

Responses to Recommendations

MADAGASCAR

Review in the Working Group: 15 February 2010
 Adoption in the Plenary: 10 June 2010

Madagascar's responses to recommendations (as of 28.06.2010):

In the Report of the Working Group:	In the Addendum:	During the plenary:	Summary:
65 REC accepted; 2 rejected; 17 pending	The delegation commented the 17 pending REC without giving a clear position	No additional information provided	Accepted: 65 Rejected: 2 No clear position: 17 Pending: 0

List of recommendations contained in Section II of the Report of the Working Group A/HRC/14/13:

72. The recommendations formulated during the interactive dialogue have been examined by Madagascar, and the recommendations listed below enjoy its support:

A - 1. To ratify the International Convention for the Protection of All Persons from Enforced Disappearance and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (France) (Spain) (Argentina);

A - 2. To promptly ratify the Convention on the Rights of Persons with Disabilities and its Optional Protocol (Spain) (Argentina);

A - 3. To sign and ratify the International Convention on the Protection of the Rights of all Migrant Workers and Their Families (Argentina);

A - 4. To ratify the Optional Protocol to the Convention on the Elimination of all Forms of Discrimination against Women (Switzerland) (Spain);

A - 5. To take measures to put an end to racial discrimination and to make the required declaration that recognizes the competence of the Committee on the Elimination of All Forms of Racial Discrimination in order to receive and review communications (France);

A - 6. To strengthen efforts to fulfil its obligations under the Convention for the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child to protect its most vulnerable populations, including women and children, notably in times of crisis

(Australia);

A - 7. That the principles of governance set out in the Universal Declaration of Human Rights are applied, as they are key to the sustainable management of natural resources, such as protected rainforests, and essential to the realization of fundamental economic, social and cultural rights (Norway);

A - 8. To effectively implement the Palermo Protocol, as well as other laws on human trafficking (Germany);

A - 9. To take all the initiatives necessary to re-establish a legitimate political framework and guarantee the full enjoyment of fundamental human rights by the population (Italy);

A - 10. To restore a democratically elected Government in accordance with, inter alia, article 25 of the International Convention on Civil and Political Rights (Sweden);

A - 11. To immediately renew the dialogue with all parties to the conflict and take a position in support of a political solution that is inclusive and consensual, emphasizes the protection of human rights and would lead to the sustainable restoration of democracy and a return to constitutional order in the country (Canada);

A - 12. To bring civil law and customary law into conformity with the Convention on the Elimination of All Forms of Discrimination against Women, and to implement measures to put an end to polygamy (France);

A - 13. To revise the Criminal code to include, as criminal offences, all forms of sexual and psychological violence against women and girls, including marital rape (Slovenia);

A - 14. To adopt specific legislation in the area of equality between men and women, a law on the fight against domestic violence and a global strategy aimed at eliminating cultural practices and discriminatory stereotypes against women (France);

A - 15. To apply laws on improving the status of women in the country and their marital status (Kyrgyzstan);

A - 16. To continue to strengthen the legal system and the State mechanism to protect human rights (Lao People's Democratic Republic);

A - 17. To take, as soon as possible, the measures necessary to operationalize national human rights institutions, ensuring their independence and depoliticization, with the technical assistance of OHCHR (Canada);

A - 18. To establish a national human rights institution in accordance with the Paris Principles (Germany);

A - 19. To establish an independent national human rights institution in accordance with the Paris Principles (Norway);

A - 20. To establish an institution to supervise and evaluate the implementation of the Convention on the Rights of the Child, in particular to put in place a plan of action to protect and reintegrate street children (Mexico);

A - 21. To apply the Recommended Principles and Guidelines of OHCHR when addressing the issue of trafficking (Germany);

A - 22. To step up its efforts to combat the trafficking in persons and to formulate a national plan of action to prevent such trafficking (Belarus);

A - 23. To strengthen human and financial resources earmarked for the new services responsible for human rights within the Ministry of Justice (Hungary);

A - 24. To extend an open and standing invitation to all special procedures (Spain) (Argentina) (Latvia)

A - 25. To continue to adopt legislation that would eliminate practices and cultural stereotypes that discriminate against women, especially discriminatory practices in the areas of land ownership, assets management and inheritance, all of which restrict women's access to economic resources and, thus, to women's autonomy (Chile);

