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Universal periodic review

## Report of the Working Group on the Universal Periodic Review\*

### Madagascar

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## Introduction

1. The Working Group on the Universal Periodic Review, established in accordance with Human Rights Council resolution 5/1, held its thirty-fourth session from 4 to 15 November 2019. The review of Madagascar was held at the eleventh meeting, on 11 November 2019. The delegation of Madagascar was headed by the Minister of Justice, Jacques Randrianasolo. At its 17th meeting, held on 14 November 2019, the Working Group adopted the report on Madagascar.
2. On 15 January 2019, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Madagascar: Austria, Eritrea and Nepal.
3. In accordance with paragraph 15 of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21, the following documents were issued for the review of Madagascar:
  - (a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/34/MDG/1);
  - (b) A compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/34/MDG/2);
  - (c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/34/MDG/3).
4. A list of questions prepared in advance by Germany, Liechtenstein, Portugal, on behalf of the Group of Friends on national mechanisms for implementation, reporting and follow-up, Slovenia, Spain and the United Kingdom of Great Britain and Northern Ireland was transmitted to Madagascar through the troika. These questions are available on the website of the universal periodic review.

## I. Summary of the proceedings of the review process

### A. Presentation by the State under review

5. The delegation of Madagascar noted that the national report had been prepared by an interministerial drafting committee through a participatory and consultative process involving State actors, civil society organizations and the Independent National Human Rights Commission. This process had benefited from the technical and financial support of the United Nations Development Programme, the Office of the United Nations High Commissioner for Human Rights and the International Organization of la Francophonie.
6. In terms of progress made, the Malagasy delegation cited the adoption and enactment of legislation related to the promotion and protection of human rights, as well as the establishment and operationalization of bodies such as the High Council for the Defence of Democracy and the Rule of Law, the High Court of Justice, the Independent National Human Rights Commission and the National Reconciliation Council.
7. In response to questions raised previously on the ratification of the amendments to the Rome Statute of the International Criminal Court on the crime of aggression (the Kampala amendments), the delegation of Madagascar stated that consultations on the possible ratification of additional instruments, including the Kampala amendments, were currently being conducted at the national level.
8. The Government had made it a priority to bring national legislation into line with the instruments already ratified by Madagascar, to disseminate the instruments and to provide training on their implementation to the relevant actors.
9. Combating human trafficking and the enslavement of migrant workers and eradicating child labour were some of the challenges to be overcome in order to achieve the Sustainable Development Goals by 2030. To that end, a number of measures had been

taken, including raising awareness about the importance of consular registration with the embassies of Madagascar; consular pre-registration with the Ministry for Foreign Affairs for migrant workers; the implementation of the Global Compact for Safe, Orderly and Regular Migration; and the development of capacity-building programmes for judges in anti-corruption units, air and border police personnel and the Central Department of Specialized Investigation.

10. The bill on combating gender-based violence, which provides for support for victims of marital rape, had been submitted to the authorities responsible for its adoption. The community women's brigade had been expanded, the texts had been made more accessible, a related module had been incorporated into the curriculum for trainee police officers, and a shelter for women victims of gender-based violence had been opened.

11. With regard to the national mechanism responsible for coordinating follow-up to the recommendations made under the universal periodic review, the Government of Madagascar had submitted its midterm report and the drafting committee was closely monitoring the progress made in respect of the recommendations.

12. With regard to respect for human rights by security forces, disciplinary and criminal sanctions were imposed on members of the security forces who had committed human rights violations. In 2019, the Secretary of State for the Gendarmerie had issued 132 authorizations to institute proceedings against gendarmes.

13. The Government of Madagascar had sought to optimize legal proceedings. It had established a one-stop service for processing cases at the Court of Cassation; held additional criminal court hearings; increased the number of sessions of the Criminal Court; and built or renovated a number of prisons.

14. A bill relating to the overhaul of the Media and Communications Code had been adopted by the Council of Ministers on 2 October 2019 and was scheduled for a vote by the National Assembly. Media owners and journalists had been involved in reviewing and amending the text, and consultations had been organized by province.

15. To regularize the situation of Malagasy migrant workers who were in an irregular situation abroad, the Government had connected migrant workers with the diplomatic and consular offices of Madagascar; conducted surveys and joint initiatives with diplomatic and consular offices; and negotiated a bilateral labour agreement between Mauritius and Madagascar, following consultations with stakeholders.

16. In 2018, nationwide studies and consultations had been undertaken to determine the advisability of ratifying the International Convention for the Protection of All Persons from Enforced Disappearance and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa.

17. A preliminary draft amendment to the law against torture had been submitted to the relevant authorities for adoption.

