

2RP: Responses to Recommendations & Voluntary Pledges

MADAGASCAR

Second Review Session 20

Review in the Working Group: 3 November 2014
Adoption in the Plenary: 19 March 2015

Madagascar's responses to recommendations (as of 22.06.2015):

In the Report of the Working Group:	In the Addendum:	During the plenary:	Summary:
139 recs accepted and 21 left pending	Out of the 21 recs pending, 20 recs were accepted and 1 was not accepted (-> noted)	No additional information provided	Accepted: 159 Noted: 1 Total:160

Paragraph headers are as in the Report of the Working Group, but the nature of responses to recommendations may have subsequently been changed.

List of recommendations contained in Section II of the Report of the Working Group A/HRC/28/13:

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

A - 108.1 Take the necessary steps to ratify the Convention on the Rights of Persons with Disabilities (CRPD), the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICRMW), the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (OP-CEDAW) and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OP-CAT) (Ghana);

A - 108.2 Consider timely ratification of the major international human rights instruments, including the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED) and the Convention on the Rights of Persons with Disabilities (CRPD) (Japan);



- A - 108.3 Ratify the Optional Protocol to CAT (Mali);
- A - 108.4 Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (ICCPR-OP 2) (Montenegro);
- A - 108.5 Ratify the Optional Protocol to CEDAW (Netherlands);
- A - 108.6 Ratify the Second Optional Protocol to the ICCPR as a matter of priority (Norway);
- A - 108.7 Ratify the Optional Protocol of 1999 to CEDAW (Norway);
- A - 108.8 Accelerate efforts to accede to the ICRMW, and provide the Council with an update on its implementation at the next UPR reporting cycle (Philippines);
- A - 108.9 Ratify the Second Optional Protocol to the ICCPR, aiming at the abolition of the death penalty (Portugal);
- A - 108.10 Ratify the Optional Protocol to CEDAW (Portugal);
- A - 108.11 Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (OP-ICESCR); the Optional Protocol to CAT; and the ICPPED (Portugal);
- A - 108.12 Consider ratifying the Convention on the Prevention and Punishment of the Crime of Genocide (Rwanda);
- A - 108.13 Ratify the Second Optional Protocol to the ICCPR, aiming at the abolition of the death penalty (Rwanda);
- A - 108.14 Ratify all the International Conventions it has signed, as well as the ICPPED and the Optional Protocol to CEDAW (Sierra Leone);
- A - 108.15 Ratify the CRPD and its Optional Protocol (South Africa);
- A - 108.16 Ratify the Optional Protocol to the ICESCR, and also accept the enquiry mechanism and communication between States (Spain);
- A - 108.17 Promptly ratify and implement the Optional Protocol to CAT (Switzerland);
- A - 108.18 Promptly ratify and implement the Optional Protocol to CEDAW (Switzerland);
- A - 108.19 Ratify the Optional Protocol to CAT (Togo);
- A - 108.20 Ratify the CRPD, the ICPPED and the Optional Protocol to CAT (Tunisia);
- A - 108.21 Ratify the Second Optional Protocol to the ICCPR with a view to abolishing the death penalty (Turkey);
- A - 108.22 Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights with a view to abolishing the death penalty (Uruguay);
- A - 108.23 Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment (Uruguay);



A - 108.24 Ratify without reservations the Agreement on Privileges and Immunities of the International Criminal Court (Uruguay);

A - 108.25 Ratify without reservations the International Convention for the Protection of All Persons from Enforced Disappearance (Uruguay);

A - 108.26 Ratify the Convention on the Rights of Persons with Disabilities and its Optional Protocol (Uruguay);

A - 108.27 Ratify the International Convention for the Protection of All Persons from Enforced Disappearance (Argentina);

A - 108.28 Ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, and adopt measures to eliminate discriminatory practices (Argentina);

A - 108.29 Accede to the Convention on the Prevention and Punishment of the Crime of Genocide (Armenia);

A - 108.30 Continue to promote and protect the rights of vulnerable groups, especially through the ratification of the Convention on the Rights of Persons with Disabilities (Brazil);

A - 108.31 Ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (Central African Republic);

A - 108.32 Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, to eliminate the death penalty in national legislation (Costa Rica);

A - 108.33 Ratify international instruments signed by Madagascar, particularly the International Convention for the Protection of All Persons from Enforced Disappearance; and transpose its provisions to national legislation (France);