A - 26. To put in place effective measures to reduce inconsistencies between laws and practice, in order to tackle gender stereotyping and traditional attitudes that conflict with human rights (Norway);

A - 27. To put in place measures to combat persistent attitudes and stereotypes regarding the role and responsibilities of women in society (Mexico);

A - 28. To define torture in its domestic legislation and to make it a criminal offence with specific sanctions, in support of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (United States of America);

A - 29. To investigate all allegations of torture, and to adopt a definition of torture in keeping with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in order to, inter alia, make torture an autonomous offence with adequate sanctions (France);

A - 30. To adopt effective measures to prevent torture and other forms of ill treatment and to limit the period of time for which people can be held in police custody or pre-trial detention (Chile);

A - 31. That the country assess the possibility of harmonizing its domestic legislation with standards set out in international instruments, according particular attention to two questions: the status of prisoners and the need to define the offence of torture in the aforementioned legislation (Argentina);

A - 32. To immediately take measures to stop all searches, arrests, detentions, prosecutions and convictions that are arbitrary or inspired by political motives, and to formulate as soon as possible the reforms necessary to ensure the integrity of the administration of justice (Canada);

A - 33. To release political detainees, cease arbitrary detentions and take other measures to ensure that those arrested and detained are given the right to a fair trial, in keeping with Madagascar's obligations under the International Covenant on Civil and Political Rights (United Kingdom of Great Britain and Northern Ireland);

A - 34. To step up efforts to ensure substantial improvement in its penal institutions, specifically prohibiting forced labour, and also to establish detention centres for minors (Spain);

A - 35. To implement effective measures and allocate adequate resources to ensure respect for international standards in prisons, especially with regard to food, health care and the hygiene of detainees (Switzerland);

A - 36. To continue to make gradual progress towards cultural change regarding sexual abuse and gender-based violence, which include all sectors of society, and to adopt legislative measures that specifically prohibit all acts of sexual abuse, including sexual rape during marriage (Spain);

A - 37. To make all forms of violence against women and children criminal offences, and to provide victims of violence with effective mechanisms of redress and protection (Germany);

A - 38. To adopt, as a matter of priority, proper, comprehensive and effective measures to address all forms of violence against women and girls, including domestic violence, sexual violence and trafficking (Italy);

A - 39. To adopt effective measures to combat violence against women and girls, especially domestic and sexual violence, particularly through prevention and sanctioning and the protection and compensation of victims (Chile);

A - 40. To take effective measures to protect all girls and women from all forms of violence and ill treatment, to carry out investigations and to ensure those responsible are punished (Argentina);

- A - 41. To take the measures necessary to combat violence against women, including the criminalization of domestic violence and marital rape (Netherlands);
- A - 42. To establish counselling services and shelters for victims of violence (Netherlands);
- A - 43. To carry out awareness-raising campaigns to curb the trafficking in human beings and sex tourism (Germany);
- A - 44. To enforce its law on human trafficking; to institute a process enabling law enforcement officials to document human trafficking cases and refer victims for assistance; to increase efforts to raise public awareness about labour trafficking; and to prosecute public officials suspected of trafficking-related complicity (United States of America);
- A - 45. To implement a national programme devoted to eliminating the trafficking in women and girls and their involvement in acts of sexual exploitation while, at the same time, addressing the root causes of such crimes, and to include measures aimed at the social reintegration and rehabilitation of such individuals (Mexico);
- A - 46. To strengthen its efforts to combat the trafficking in and sexual exploitation of women and girls, especially in rural areas, by adopting a comprehensive action plan to address trafficking and sexual exploitation, and to ensure the allocation of human and financial resources for its implementation (Slovenia);
- A - 47. To enhance efforts to improve women's rights and to combat human trafficking, sexual violence, domestic violence and the exploitation of women and children (Norway);
- A - 48. To leave the investigation of criminal offences to the existing judicial system, in particular the police and the Prosecutor's Office (Netherlands);
- A - 49. To ensure for all the right to a fair trial (Netherlands);
- A - 50. To complete the process of judicial and penal reform (Norway);
- A - 51. To immediately lift restrictions on freedom of expression, association and peaceful assembly, and on the ability of journalists to report on and criticize Government policy freely, without fear of repression (Canada);
- A - 52. To take concrete steps to ensure that journalists are able to freely carry out their work and report on the political crisis, free from harassment and intimidation (United Kingdom of Great Britain and Northern Ireland);
- A - 53. To take immediate steps to ensure that the Malagasy population has the freedom to assemble and peacefully express their views (United Kingdom of Great Britain and Northern Ireland);
- A - 54. To ensure that no one is arrested for exercising his or her right to freedom of expression, association and peaceful assembly (Netherlands);
- A - 55. That no restrictions be put on the media, so that they may operate freely (Norway);
- A - 56. To reform the Communication Code (Norway);
- A - 57. To adopt appropriate measures to widely disseminate and ensure the full observance of the Declaration on Human Rights Defenders (Norway);
- A - 58. To effectively investigate and prosecute crimes and violations against human rights defenders and journalists, and to bring to justice those responsible (Norway);
- A - 59. To continue to endeavour to develop the right to health through the adoption of free care, provided through the Equity Funds in Madagascar (Syrian Arab Republic);
- A - 60. To continue to work to combat poverty (Kyrgyzstan);

