crisis;

- Feedback on the conclusions of UPR and presentation of the plan to implement the recommendations that were accepted took place in the presence of representatives of the Government and of agencies of the United Nations system, during which partners that could potentially provide support were identified;
- The Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty was signed;
- The first steps were taken towards the adoption of an act to establish a national institution to protect human rights;
- The first steps were taken towards the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

## **W. Achievements, best practices, challenges and constraints**

### **Achievements**

- A return to the constitutional order thanks to the establishment of the institutions of the Fourth Republic following presidential and legislative elections;
- Investiture of the President of the Republic, appointment of the Prime Minister and of the members of the Government;
- Formation of the National Assembly;
- Adoption of the Act relating to the Independent National Human Rights Commission;
- Ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
- Establishment of the National Committee for the Protection of Children (CNPE);
- Reform of the act to combat trafficking.

### **Good practices**

- Adoption of the code of conduct in respect of efforts to combat the sexual exploitation of children;
- Synergy of action, thanks to the establishment of the National Committee for the Protection of Children, which is an interministerial committee comprising members of civil society;
- Partnership, thanks to the establishment of the national and regional platforms that involve civil society in efforts to combat gender-based violence;
- Harmonization and coordination of action thanks to the establishment of the Interministerial Committee for Youth comprising members of civil society;
- Adoption of a plan of action to incorporate questions relating to child labour into the educational sector's programmes and plans.

### **Constraints**

- Apart from cultural constraints and the lack of resources, the political crisis has considerably hampered the full implementation of the recommendations accepted by Madagascar.



## **X. Key national priorities, initiatives and commitments in order to overcome the challenges and improving the human rights situation in the field**

145. Notwithstanding the harmful impact of the crisis, Madagascar is committed to:

- Adopting legislation on alternative measures to imprisonment for the administration of justice for juveniles;
- Restoring security and social cohesion by strengthening the capacity of actors in the criminal justice system;
- Introducing and bringing into operation a permanent body to combat trafficking.

## **Y. Madagascar's expectations in respect of capacity-building and, if appropriate, requests for technical assistance**

146. In order to improve the situation of human rights as a whole, Madagascar requests support and the continuation of the technical assistance provided by its partners, and in particular UNDP, OHCHR, UNICEF, UNFPA, ILO, the European Union, USAID, SCAC, Switzerland and Norway.

## **Z. Collaboration with international organizations providing technical assistance to improve the protection of human rights**

147. Madagascar collaborates with the following organizations in order to improve the protection of human rights: UNDP, UNFPA, UNICEF, UNESCO, WHO, UNAIDS, UN-HABITAT, FAO, WFP, the European Union, SCAC, OIF, USAID, SADC and the Swiss Confederation.

### *Notes*

<sup>1</sup> Comité créé par arrêté interministériel No. 18600 du 30 octobre 2003 sur initiative des Ministères de la Justice et des Affaires Étrangères composé de représentants des ministères concernés avec inclusion des représentants des organisations de la société civile.

<sup>2</sup> Recommandations No. 9, 10 et 11.

<sup>3</sup> Source: ENSOMD 2012–2013.

<sup>4</sup> Recommandations No. 16 à 19: Mettre en place une Institution nationale indépendante de protection des droits de l'homme conforme aux Principes de Paris.

<sup>5</sup> Recommandations No. 44: Accroître les efforts de sensibilisation au problème de la traite de main d'œuvre et poursuivre les auteurs et complices.

<sup>6</sup> Recommandation No. 6: Déployer des efforts accrus en vue de s'acquitter des obligations qui lui incombent en vertu de la Convention sur l'élimination de toutes les formes de discrimination à l'égard des femmes et de la Convention relative aux droits de l'enfant, de protéger ses populations les plus vulnérables, notamment les femmes et les enfants, en particulier en période de crise.

<sup>7</sup> Recommandations No. 8, 21, 22, 38, 42, 43, 44, 45, 46 et 47.

<sup>8</sup> Recommandations No. 6 et 60: Continuer à lutter contre la pauvreté.

<sup>9</sup> La SNFI a été validée en décembre 2012 par les acteurs du secteur de la microfinance incluant le Ministère des Finances et du Budget, le Ministère de l'agriculture, les Partenaires Techniques et Financiers (Banque Mondiale, FIDA, AFD, UNCDF/PNUD, UE, ...) l'Association Professionnelle des institutions de Microfinance, l'Association Professionnelle des Banques, le Comité des Assurances de Madagascar, les Institutions de Microfinances, les Institutions Bancaires de Microfinance.

