



Human Rights Council
Working Group on the Universal Periodic Review
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Compilation on Madagascar

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of information contained in reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with international human rights mechanisms and bodies^{1, 2}

2. The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families,³ the Committee on the Elimination of Discrimination against Women⁴ and the Human Rights Committee⁵ welcomed the ratification by Madagascar of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and of the Convention on the Rights of Persons with Disabilities, in 2015.

3. The Human Rights Committee recommended that Madagascar consider ratifying the Protocol relating to the Status of Refugees.⁶ The Committee on Migrant Workers recommended that Madagascar accede to the Convention on the Reduction of Statelessness.⁷

4. The Committee on the Rights of the Child recommended that Madagascar ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.⁸

5. The Office of the United Nations High Commissioner for Refugees (UNHCR) noted that Madagascar had acceded to the Convention relating to the Status of Stateless Persons in 1962, but had then denounced it four years later.⁹ UNHCR recommended that Madagascar accede to the Protocol relating to the Status of Refugees and that it seek the technical assistance of UNHCR in developing national asylum legislation and refugee status determination procedures consistent with relevant international standards.¹⁰ UNHCR



also recommended that Madagascar accede to the Convention relating to the Status of Stateless Persons and to the Convention on the Reduction of Statelessness.¹¹

III. National human rights framework¹²

6. The Human Rights Committee recommended that Madagascar establish an independent mechanism to investigate complaints of acts of torture or ill-treatment committed by members of the police or security forces.¹³

7. The Committee on the Elimination of Discrimination against Women welcomed the efforts of Madagascar to improve its institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, such as the adoption of a national action plan to combat human trafficking, in 2015,¹⁴ and the gender and elections strategy, covering the period 2015–2020, aimed at enhancing the representation and participation of women in decision-making.¹⁵

8. The Human Rights Committee welcomed Act No. 2014-035 of 9 January 2015 on the Abolition of the Death Penalty and Act No. 2014-040 of 20 January 2015 on Combating Trafficking in Persons.¹⁶ On 21 September 2017, Madagascar then ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.¹⁷

9. The United Nations country team stated that Madagascar had put significant effort into strengthening its national human rights protection and promotion system. Madagascar had established the Senate and municipal councils in 2015, following the elections of senators and mayors, the Independent National Human Rights Commission in 2016, the High Council for National Defence in 2017, and the High Court of Justice and the High Council for the Defence of Democracy and the Rule of Law in 2018.¹⁸

10. The Committee on the Elimination of Discrimination against Women recommended that Madagascar ensure that the Independent National Human Rights Commission had a strong mandate and sufficient resources to advance women's human rights and promote equality between women and men, and to bring cases before the courts.¹⁹ The Human Rights Committee encouraged Madagascar to ensure that the Independent National Human Rights Commission complied with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).²⁰

11. The Committee on Migrant Workers recommended that Madagascar take into account the provisions of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, without any reservations, in its national legal system, public policies and local government procedures, in accordance with the commitments made by Madagascar as part of the universal periodic review process.²¹

12. UNHCR stated that, in practice, there was no asylum system in Madagascar, and the Office for Refugees and Stateless Persons had never been established.²² UNHCR recommended that Madagascar establish the Office for Refugees and Stateless Persons, in accordance with decree No. 1962-001.²³

IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

1. Equality and non-discrimination²⁴

13. The United Nations country team stated that the fight against the stigmatization of persons living with HIV and of populations at risk remained a challenge.²⁵ The Human Rights Committee recommended that Madagascar adopt comprehensive legislation to combat racism and discrimination that included a definition of direct and indirect

discrimination, including on grounds of sexual orientation and gender identity; ensure that all victims of discrimination had access to effective remedies; and take necessary measures to combat and prevent stigmatization and discrimination aimed at persons living with HIV/AIDS and lesbian, gay, bisexual, transgender and intersex persons.²⁶

2. Development, the environment, and business and human rights²⁷

14. The Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment recommended that Madagascar should satisfy the recommendations of the Standing Committee and secretariat of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, including by strengthening the enforcement of its laws against illegal logging and trafficking.²⁸

15. The Special Rapporteur encouraged Madagascar to strengthen its environmental laws, including by closing regulatory gaps with respect to pesticides and herbicides; by improving the environmental assessment procedure; by facilitating citizens' access to courts to ensure that environmental laws were being enforced; and by continuing to work to address household pollution.²⁹

16. The Special Rapporteur urged Madagascar to respond quickly and effectively to threats against environmental defenders,³⁰ and to ensure that the revisions to the Mining Code met human rights standards and that the process of considering those revisions was transparent and open to public discussion.³¹