A - 61. To continue the education reform in order to ensure free primary education for all girls and boys (Norway);

A - 62. To establish an effective and inclusive process to follow up on the UPR recommendations (Norway);

A - 63. To provide training for the judiciary and public officials, as well as health service providers to deal with victims of violence (Netherlands);

A - 64. To share experiences and good practices with other countries in the areas of development and the protection of human rights (Lao People's Democratic Republic);

A - 65. To work actively with international organizations that provide technical assistance to strengthen the protection of human rights (Kyrgyzstan).

73. The following recommendations will be examined by Madagascar, which will provide responses in due course. The responses made by Madagascar to those recommendations will be included in the outcome report to be adopted by the Human Rights Council at its fourteenth session:

NC - 1. To promptly ratify the Optional Protocol to the International Covenant on Economic, Social, and Cultural Rights (Spain) (Argentina);

NC - 2. To sign and ratify the Optional Protocol to the International Covenant on Civil and Political Rights (Argentina);

NC - 3. To sign and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (Spain) (Sweden) (Switzerland);

NC - 4. To restart the four-party "Maputo process" talks with the goal of establishing an inclusive transitional Government that would prepare the country for free and fair elections and a return to democratic and constitutional rule (United States of America);

NC - 5. That the Malagasy political movements agree on a transitional Government in keeping with the Maputo and Addis Ababa agreements and that the transitional Government returns the country to democracy through organizing inclusive, free, fair and transparent elections as soon as possible (United Kingdom of Great Britain and Northern Ireland);

NC - 6. To put in place the transitional institutions foreseen in the Maputo Agreement, and to hold credible elections leading to the restoration of democracy and the rule of law (Norway);

NC - 7. That the various parties fully commit themselves to overcoming current difficulties and find a definitive and lasting solution (Switzerland);

NC - 8. To consider adopting measures to counter discrimination against the descendants of slaves and the persistence of the caste system (Chile);

NC - 9. To adopt a de jure moratorium on the use of the death penalty with a view to its abolition (Italy);

NC - 10. To abolish the death penalty (Norway);

NC - 11. To introduce a de jure moratorium on the death penalty and to adopt a law abolishing that penalty (Sweden);

NC - 12. To legally abolish the death penalty (Spain);

NC - 13. To investigate allegations concerning the deaths of people arrested during the peaceful demonstration in February 2009 (Switzerland);

NC - 14. To establish a habeas corpus mechanism for preventing arbitrary detention (Spain);

NC - 15. To disband the bodies set up by the Haute Autorité de la Transition to carry out arrests, detentions and investigations of crimes (Netherlands);

NC - 16. To open an independent and impartial inquiry into the excessive use of force by security law enforcement forces before and after the unconstitutional transfer of power in March 2009, under the supervision of the United Nations and the African Union and with the support of international human rights organizations (Canada);

NC - 17. To immediately release all political prisoners (Norway).

74. The following recommendations did not enjoy the support of Madagascar:

R - 1. To open a credible and independent process for investigating the deaths and the events surrounding the March 2009 military coup, as called for by the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on freedom of opinion and expression (Australia);

R - 2. To appoint, by consensus among all political forces in the country, an independent mediator (ombudsman) (Spain).

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