A - 108.34 Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights with the view to abolishing the death penalty, signed in 2012; and also amend national criminal legislation on that basis as currently under discussion in the National Assembly (France);

A - 108.35 Consider ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights with the view to abolishing the death penalty, as signed in 2012 (Gabon);

A - 108.36 Consider ratification of the Convention on the Rights of Persons with Disabilities, signed in 2007 (Gabon);

A - 108.37 Ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and take effective legal and practical steps to combat gender-based violence, stereotypes and promote gender equality (Germany);

A - 108.38 Ratify the Optional Protocol to the Convention against Torture and ensure that all officials strictly observe the detention regulations defined by Malagasy law as well as the Standard Minimum Rules for the Treatment of Prisoners, in accordance with international human rights standards (Germany);

A - 108.39 Take appropriate measures to ensure that obligations under the ICRMW are incorporated into domestic laws (Indonesia);



- A - 108.40 Bring national legislation into line with the international instruments it has ratified (Senegal);
- A - 108.41 Work on the establishment of an institution concerned with the implementation of the Convention on the Rights of the Child (Libya);
- A - 108.42 Proceed with the accreditation of the NHRI with an A status in accordance with the Paris Principles (Portugal);
- A - 108.43 Continue its efforts to bring the NHRI in line with the Paris Principles (Venezuela (Bolivarian Republic of));
- A - 108.44 Give enough resources for the good operation of the National Commission on Human Rights (Belgium);
- A - 108.45 Pursue cooperation with UNDP to lay foundations for human rights and learn from experience (Kuwait);
- A - 108.46 Endeavour to implement the remaining recommendations of the previous and present UPR review (Mozambique);
- A - 108.47 Consider developing Human Rights Indicators as suggested by the OHCHR as an instrument that allows for a more precise and coherent evaluation of national human rights policies (Portugal);
- A - 108.48 Continue its efforts to empower women through its work with UNDP which will enable women to become financially independent and improve their managerial skills and productivity (Singapore);
- A - 108.49 Increase public awareness of human rights (Sudan);
- A - 108.50 Consider the elaboration of a national policy for the child, which encompasses health, culture and sports (Turkey);
- A - 108.51 Pursue social and economic development programmes to promote economic and social rights for the population (Viet Nam);
- A - 108.52 Give priority to implementing recommendations connected to economic, social and cultural rights, whose implementation was delayed because of the political crisis (Angola);
- A - 108.53 Continue to respect the terms of the SADC roadmap and that political leaders work together towards reconciliation (Australia);
- A - 108.54 Continue its efforts on reducing the unemployment rate, eliminating poverty and emphasizing the protection and promotion of people's economic, social and cultural rights (China);
- A - 108.55 Incorporate human rights into the curriculum (Djibouti);
- A - 108.56 Promote efforts aimed at implementing the Convention on the Rights of the Child (Egypt);
- A - 108.57 Intensify its cooperation with the treaty bodies (Niger);



A - 108.58 Take steps to eliminate traditional cultural practices that discriminate against women (Ghana);

A - 108.59 Make further progress with the domestic implementation of international conventions it has ratified and adopt stringent measures, including legislation and awareness-raising campaigns, with a view to eliminating traditional and cultural practices that discriminate against women and girls (Netherlands);

A - 108.60 Step up its efforts to ensure that legislation combating gender-based discrimination is effectively implemented and that effective measures are adopted to strengthen gender equality (Spain);

A - 108.61 Continue its efforts to adopt legislations to combat trafficking and protect women's rights in particular nationality and gender equality (Sudan)

A - 108.62 Step up efforts to improve the civil registration service so that all children will be registered at birth (Turkey);

A - 108.63 Reform its nationality law to ensure that all citizens have equal right to confer nationality to their children and the children born to citizen mothers are no longer at risk of statelessness (United States of America);

A - 108.64 Step up efforts to stop discrimination against twins (Angola);

A - 108.65 Take a policy in order to guarantee effective application of the law on real estate ownership and overcome the customs which make it impossible for women to inherit land (Belgium);

A - 108.66 Step up efforts directed at fighting discrimination based on gender, particularly in order to end discriminatory treatment affecting children born to a foreign father married to a Malagasy women (Brazil);