17. The United Nations country team noted that Madagascar was implementing different interventions related to health and the environment, including climate change and health, chemical products and health, the introduction of environmentally friendly initiatives for health-care management and, recently, air pollution prevention. The National Committee for Health and Environment had been revitalized to coordinate those interventions. Nonetheless, combating the illegal trafficking of protected species remained a huge challenge.³²

B. Civil and political rights

1. Right to life, liberty and security of person³³

18. The Human Rights Committee recommended that Madagascar amend Act No. 2008-008 as soon as possible to include penalties for ill-treatment, the non-applicability of statutory limitations to torture and the inadmissibility of confessions obtained under coercion or torture as evidence before the courts, and that it ensure that the provisions of Act No. 2008-008 were reflected in the Criminal Code and the Criminal Procedure Code.³⁴

19. The United Nations country team indicated that, during the period under review, many allegations of torture and of extrajudicial, summary and arbitrary executions perpetrated by defence and security forces as reprisals and revenge against rural communities had been reported and investigated by the Independent National Human Rights Commission and by journalists. Furthermore, extrajudicial, summary and arbitrary executions in the context of pacification missions in remote areas where *dahalo* (zebu raiders) operated were also very frequent and were increasing in those areas, as well as in urban areas.³⁵

20. The Human Rights Committee was concerned about the fact that police custody could be extended up to 12 days on the basis of criteria that were insufficiently defined by law. The Committee recommended that Madagascar review its legislation to ensure that decisions to extend police custody were made on the basis of clearly established criteria in line with the Committee's general comment No. 35 (2014) on liberty and security of person, and that it ensure that all persons in custody had access to a lawyer, including by expanding legal aid services.³⁶

21. The Human Rights Committee recommended that Madagascar redouble its efforts to improve the living conditions and treatment of detainees, including access to food and

medical care; continue to address the problem of prison overcrowding in keeping with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules); ensure that individuals did not remain in pretrial detention for longer than the statutory periods, and adopt an effective policy of imposing non-custodial sentences; and take the necessary steps to separate detainees by age and by custodial regime.³⁷

22. The Committee on Migrant Workers recommended that Madagascar ensure that, in exceptional cases where detention could not be avoided, migrant workers and members of their families were placed in special facilities, that they were held separately from ordinary prisoners and that their conditions of detention complied with the Nelson Mandela Rules, in accordance with the commitments made in 2014 as part of the universal periodic review process.³⁸

2. Administration of justice, including impunity, and the rule of law³⁹

23. The Human Rights Committee recommended that Madagascar ensure that the judiciary was independent from all political interference; continue its efforts to implement an accessible and effective justice system; allocate additional human and financial resources to the judicial system; ensure that *dina* courts considered only civil cases; and pursue its efforts to prevent the implementation of *dina* decisions that breached provisions of the International Covenant on Civil and Political Rights.⁴⁰

24. The Human Rights Committee recommended that Madagascar redouble its efforts to combat corruption and related impunity and that it continue its efforts to recruit and train new judges and police officers, based on the criteria of maximum transparency and professionalism.⁴¹ The Committee on the Rights of the Child made a similar recommendation.⁴²

25. The United Nations country team indicated that the Pôle Anti-Corruption (Anti-Corruption Unit) was operational in Antananarivo and was tasked with handling corruption files, including those concerning economic and financial offences. In the absence of access to justice and of confidence in the formal legal system, segments of the population resorted to traditional justice mechanisms (*dina*), and the high incidence of mob justice had remained unabated.⁴³

26. The Human Rights Committee recommended that Madagascar ensure that alleged cases of torture and ill-treatment committed by the police or security forces were thoroughly investigated and that the alleged perpetrators were prosecuted and, if found guilty, sentenced appropriately, and that it ensure that victims were properly compensated and offered rehabilitation services.⁴⁴ The Human Rights Committee also recommended that Madagascar speed up the process of national reconciliation, by, inter alia, investigating all allegations of acts of torture, enforced disappearances and summary and extrajudicial executions, ensuring that no serious human rights violations perpetrated in the past went unpunished.⁴⁵

27. The Human Rights Committee recommended that Madagascar take the necessary steps to ensure that pretrial detention was subject to reasonable time frames; take steps to identify cases of unlawful detention; and ensure that victims of wrongful pretrial detention were duly compensated.⁴⁶

28. The Committee on Migrant Workers recommended that Madagascar take the necessary measures to ensure that migrant workers and members of their families, including those in an irregular situation, had access to a legal remedy, particularly in the context of cross-border justice and in the event of an expulsion decision, and obtained effective redress in the courts in cases where their rights under the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families were violated.⁴⁷