18. Awareness-raising campaigns on combating mob justice had been carried out since 2017, with a view to improving respect for human rights.

19. The Malagasy delegation reiterated the need for national and international actors to do their part to enable Madagascar to fulfil its human rights commitments.

## **B. Interactive dialogue and responses by the State under review**

20. During the interactive dialogue, 81 delegations made statements. Recommendations made during the dialogue are to be found in section II of the present report.

21. Myanmar commended Madagascar for its ratification of the Convention on the Rights of Persons with Disabilities in 2015 and for the introduction of several measures and reforms, including judiciary reform.

22. Namibia applauded the abolition of the death penalty and the subsequent accession to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, in 2017.
23. Nepal welcomed the strengthening of the Independent National Human Rights Commission, and commended Madagascar for its ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.
24. The Netherlands welcomed steps taken to combat violence against women.
25. Nigeria applauded the ratification of a number of international instruments, efforts to combat corruption and the policy on poverty alleviation.
26. Norway welcomed renewed efforts to respond to victims of gender-based violence and the drafting of relevant legislation.
27. Peru acknowledged the efforts made in the area of health and the environment, in particular environmentally friendly initiatives in the field of health-care management and air pollution prevention.
28. The Philippines lauded the ratification of several international human rights treaties, the adoption of legislation to combat trafficking in persons and the strengthening of the national human rights institution in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).
29. Portugal congratulated Madagascar for ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.
30. The Russian Federation noted with satisfaction the ratification of several international conventions and commended Madagascar for the organization of country visits by international experts.
31. Rwanda welcomed the ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, and the Convention on the Rights of Persons with Disabilities.
32. Senegal welcomed the efforts of Madagascar to improve its institutional and policy framework with a view to eliminating discrimination against women and promoting gender equality.
33. Serbia welcomed the establishment of the Independent National Human Rights Commission in 2014 as an independent national institution for the protection of human rights in conformity with the Paris Principles.
34. Seychelles welcomed legislation to reduce maternal mortality and the adoption of a national strategic plan on family planning and reproductive health and the National Strategy to Reduce Emissions from Deforestation and Degradation.
35. Slovenia welcomed the ratification of several international human rights instruments and noted with appreciation that combating gender-based violence and older persons were areas of the General State Policy.
36. Spain welcomed the abolition of the death penalty, the ratification of the Convention on the Rights of Persons with Disabilities and efforts to improve prison conditions and to promote the rights of women.
37. The Sudan welcomed the adoption of the national plan of action to implement the recommendations of the previous review, the cooperation of Madagascar with the mechanisms of the Human Rights Council and the ratification of a significant number of human rights instruments.
38. Switzerland congratulated Madagascar on the successful 2018–2019 electoral cycle, and commended it for the ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

39. Togo welcomed the strengthening of the normative and institutional framework for the promotion and protection of the rights of women, in particular the ratification of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol) and the development of a national policy on gender equality.
40. Tunisia welcomed the adoption of legislation, the ratification of a number of international conventions and efforts to combat corruption and discrimination against women and to protect the environment.
41. Turkey congratulated Madagascar on the peaceful 2018 and 2019 presidential and legislative elections, and commended it for measures to strengthen public security in line with international human rights standards and the strengthening of cooperation mechanisms with international organizations.
42. Uganda commended Madagascar for efforts to improve the human rights situation, particularly the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.
43. Ukraine welcomed the ratification of several international human rights instruments and noted efforts to reduce corruption, including the adoption and implementation of the National Anti-Corruption Strategy.
44. The United Kingdom of Great Britain and Northern Ireland welcomed the ratification of six International Labour Organization (ILO) conventions and the Protocol to the ILO Forced Labour Convention, 1930 (No. 29), and recognized progress to protect Malagasy migrant workers from exploitation and modern slavery.
45. The United Republic of Tanzania commended Madagascar for the adoption of laws on civil registration and on the recovery of illicit assets, for amending the law to combat corruption and for the National Anti-Corruption Strategy.
46. The United States of America appreciated the peaceful presidential election of 2019 and urged Madagascar to seize on its progress by implementing human rights reforms.
47. Uruguay supported efforts to overcome the high level of poverty and collaboration with international organizations in that regard, and recognized the progress that prohibition of the death penalty meant for the right to life and dignity.
48. The Bolivarian Republic of Venezuela welcomed the adoption of the land policy document and the national social protection strategy for 2019–2023 to promote access to development for the most vulnerable groups.
49. Viet Nam appreciated efforts to reduce poverty and inequality, and to ensure gender equality and access to quality education and health-care services, and commended Madagascar for measures to promote and protect the rights of persons with disabilities.
50. Zambia commended Madagascar on the reform of the prison administration system, in particular to address overcrowding, and the abolition of the death penalty.
51. Algeria welcomed the adoption of the law abolishing the death penalty and the law on terrorism and transnational organized crime. It encouraged Madagascar to take measures to improve prison conditions.
52. Angola commended Madagascar for being declared a polio-free country and welcomed the ratification of several international human rights treaties and the adoption of the Civil Registration Act.
53. Argentina commended Madagascar for extending a standing invitation to the special procedure mandate holders of the Human Rights Council, and welcomed its collaboration with the special procedures and the treaty bodies.
54. Armenia congratulated Madagascar on the ratification of treaties, commended it for efforts deployed to combat discrimination against women, including the National Strategy to Combat Gender-based Violence, and welcomed measures taken to improve the education system.