A - 108.67 Institute a framework for combating gender-based violence and punishing perpetrators (Ghana);

A - 108.68 Continue efforts to combat trafficking of women and children, including the establishment of a national plan of action to combat trafficking (Indonesia);

A - 108.69 Adopt a national plan of action to combat sexual and gender-based violence, criminalize marital rape as a matter of urgency and strengthen laws and their implementation on trafficking in persons (Ireland);

A - 108.70 Adopt further measures to prevent and contrast those practices — such as early and forced marriages, and molestry — which have a negative impact on the empowerment of women (Italy);

A - 108.71 Approve — as a matter of priority — a bill punishing marital rape as an offence, and develop a national policy that may include an operative plan and indicators, aimed at implementing the legislation on gender-related violence (Italy);

A - 108.72 Take into positive consideration the abolition of the death penalty, or at least the adoption of a de jure moratorium on executions (Italy);



- A - 108.73 Step up measures taken at the national level to effectively combat violence against women (Mali);
- A - 108.74 Establish public policies to raise awareness for the elimination of cultural practices that are contrary to the rights of women, including premarital contracts determined by a donation (Mexico);
- A - 108.75 Reinforce the National Committee for the Protection of the Child to enhance its ability to protect the rights of the child, especially street children (Mexico);
- A - 108.76 Consider the enactment of the moratorium on the death penalty under its domestic law (Namibia);
- A - 108.77 Make the implementation of anti-trafficking programmes, particularly the intensification of preventive measures and the protection of trafficking victims, a priority (Philippines);
- A - 108.78 Adopt the necessary measures to address the issues of sexual exploitation of children and traditional practices of violence against children such as the abandonment of twins, as a matter of priority, including at the level of accountability (Portugal);
- A - 108.79 Adopt a National Plan on the Security Council Resolution on Women, Peace and Security (1325) (Portugal);
- A - 108.80 Step up measures to combat trafficking in persons and sex tourism, including through rapid creation within the Government of a special body to deal with these issues (Russian Federation);
- A - 108.81 Adopt additional measures to eliminate violence against women and children and ensure gender equality in society (Russian Federation);
- A - 108.82 In collaboration with the international community, intensify efforts to combat trafficking of persons, particularly children (Rwanda);
- A - 108.83 Intensify efforts to ensure gender equality and eliminate sexual and gender-based violence, including through considering development of a National Action Plan and implementation of Security Council Resolution 1325 (Rwanda);
- A - 108.84 Step up measures and actions to benefit vulnerable women and children by encouraging their access to credit, health and education (Senegal);
- A - 108.85 Establish a moratorium on the death penalty, with a view to its elimination (Sierra Leone);
- A - 108.86 Advance policies for the participation of girls beyond the primary school level and promote strategies and actions to eliminate child early and forced marriage, including molestry (Sierra Leone);
- A - 108.87 Strengthen its efforts in making all forms of sexual violence against women and girls, including marital rape, criminal offences (Slovenia);
- A - 108.88 Combat violence against women and children, by implementing existing legislation and adopting comprehensive measures to address all forms of domestic violence (South Africa);
- A - 108.89 Establish a programme to effectively abolish the death penalty in its criminal law (Spain);



A - 108.90 Strengthen the legal framework to combat and eradicate the worst forms of child labour, through legislative measures and awareness-raising campaigns (Spain);

A - 108.91 Take the necessary measures in order to improve conditions of detention (Switzerland);

A - 108.92 Adopt a moratorium on the death penalty with a view to its abolition (Togo);

A - 108.93 Fight effectively gender-based violence and traditional practices which are discriminating against women (Togo);

A - 108.94 Strengthen efforts to tackle gender-based violence by introducing specific measures to encourage more reporting by the public; increased transparency; and increased investigations, prosecutions, convictions and sentences, to deter offenders (United Kingdom of Great Britain and Northern Ireland);

A - 108.95 Strengthen legislative measures and establish measures to combat discrimination and violence against women; bring to an end damaging cultural practices harmful to girls and to twins (Viet Nam);

A - 108.96 Pursue efforts to combat sexual exploitation of children (Algeria);

A - 108.97 Strengthen efforts to protect its most vulnerable populations, in accordance with obligations under the Convention on the Elimination of All Forms of Discrimination against Women and under the Convention on the Rights of the Child; and adopt specific legislation and programmes targeting gender-based violence, including marital rape (Australia);