3. Fundamental freedoms and the right to participate in public and political life⁴⁸

29. The Human Rights Committee recommended that Madagascar continue to implement measures to ensure better representation of women in public affairs, and that it raise the awareness of political parties of the need to achieve gender parity and to encourage women to stand for election to political posts.⁴⁹ The United Nations country

team noted that Madagascar had developed and implemented a national strategy relating to gender and elections in order to increase the participation of women in public and political life.⁵⁰

30. The Human Rights Committee recommended that Madagascar take steps to ensure that journalists, political opponents and human rights defenders were protected against threats and intimidation; that it investigate, prosecute and convict perpetrators of acts of harassment, threats and intimidation against journalists, political opponents and human rights defenders; and that it review its legislation on the press and media to bring it fully into line with article 19 of the International Covenant on Civil and Political Rights.⁵¹

31. The United Nations Educational, Scientific and Cultural Organization (UNESCO) encouraged Madagascar to decriminalize defamation and insult and place them within the Civil Code, in accordance with international standards, and recommended that the provisions on insult and the ensuing penalties be reformed to better align them with international standards on freedom of expression.⁵²

32. The Human Rights Committee recommended that Madagascar take steps to ensure that all individuals and political parties fully enjoyed the right to peaceful assembly and freedom of association in practice, and that it ensure that all restrictions on the exercise of those rights complied with the conditions laid down in the International Covenant on Civil and Political Rights.⁵³

4. Prohibition of all forms of slavery⁵⁴

33. The United Nations country team stated that Madagascar, with the support of partners, had developed and released its first National Action Plan on Trafficking in Persons in March 2015, and had set up the National Bureau to Combat Trafficking in Persons in June 2015.⁵⁵ The lack of technical and financial means to conduct prevention and awareness-raising activities made it difficult to reduce the prevalence of both internal and transnational trafficking in persons and to ensure that the victims were aware of their fundamental rights and requested the necessary assistance to meet their needs.⁵⁶

34. The Committee of Experts on the Application of Conventions and Recommendations of the International Labour Organization (ILO) encouraged Madagascar to pursue its efforts to prevent, suppress and punish trafficking in persons and requested it to provide information on the implementation of Act No. 2014-040 of 20 January 2015 on Combating Trafficking in Persons and on the National Plan to Combat Trafficking. The Committee also requested Madagascar to provide information on the activities of the National Bureau to Combat Human Trafficking and the results achieved.⁵⁷

35. The Committee on Migrant Workers recommended that Madagascar guarantee access for all victims of trafficking in persons to legal, psychological, medical and social assistance and to shelters and reparation, regardless of their capacity or willingness to testify.⁵⁸

36. The Human Rights Committee made similar requests and recommended that Madagascar ensure that suspected cases of trafficking in persons were thoroughly investigated.⁵⁹

5. Right to family life

37. The Committee on the Elimination of Discrimination against Women recommended that Madagascar ensure the equal rights of women and men in all matters relating to marriage and family relations, as well as to inheritance, divorce and custody of children, without further delay.⁶⁰

38. UNHCR recommended that Madagascar ensure that birth registration was universal, free, accessible, and made available immediately after the birth of a child, and that late birth registration procedures were available.⁶¹ The Human Rights Committee made a similar recommendation, recommending, *inter alia*, that Madagascar continue to run campaigns to raise awareness of birth registration among the general public and families.⁶² The Committee on the Rights of the Child made similar recommendations, advocating the strengthening of measures to ensure free and compulsory registration of all births on the

entirety of the territory of Madagascar.⁶³ The Committee on Migrant Workers made similar recommendations, recommending that Madagascar guarantee that all children of Malagasy migrant workers abroad and of migrant workers in Madagascar received identification documents, in accordance with target 16.9 of the Sustainable Development Goals and the commitments made as part of the universal periodic review process. The Committee also recommended that Madagascar simplify naturalization procedures for children born in the country to foreign or stateless parents or parents who did not have the right to transmit their nationality to their children abroad.⁶⁴

C. Economic, social and cultural rights

1. Right to work and to just and favourable conditions of work⁶⁵

39. The ILO Committee of Experts requested Madagascar to provide information on the number and outcome of cases of sexual harassment dealt with by labour inspectors and on court decisions issued in that regard. The Committee also requested Madagascar to provide detailed information on the measures taken or envisaged, particularly within the framework of awareness-raising and training activities, to prevent and eliminate sexual harassment in the workplace, specifying how employers were encouraged to explicitly prohibit and penalize that serious form of discrimination on the basis of sex.⁶⁶

40. The Committee on Migrant Workers recommended that, in line with target 8.8 of the Sustainable Development Goals, Madagascar strengthen its efforts to implement its legal framework and apply appropriate penalties to employers who exploited migrant workers, especially women domestic workers, or subjected them to forced labour and abuse.⁶⁷