- <sup>10</sup> Sources: EDSMD IV 2008–2009, Ministère de la Santé Publique.
- <sup>11</sup> Source: Ministère de la Santé Publique.
- <sup>12</sup> Recommandation No. 59: Continuer à s’efforcer de promouvoir le droit à la santé en instaurant la gratuité des soins financée par le Fonds de capital investissement de Madagascar.
- <sup>13</sup> Recommandation No. 61 Poursuivre la réforme de l’enseignement de manière à pouvoir assurer à toutes les filles et à tous les garçons l’accès à l’enseignement primaire gratuit.
- <sup>14</sup> Source: Ministère de l’Éducation Nationale.
- <sup>15</sup> Mise en place de cantines scolaires dans les zones défavorisées: de 2005 à 2007, 75 000 enfants issus de 276 EPP des régions d’Anosy, d’Androy et d’Atsimo Andrefana ont bénéficié de 175 jours de cantines par an dans le cadre du projet CP 10340.0 initié en collaboration avec le PAM. En 2008–2009, un accord subsidiaire au projet a permis de toucher dans les mêmes régions, 106 880 enfants issus de 611 EPP, puis de 2010 à 2012, 215 000 enfants de 1 138 EPP. De 2007 à 2011, un autre projet de cantines scolaires financé par USAID et réalisé conjointement par le MEN et CARE International a permis de toucher dans la région Atsinanana, 26.997 enfants issus de 82 EPP.
- <sup>16</sup> Article 4 du Décret No. 2009-1147 du 1<sup>er</sup> septembre 2009: *«Tous les enfants présentant des déficiences bénéficient d’une éducation en milieu scolaire ordinaire. Aucun enfant ne se verra refuser sans motif légitime l’admission à une école primaire».*
- <sup>17</sup> ASMAE: Agir, Soutenir, Mobiliser pour l’Avenir des Enfants.
- <sup>18</sup> Recommandations No. 63: Assurer une formation aux magistrats et aux fonctionnaires ainsi qu’aux prestataires de services de santé afin qu’ils soient en mesure de prêter assistance aux victimes de violence.
- <sup>19</sup> Recommandation No. 65: Collaborer activement avec les organisations internationales qui dispensent une assistance technique en vue de renforcer la protection des droits de l’homme.
- <sup>20</sup> Recommandation No. 14 et 15: Adopter un texte de loi spécifique en faveur de l’égalité entre homme et femme, de même qu’une loi contre la violence au foyer et une stratégie globale visant à éliminer les pratiques culturelles et les stéréotypes discriminatoires à l’égard des femmes.
- <sup>21</sup> Article 6 alinéa 2: *«Tous les individus sont égaux en droit et jouissent des mêmes libertés fondamentales protégées par la Loi sans discrimination fondée sur le sexe, le degré d’instruction, la fortune, l’origine, la croyance religieuse ou l’opinion».*
- <sup>22</sup> Article 15 de la Loi No. 2007-023.
- <sup>23</sup> Recommandations No. 26 à 27 pratiques culturelles néfastes.
- <sup>24</sup> Recommandations No. 13, 36,38, 39 à 42 violences à l’égard des femmes et des filles, violences au foyer.
- <sup>25</sup> Violence et voie de fait, coups et blessures volontaire ou même meurtre articles 295, 302,309, 310, 311, 312,335.5, 332 et suivants du Code Pénal.
- <sup>26</sup> Articles 335.6, 335.7 du Code Pénal.
- <sup>27</sup> Recommandations No. 25: Continuer à adopter des textes législatifs destinés à éliminer les pratiques et les stéréotypes culturels discriminatoires à l’égard des femmes, et en particulier en matière de propriété foncière, de gestion des ressources et d’héritage, car toutes ces pratiques entravent l’accès des femmes aux ressources économiques et, partant, à l’autonomie.
- <sup>28</sup> DIANA, VatovavyFitovinany, AtsimoAtsinanana, Analamanga, Haute Matsiatra et Melaky.
- <sup>29</sup> Recommandations No. 20, 38, 40, 43, 44, 45, 46 et 47.
- <sup>30</sup> Recommandation 20: Mettre en place une institution chargée de superviser et d’évaluer l’application de la Convention relative aux droits de l’enfant, et en particulier mettre en œuvre un plan d’action visant à protéger les enfants des rues et à assurer leur réinsertion.
- <sup>31</sup> Ambohitsoratra.
- <sup>32</sup> Ambatomikajy, Ambohitsoratra.
- <sup>33</sup> Recommandations No. 1, 28, 29, 30, 31.
- <sup>34</sup> Recommandation No. 50.
- <sup>35</sup> Recommandations No. 34 et 35.
- <sup>36</sup> Ce projet consiste à la fourniture d’aliments complémentaires en sus de ce que l’Administration pénitentiaire offre aux personnes détenues.
- <sup>37</sup> Recommandation No. 33: Libérer les détenus politiques, mettre fin aux détentions arbitraires et prendre d’autres mesures pour que les personnes arrêtées ou détenues aient droit à un procès équitable conformément aux obligations qui incombent à Madagascar en vertu du Pacte international relatif aux droits civils et politiques.

<sup>38</sup> 6 Arrêtés interministériels:

- Arrêté interministériel No. 24 666 / 2004 du 27 décembre 2004 portant application de la carte d'invalidité pour les personnes handicapées;
- Arrêté interministériel No. 24 665 / 2004 du 27 décembre 2005 portant application des droits des personnes handicapées en matière de santé;
- Arrêté interministériel No. 23 144 / 2004 du 2 décembre 2004 portant application des droits des personnes handicapées dans le domaine éducatif;
- Arrêté interministériel No. 24 667 / 2004 du 27 décembre 2004 portant application des droits des personnes handicapées dans le domaine de l'emploi et du travail;
- Arrêté interministériel No. 23 145 / 2004 du 2 décembre 2004 portant application des droits des personnes handicapées aux formations professionnelle et professionnalisante;
- Arrêté interministériel No. 24 668 / 2004 du 27 décembre 2004 portant application des droits sociaux des personnes handicapées.

<sup>39</sup> Recommandations No. 51 à 57.

<sup>40</sup> Article 10 de la Constitution: «*Les libertés d'opinion et d'expression, de communication, de presse, d'association, de réunion, de circulation, de conscience et de religion sont garanties à tous et ne peuvent être limitées que par le respect des libertés et droits d'autrui, et par l'impératif de sauvegarde de l'ordre public, de la dignité nationale et de la sécurité de l'Etat.*»

<sup>41</sup> Protocole facultatif sur l'interdiction de l'implication d'enfants dans les conflits armés, Protocole facultatif sur l'interdiction de la vente d'enfants, de la prostitution des enfants et de la pornographie mettant en scène des enfants.

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