A - 108.98 Establish a formal moratorium on the death penalty with a view to ratifying the Second Optional Protocol to the ICCPR (Australia);

A - 108.99 Strengthen existing legislation on sexual exploitation and human trafficking, and ensure its full implementation (Botswana);

A - 108.100 Take specific measures to eliminate child marriage, early marriage and forced marriage, which remain widespread in a number of communities. These measures require new constitutional and legislative protection as well as commitments in terms of education and health for girls, and the protection against violence, as well as child protection services which must take account of the gender dimension and economic empowerment of women (Canada);

A - 108.101 Step up legal protection to Malagasy women to protect against violence, including by making marital rape a criminal offence (Canada);

A - 108.102 Identify the root causes of trafficking in persons and sexual exploitation of children in order to provide appropriate solutions (Central African Republic);

A - 108.103 Strengthen measures to protect women and children against harmful cultural practices such as molestation and stigmatization of twins (Chad);

A - 108.104 Develop a national plan to combat gender violence and allow effective implementation of the national and international legal framework; that also involves training of persons employed in the justice system (Costa Rica);

A - 108.105 Continue and strengthen its fight against harmful traditional practices (Côte d'Ivoire);



A - 108.106 Review the customary practices which are extensive and contrary to the efforts made to improve the situation of women, particularly the tradition of pre-engagement with minor girls (Democratic Republic of the Congo);

A - 108.107 Seek to overcome obstacles that hinder the implementation of the act on trafficking, and expedite the current process of setting up a standing mechanism to combat trafficking (Egypt);

A - 108.108 Maintain efforts aimed at combating various forms of violence against women (Egypt);

A - 108.109 Further intensify efforts to combat harmful traditional practices affecting children (Ethiopia);

A - 108.110 Take concrete measures to eliminate discriminatory practices against women; and to combat domestic violence (France);

A - 108.111 Develop child protection policies particularly in terms of combating sexual exploitation and child labour (France);

A - 108.112 Review national legislation on the basis of current international standards in order to effectively criminalize acts of torture and cruel, inhuman and degrading treatment (France);

A - 108.113 Abolish the death penalty and in the meantime, introduce a moratorium on the death penalty as quickly as possible and sign and ratify the 2nd Optional Protocol to the ICCPR (Germany);

A - 108.114 Ensure that the new ten-year plan between the Ministry of Justice and the Anti-Corruption Office fully addresses corruption practices in all branches of the judiciary, civil service and armed forces (United Kingdom of Great Britain and Northern Ireland);

A - 108.115 Undertake a comprehensive reform of the judicial system, including the establishment of a credible system of accountability for security force abuses (United States of America);

A - 108.116 Follow through on recommendations articulated in the recent assessment of anti-corruption efforts undertaken by the Ministry of Justice and United Nations Development Programme, including ensuring the physical safety of anti-corruption officials and whistleblowers and encouraging civil society participation in the judicial reform process (United States of America);

A - 108.117 Continue efforts in the field of judicial and penitentiary reforms (Algeria);

A - 108.118 Ensure compliance with the Standard Minimum Rules for the Treatment of Prisoners and guarantee all detainees access to a fair and equitable trial within a reasonable time frame (Botswana);

A - 108.119 Conduct a human rights education campaign among the law enforcement officials, to ensure permanent democratic freedoms in political life and in the work of the security forces; not just during electoral periods (Democratic Republic of the Congo);

A - 108.120 Continue to increase the empowerment of women in the national institutions (South Sudan);

A - 108.121 Strengthen efforts on the implementation of its national poverty strategy (South Africa);

A - 108.122 Continue to intensify its efforts to combating poverty (United Republic of Tanzania);

A - 108.123 Pursue the fight against poverty and to take policies which favour vulnerable people, and pursue economic cooperation which the country needs (Venezuela (Bolivarian Republic of));

A - 108.124 Make efforts to reduce the poverty rate (Angola);

A - 108.125 Continue efforts to combat poverty (Cuba);

A - 108.126 Combat the precarious situation of labour and poverty (Djibouti);

A - 108.127 Redouble its efforts in providing free primary education for its citizens with a view to encouraging children who have been affected by the political crisis to attend primary school (Malaysia);