2. Right to social security

41. The United Nations country team noted that a National Social Protection Policy had been developed and validated with an Implementation Strategy for the period 2019–2023. The social protection strategy prioritized targeted programmes for the most vulnerable groups and for persons in extreme poverty so as to ensure an acceptable level of consumption and to provide access to social services. The financing of the strategy remained a challenge.⁶⁸

3. Right to an adequate standard of living⁶⁹

42. The United Nations country team indicated that, in partnership with stakeholders in the sector, including the United Nations Children's Fund (UNICEF), Madagascar was developing a water, sanitation and hygiene sector plan, taking into account vulnerable groups and adopting a gender and equity approach, to be finalized by June 2019. The budget of the Ministry of Water, Sanitation and Hygiene had increased by 35 per cent compared with 2018. Construction of two pipelines in the south of the country was under way, to be completed by June 2019.⁷⁰

43. The country team added that, in December 2018, Madagascar had validated the revised version of the National Nutrition Policy. The general objective of the policy was to contribute to the improvement of the nutritional status of the Malagasy population, especially the most vulnerable.⁷¹

4. Right to health⁷²

44. The United Nations country team observed that Madagascar has been declared polio free in 2018, after years of efforts towards global polio eradication. Epidemic and health emergency response interventions had been made over recent years to rapidly reduce mortality and morbidity burdens related to major communicable diseases, such as plague, measles and malaria.⁷³

45. The country team noted that Madagascar had made significant efforts, including structural and operational reforms, to allow universal access to sexual and reproductive health care and rights. With the support of its partners, Madagascar had adopted a specific law on reproductive health and family planning in 2018.⁷⁴ As part of the intensification of

measures and actions to benefit vulnerable women and children by promoting their access to health care, the Family Planning Act had been passed in the National Assembly in 2018.⁷⁵ However, geographic and financial barriers preventing access to health facilities persisted. Therapeutic abortion was still prohibited and penalized, depriving women at risk of pregnancy-related death of the right to life.⁷⁶

46. The Committee on the Elimination of Discrimination against Women recommended that Madagascar reduce maternal mortality by improving access to basic prenatal and antenatal care and emergency obstetric care; increase the access of women and girls to basic health-care services, according priority to rural areas, and ensure sufficient resources to promote and protect women's health; adopt measures to prevent teenage pregnancy and increase the access of women and girls to sexual and reproductive health services, including in rural areas; and legalize abortion, at least in cases in which pregnancy was harmful to the mother's health and in instances of incest, rape and severe fetal impairment, and remove punitive measures for women who underwent abortion.⁷⁷

5. Right to education⁷⁸

47. UNESCO encouraged Madagascar to revise its legislation on education with clear provisions for the 12 years of free education, of which 9 years should be mandatory.⁷⁹

48. UNESCO also encouraged Madagascar to fully implement the relevant provisions that promoted access to and participation in cultural heritage and creative expressions and, as such, were conducive to implementing the right to take part in cultural life, as set out in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, Madagascar was encouraged to give due consideration to the participation of communities, practitioners, cultural actors and non-governmental organizations representing civil society, and to that of members of vulnerable groups (such as minorities, indigenous peoples, migrants, refugees, young people and people with disabilities), and to ensure that equal opportunities were given to women and girls in order to address gender disparities.⁸⁰

D. Rights of specific persons or groups

1. Women⁸¹

49. The Committee on the Elimination of Discrimination against Women recommended that Madagascar make use of the definition of discrimination against women, encompassing both direct and indirect discrimination in the public and private spheres; repeal all discriminatory provisions, including those contained in the laws on nationality, inheritance and marriage; speedily adopt the pending bills that would have an impact on the enjoyment of women's rights; and ensure the effective enforcement of existing legislation aimed at eliminating discrimination against women.⁸²

50. The Committee also recommended that Madagascar enhance women's awareness of their human rights and implement legal literacy programmes to empower women to claim their rights under the Convention on the Elimination of All Forms of Discrimination against Women, and that it remove obstacles faced by women who were victims of violence to gaining access to justice, including through an exemption from fees for medical certificates.⁸³

51. The Committee further recommended that Madagascar put in place a comprehensive national strategy to combat discriminatory stereotypes, such as the concept of "the head of the household" and the perpetuation of "the father's name and estate", and harmful practices, in particular child and/or forced marriage, the sale of wives, girl markets (*tsehan'ampela*), bride price (*moletry*) and polygamy.⁸⁴ The Human Rights Committee made similar recommendations.⁸⁵

52. The Committee on the Elimination of Discrimination against Women recommended that Madagascar adopt legislation to criminalize all acts of violence against women, specifically criminalizing domestic violence, including marital rape, child and/or forced marriage and all forms of sexual abuse, formulating a comprehensive strategy to ensure the

implementation of legislation, and that it ensure that women and girls who were victims of violence had access to effective redress, including compensation, and to protection, and that perpetrators were prosecuted and adequately punished.⁸⁶ The Human Rights Committee made similar recommendations.⁸⁷

53. The United Nations country team noted that Madagascar had adopted a national strategy to fight against gender-based violence with its national action plan in 2016, but that the implementation of the strategy was hampered by limited funding and coordination between sectors. Other measures included a gender-based violence platform at the national and subnational levels to coordinate the prevention of and response to gender-based violence; a national protocol for clinical management of sexual violence, with training for health service providers conducted in 2016, 2017 and 2018; and the adoption by the police and gendarmerie of service standards for addressing gender-based violence, with the inclusion of gender and human rights modules in their training curricula from 2018.⁸⁸

54. The ILO Committee of Experts requested Madagascar to provide information on the measures adopted or envisaged, in collaboration with employers' and workers' organizations, to address the occupational segregation of women in the labour market and to reduce the remuneration gap between men and women, particularly by enabling women to have access to a broader range of employment opportunities.⁸⁹ The Committee on the Elimination of Discrimination against Women recommended that Madagascar repeal all legislation discriminating against women's economic empowerment; adopt measures to ensure equal access for women and men to training opportunities, including income-generating opportunities, credit and loans and pension and social benefits schemes; and conduct capacity-building programmes to increase the number of women entrepreneurs.⁹⁰

55. The same Committee also recommended that Madagascar pay special attention to the situation of rural women, ensuring their participation in decision-making processes in the community and the family; take proactive measures to ensure that rural women had access to justice, health care, education and community services; and ensure the integration of a gender perspective and the empowerment of rural women into efforts to mitigate and adapt to climate change.⁹¹

2. Children⁹²

56. While welcoming the efforts made to improve the situation, the ILO Committee of Experts urged Madagascar to intensify its efforts to ensure the progressive elimination of child labour, and to take measures, as a matter of urgency, to raise the age of completion of compulsory schooling so that it coincided with the age of admission to employment or work in Madagascar.⁹³ The Committee also urged the Government to take the necessary measures to ensure that no children under 18 years of age could be engaged in work that was likely to harm their health, safety or morals. The Committee requested Madagascar to intensify its efforts to eliminate the worst forms of child labour, and particularly hazardous types of work, and to provide information on any progress made in that regard and the results achieved. Furthermore, the Committee requested Madagascar to intensify its efforts to ensure that street children were protected from the worst forms of child labour and were rehabilitated and integrated in society, and to provide information on the results achieved in that respect.⁹⁴ The United Nations country team noted that, despite the fact that Madagascar continued to intensify its action to tackle child labour, some challenges remained, including the limited role of labour administration in the monitoring of child labour and trafficking in persons and the limited action being taken at the regional level in the absence of technical and financial support from donors.⁹⁵

57. The Human Rights Committee welcomed the adoption of a law on the worst forms of child labour and of the National Action Plan against Child Labour but remained concerned about reports that children were engaged in domestic work, agricultural work, mining and quarrying and were subjected to commercial sexual exploitation.⁹⁶

58. The ILO Committee of Experts urged the Government to take immediate and effective measures to ensure that robust investigations and effective prosecutions were carried out with regard to persons suspected of procuring, using, offering and employing children for prostitution, and that sufficiently effective and dissuasive penalties were

imposed.⁹⁷ The Committee on the Rights of the Child made similar recommendations⁹⁸ and also recommended that Madagascar ensure the provision of adequate human, financial and technical resources and quality services to provide assistance to all child victims of exploitation and violence and to promote their physical and psychological recovery and reintegration.⁹⁹ The Committee urged Madagascar to take more concrete measures to prevent child sex tourism in the country and deal with the child sex tourism business with the utmost rigour.¹⁰⁰

59. The same Committee recommended that Madagascar collect comprehensive disaggregated data in order to identify children who had been recruited by or were involved in non-State armed groups called *dahalo* and who were eligible for demobilization, disarmament and reintegration.¹⁰¹ The Committee urged Madagascar to take all steps necessary to make appropriate assistance available to children who had been involved in armed conflict, to aid their physical and psychological recovery and their social reintegration.¹⁰²