A - 108.128 Intensify its awareness and campaign programmes to encourage school enrolment of children who have been excluded from the education system (Malaysia);

A - 108.129 Continue adopting measures like the Temporary Plan for Education 2013–2015 guaranteeing education free of charges (Mexico);

A - 108.130 Continue to maintain efforts towards ensuring free primary education for all Madagascan children and promote the right of the girl child to education (Namibia);

A - 108.131 Continue work in order to ensure universal free primary education and broadened access to education and health care (Russian Federation);

A - 108.132 Continue working with UNICEF and other relevant partners to encourage school enrolment for children to maximize the potential of Madagascar's next generation (Singapore);

A - 108.133 Enhance its efforts to raise school attendance rates, especially among girls, and reduce the drop-out rate (Thailand);

A - 108.134 Take the necessary measures towards a primary education fully free of charge (Turkey);

A - 108.135 Ensure that primary education is entirely free, given the high number of children who do not attend school (Angola);

A - 108.136 Ensure the access to education, including to primary education, particularly for the most vulnerable children (Armenia);

A - 108.137 Promote broader access to education for all children (Côte d'Ivoire);

A - 108.138 Take all necessary measures to achieve the objective of free primary education (Cuba);

A - 108.139 Apply broadly the principles of governance set out in the Universal Declaration of Human Rights, as they are key to the sustainable management of natural resources, such as protection of rainforests, and essential to the realization of fundamental economic, social and cultural rights, as recommended previously (Norway).

109. The following recommendations will be examined by Madagascar which will provide responses in due time, but no later than the twenty-eighth session of the Human Rights Council in March 2015:

N - 109.1 Ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure (Montenegro);

A - 109.2 Ratify the international human rights legal instruments to which Madagascar is not a party (Niger);

A - 109.3 Further intensify efforts to ensure equitable access to health and education to all (Ethiopia);

A - 109.4 Take urgent measures as necessary to overcome prison overcrowding (Central African Republic);

A - 109.5 Decriminalize defamation, abolish insult laws and take all additional measures to ensure, in law and in practice, a safe and enabling environment for journalists (Ireland);

A - 109.6 Take concrete steps to protect and promote freedom of expression and press freedom as outlined in the road map for ending the crisis (Japan);

A - 109.7 Have a regular dialogue with human rights defenders on an equal footing with them (Switzerland);

A - 109.8 Step up its efforts in order to provide a safe environment for journalists, human rights defenders and other civil society actors (Tunisia);

A - 109.9 Remove the restrictions on the capacity of journalists to freely criticize the Government without fearing reprisals by updating the law on communication of 1990, and the Special Commission on Audio-Visual Communication (Canada);

A - 109.10 Take all the necessary measures, including material assistance and support programmes to families, to ensure that all persons, especially children, have an adequate standard of living, including access to clean drinking water and sanitation (Slovenia);

A - 109.11 Provide greater resources to ensure universal access to drinking water and sanitation, particularly in rural areas (Spain);

A - 109.12 Increase investments in its health system to ensure universal access to essential and affordable health services (Thailand);

A - 109.13 Progressively realize the right to health to the maximum of its available resources by ensuring the equal and non-discriminatory access of all persons, including women and children to quality and low-cost community health care and the respect of this right by everybody; including "traditional leaders" and other stakeholders (Germany);

A - 109.14 Raise the age of completion of compulsory schooling, with a view to properly address the issue of child labour, and ensure that primary education is free of charge for everyone (Italy);

A - 109.15 Step up social measures to deal with children who are not attending school and promote their rights (Mauritania);

A - 109.16 Take appropriate measures to ensure that primary education is totally free of charges (Mauritania);

A - 109.17 Implement the National Development Plan including the revised Sector Plan for Education that has budget allocations ensuring priority to free and qualitative education for all (Norway);



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A - 109.18 Continue reinforcing its efforts by supporting the most vulnerable and less privileged children to complete their studies (United Republic of Tanzania);

A - 109.19 Allocate sufficient budget to the educational system so that all children, particularly the most vulnerable, have access to education (Costa Rica);

A - 109.20 Address the marginalization suffered by persons with disabilities in society, especially children and girls as regards employment, education, and the basic right of access to public buildings (Ghana);

A - 109.21 Implement a national strategy on the rights of persons with disabilities (South Africa).

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