60. The Human Rights Committee recommended that Madagascar take practical steps, including through legislative measures, to put an end to corporal punishment in all settings. The Committee also recommended that it encourage non-violent forms of discipline as alternatives to corporal punishment and that it conduct public information campaigns to raise awareness about its harmful effects.¹⁰³ The United Nations country team stated that a national study on violence against children had been published in 2018, and that the recommendations were being integrated into the National Child Protection Policy, which was under development through a multisectoral consultative process.¹⁰⁴ Child Protection Networks existed in several districts, with the aim of improving the prevention, reporting and management of cases of violence against and exploitation of children.¹⁰⁵

61. The United Nations country team noted that Madagascar had adopted Act No. 2016-018 on the measures and procedures applicable to children in conflict with the law, which favoured alternative measures to detention and provided for children in detention to be treated in accordance with international standards.¹⁰⁶ However, there were still some prisons where there was no separation between boys and men, and there was no separation between girls and women in detention anywhere. In all prisons where mothers were detained, their young children were accommodated with them. More than 70 per cent of children in prison were in pretrial detention, despite the 2016 law requiring shortened pretrial detention periods and the ongoing efforts to implement that law.¹⁰⁷

62. UNESCO noted that the law did not prohibit child marriage, nor did it prevent schools from expelling pregnant girls or opposing their reintegration after childbirth.¹⁰⁸ The Committee on the Elimination of Discrimination against Women recommended that Madagascar adopt all measures to combat child and forced marriage in a sustained manner while tackling the root causes.¹⁰⁹ The Committee on the Rights of the Child urged Madagascar to intensify its efforts to ensure that laws against child and forced marriages were duly implemented.¹¹⁰

63. The Committee on Migrant Workers recommended that Madagascar adopt a comprehensive strategy to promote and protect the rights of children and families of Malagasy workers, in particular through education, entrepreneurial, training and community welfare programmes, and further its cooperation to that effect with civil society actors on the ground.¹¹¹

3. Persons with disabilities¹¹²

64. The United Nations country team indicated that no initiative to harmonize national laws to achieve better compliance with and enforcement of the Convention on the Rights of Persons with Disabilities had yet been launched. Access to justice remained weak and challenging for persons with disabilities. Persons with disabilities were exposed to risks of natural disasters, while no initiative to include their specific needs in natural disaster policy responses had been undertaken so far. Data and statistics on persons with disabilities were not available.¹¹³

65. UNESCO encouraged Madagascar to ensure that legal and regulatory provisions guaranteed equal access to education for persons with disabilities and guaranteed their right to education.¹¹⁴

4. Migrants, refugees and asylum seekers¹¹⁵

66. The Committee on Migrant Workers recommended that Madagascar step up its efforts to finalize its comprehensive strategy for labour migration, and implement projects to protect the human rights of all Malagasy migrant workers and immigrants in Madagascar.¹¹⁶ In particular, the Committee recommended that Madagascar step up efforts to cooperate with countries of destination of Malagasy workers and members of their families in order to ensure the protection of their rights, even in the absence of a diplomatic or consular mission of Madagascar.¹¹⁷

67. The Committee on Migrant Workers¹¹⁸ and the Human Rights Committee¹¹⁹ recommended that Madagascar enhance the monitoring and inspection of recruitment agencies in order to ensure that appropriate working conditions were afforded to migrant workers.

68. The Committee on Migrant Workers recommended that Madagascar take appropriate measures to put in place procedures to regularize the situation of migrant workers in an irregular situation and ensure that they were informed of those procedures, and that it establish bilateral agreements to ensure that migrant workers were protected against abuse and exploitation.¹²⁰

69. UNHCR recommended that Madagascar consider providing work permits and access to gainful employment to beneficiaries of international protection without discrimination, in accordance with international human rights standards and commitments under the global compact on refugees.¹²¹ UNHCR also recommended that Madagascar consider the establishment of legal mechanisms to provide accessible and appropriate social protection and assistance to refugees and asylum seekers.¹²²

Notes

¹ Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for Madagascar will be available at www.ohchr.org/EN/HRBodies/UPR/Pages/MGIndex.aspx.

² For relevant recommendations, see A/HRC/28/13, paras. 108.1–108.38, 108.53, 108.56, 108.97, 108.118 and 109.1–109.2.

³ CMW/C/MDG/CO/1, para. 6 (a).

⁴ CEDAW/C/MDG/CO/6-7, para. 6.

⁵ CCPR/C/MDG/CO/4, para. 4.

⁶ *Ibid.*, para. 44.

⁷ CMW/C/MDG/CO/1, para. 40 (d).

⁸ CRC/C/OPAC/MDG/CO/1, para. 25, and CRC/C/OPSC/MDG/CO/1, para. 40.

⁹ UNHCR submission for the universal periodic review of Madagascar, p. 1.

¹⁰ *Ibid.*, p. 3.

¹¹ *Ibid.*, p. 5.

¹² For relevant recommendations, see A/HRC/28/13, paras. 108.39, 108.52, 108.55, 108.57 and 108.75.

¹³ CCPR/C/MDG/CO/4, para. 30.

¹⁴ See also CRC/C/OPSC/MDG/CO/1, para. 6 (a).

¹⁵ CEDAW/C/MDG/CO/6-7, para. 5.

¹⁶ CCPR/C/MDG/CO/4, para. 3 (c) and (d).

¹⁷ See https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-12&chapter=4&clang=_en.

¹⁸ United Nations country team submission for the universal periodic review of Madagascar, para. 9.

¹⁹ CEDAW/C/MDG/CO/6-7, para. 9 (d).

²⁰ CCPR/C/MDG/CO/4, para. 8.

²¹ CMW/C/MDG/CO/1, para. 8 (b), referring to A/HRC/28/13, para. 108.39.

²² UNHCR submission, pp. 1–2.

²³ *Ibid.*, p. 4.

²⁴ For relevant recommendations, see A/HRC/28/13, paras. 108.60 and 108.66.

- ²⁵ United Nations country team submission, para. 38.
- ²⁶ CCPR/C/MDG/CO/4, para. 16.
- ²⁷ For the relevant recommendation, see A/HRC/28/13, para. 108.139.
- ²⁸ A/HRC/34/49/Add.1, para. 82.
- ²⁹ *Ibid.*, para. 76.
- ³⁰ *Ibid.*, para. 84.
- ³¹ *Ibid.*, para. 80.
- ³² United Nations country team submission, para. 60.
- ³³ For relevant recommendations, see A/HRC/28/13, paras. 108.67, 108.72, 108.76, 108.85, 108.89, 108.91–108.92, 108.98, 108.103–108.105 and 108.112–108.113.
- ³⁴ CCPR/C/MDG/CO/4, para. 30.
- ³⁵ United Nations country team submission, para. 22.
- ³⁶ CCPR/C/MDG/CO/4, paras. 33–34.
- ³⁷ *Ibid.*, para. 38.
- ³⁸ CMW/C/MDG/CO/1, para. 36 (c), referring to A/HRC/28/13, para. 108.118.
- ³⁹ For relevant recommendations, see A/HRC/28/13, paras. 108.94, 108.114–108.117 and 109.4.
- ⁴⁰ CCPR/C/MDG/CO/4, para. 46.
- ⁴¹ *Ibid.*, para. 12.
- ⁴² CRC/C/OPSC/MDG/CO/1, para. 32 (a).
- ⁴³ United Nations country team submission, para. 29.
- ⁴⁴ CCPR/C/MDG/CO/4, para. 30.
- ⁴⁵ *Ibid.*, para. 14.
- ⁴⁶ *Ibid.*, para. 36.
- ⁴⁷ CMW/C/MDG/CO/1, para. 32 (a).
- ⁴⁸ For relevant recommendations, see A/HRC/28/13, paras. 108.119 and 109.5–109.9.
- ⁴⁹ CCPR/C/MDG/CO/4, para. 18.
- ⁵⁰ United Nations country team submission, para. 32.
- ⁵¹ CCPR/C/MDG/CO/4, para. 50.
- ⁵² UNESCO submission for the universal periodic review of Madagascar, para. 12.
- ⁵³ CCPR/C/MDG/CO/4, para. 52.
- ⁵⁴ For relevant recommendations, see A/HRC/28/13, paras. 108.68–108.69, 108.77, 108.80, 108.82, 108.99, 108.102 and 108.107.
- ⁵⁵ United Nations country team submission, para. 55.
- ⁵⁶ *Ibid.*, para. 57.
- ⁵⁷ See www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO:13100:P13100_COMMENT_ID:3963628:NO.
- ⁵⁸ CMW/C/MDG/CO/1, para. 54 (e).
- ⁵⁹ CCPR/C/MDG/CO/4, para. 40.
- ⁶⁰ CEDAW/C/MDG/CO/6-7, para. 47 (a).
- ⁶¹ UNHCR submission, p. 3.
- ⁶² CCPR/C/MDG/CO/4, para. 48.
- ⁶³ CRC/C/OPAC/MDG/CO/1, para. 15.
- ⁶⁴ CMW/C/MDG/CO/1, para. 40 (a)–(b), referring to A/HRC/28/13, para. 108.62.
- ⁶⁵ For the relevant recommendation, see A/HRC/28/13, para. 108.54.
- ⁶⁶ See www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO:13100:P13100_COMMENT_ID:3297522:NO.
- ⁶⁷ CMW/C/MDG/CO/1, para. 34 (b).
- ⁶⁸ United Nations country team submission, para. 35.
- ⁶⁹ For relevant recommendations, see A/HRC/28/13, paras. 108.54, 108.121–108.126 and 109.10–109.11.
- ⁷⁰ United Nations country team submission, para. 36.
- ⁷¹ *Ibid.*, para. 37.
- ⁷² For relevant recommendations, see A/HRC/28/13, paras. 109.3 and 109.12–109.13.
- ⁷³ United Nations country team submission, para. 41.
- ⁷⁴ *Ibid.*, para. 39.
- ⁷⁵ *Ibid.*, para. 43.
- ⁷⁶ *Ibid.*, para. 40.
- ⁷⁷ CEDAW/C/MDG/CO/6-7, para. 37 (a)–(d).
- ⁷⁸ For relevant recommendations, see A/HRC/28/13, paras. 108.127–108.138 and 109.16–109.18.
- ⁷⁹ UNESCO submission, para. 10 (1).
- ⁸⁰ *Ibid.*, para. 15.
- ⁸¹ For relevant recommendations, see A/HRC/28/13, paras. 108.58–108.59, 108.61, 108.65, 108.70–108.71, 108.74, 108.79, 108.81, 108.83–108.84, 108.87–108.88, 108.93, 108.95, 108.100–108.101,

- 108.106, 108.108, 108.110 and 108.120.
- ⁸² CEDAW/C/MDG/CO/6-7, para. 11 (a)–(d).
- ⁸³ *Ibid.*, para. 13 (b)–(c).
- ⁸⁴ *Ibid.*, para. 19 (a).
- ⁸⁵ CCPR/C/MDG/CO/4, para. 20.
- ⁸⁶ CEDAW/C/MDG/CO/6-7, para. 21 (a) and (c).
- ⁸⁷ CCPR/C/MDG/CO/4, para. 24.
- ⁸⁸ United Nations country team submission, para. 23.
- ⁸⁹ See www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO:13100:P13100_COMMENT_ID:3297508:NO.
- ⁹⁰ CEDAW/C/MDG/CO/6-7, para. 41 (a)–(c).
- ⁹¹ *Ibid.*, para. 43 (c)–(e).
- ⁹² For relevant recommendations, see A/HRC/28/13, paras. 108.62–108.64, 108.78, 108.86, 108.90, 108.109, 108.111 and 109.14–109.15.
- ⁹³ See www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO:13100:P13100_COMMENT_ID:3963348:NO.
- ⁹⁴ See www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO:13100:P13100_COMMENT_ID:3963485:NO.
- ⁹⁵ United Nations country team submission, para. 47.
- ⁹⁶ CCPR/C/MDG/CO/4, para. 41.
- ⁹⁷ See www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO:13100:P13100_COMMENT_ID:3963485:NO.
- ⁹⁸ CRC/C/OPSC/MDG/CO/1, paras. 30 (b) and 32 (b).
- ⁹⁹ *Ibid.*, para. 36.
- ¹⁰⁰ *Ibid.*, para. 28.
- ¹⁰¹ CRC/C/OPAC/MDG/CO/1, paras. 12–13.
- ¹⁰² *Ibid.*, para. 23 (b).
- ¹⁰³ CCPR/C/MDG/CO/4, para. 32.
- ¹⁰⁴ United Nations country team submission, para. 26.
- ¹⁰⁵ *Ibid.*, para. 25.
- ¹⁰⁶ *Ibid.*, para. 27.
- ¹⁰⁷ *Ibid.*, para. 28.
- ¹⁰⁸ UNESCO submission, para. 9.
- ¹⁰⁹ CEDAW/C/MDG/CO/6-7, para. 49 (a).
- ¹¹⁰ CRC/C/OPSC/MDG/CO/1, para. 26.
- ¹¹¹ CMW/C/MDG/CO/1, para. 48 (a).
- ¹¹² For relevant recommendations, see A/HRC/28/13, paras. 109.20–109.21.
- ¹¹³ United Nations country team submission, para. 52.
- ¹¹⁴ UNESCO submission, para. 10 (5).
- ¹¹⁵ For the relevant recommendation, see A/HRC/28/13, para. 108.39.
- ¹¹⁶ CMW/C/MDG/CO/1, para. 14.
- ¹¹⁷ *Ibid.*, para. 38 (a).
- ¹¹⁸ *Ibid.*, para. 52 (b).
- ¹¹⁹ CCPR/C/MDG/CO/4, para. 40.
- ¹²⁰ CMW/C/MDG/CO/1, para. 54 (a) and (c).
- ¹²¹ UNHCR submission, p. 5.
- ¹²² *Ibid.*
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