55. Australia welcomed the abolition of the death penalty, the holding of peaceful elections, the reduction of poverty and trafficking in persons, and the commitment to address corruption and improve governance and transparency.

56. Azerbaijan welcomed the fact that Madagascar had become a party to a number of core human rights instruments and ILO conventions, and noted the establishment of the High Council for the Defence of Democracy and the Rule of Law.

57. Bangladesh noted the good progress in increasing access to education for children, appreciated the National Strategy for Universal Health Coverage and welcomed the adoption of the National Strategy to Combat Child Marriage 2018–2024.

58. The delegation of Madagascar, while acknowledging that summary executions had been carried out by law enforcement officials, stated that these were isolated cases. It strongly condemned the violence against civilians and stated that the Government had imposed severe penalties for such violence. Where allegations had been substantiated, the perpetrators had been prosecuted and brought to justice. In total, 27 military officials had been remanded in custody. The delegation indicated that such acts were unacceptable and tarnished the country's image.

59. On the issue of excessive detention, steps had been taken to address prison overcrowding. A strategic intelligence unit had been established in 2019 to reverse the current ratio of convicted persons to defendants being held in prisons; a one-stop service had been set up to expedite the processing of cases; and four new prisons had been built to decongest the city centre, while the 42 existing prisons, which were run-down, were being renovated. The routine issuance of committal orders was no longer permitted; judges had to justify their decision to deprive people of their liberty. Consideration had been given to expediting the processing of applications for parole and to developing alternatives to detention.

60. The Government of Madagascar had made combating gender-based violence a priority. A related bill, which had been drafted in 2018 and since referred to the relevant authorities for adoption, provided for the establishment of several community women's brigades. A counselling centre for victims composed of lawyers, psychologists, police officers and health workers was to be launched by the end of November 2019. Awareness-raising campaigns had been carried out in high schools in several communities; a programme supporting entrepreneurship, including for women, had been established to enable women to acquire financial autonomy; and penalties for gender-based violence had been increased. A special criminal justice system had been established within Malagasy courts and tribunals specifically to combat gender-based violence.

61. With regard to the fight against poverty, a social emergency plan for the most vulnerable had been introduced, with improved access to health care and education as the main objectives. Social and economic housing units were to be built to help those most in need. The provision of quality education was one of the specific objectives of the Madagascar Emergence Plan 2019–2023. The Government therefore planned to build additional public primary schools so that 2,000 classrooms would be available by November 2020; 800 schools were under construction. The registration fee of 2 euros per child, the payment of which had been mandatory for parents of schoolchildren, had been abolished.

62. Penalties involving deprivation of liberty provided for in the Media and Communications Code had been abolished. Cybercrimes were now punishable by monetary penalties. Since the amendment of the Media and Communications Code, citizens had the opportunity to express their views on political speech.

63. The Malagasy Government continued its efforts to combat human trafficking by implementing the National Plan to Combat Human Trafficking, adopted in 2015. On the occasion of the World Day against Trafficking in Persons, the National Office to Combat Human Trafficking had organized two awareness-raising events: the first was intended for law students; the latter was designed to warn travellers and airport staff of the risks associated with trafficking. A specially designated telephone number for victims had also been set up. Access to justice for victims of trafficking was guaranteed under article 13 of

the Malagasy Constitution, and the anti-corruption units had become the special courts competent to judge international trafficking cases.

64. The Independent National Human Rights Commission had been accredited with category A status by the Global Alliance of National Human Rights Institutions. Established by law, the Commission had been allocated human and material resources and enjoyed autonomous management and an operating budget that ensured its independence. In 2019, provincial and national elections had been held, in collaboration with the Office of the United Nations High Commissioner for Human Rights and civil society organizations, to replace two members of the Commission who had passed away.

65. Botswana was pleased to note measures taken to address human trafficking, including the adoption of an action plan, and the reform of the prison administration system. It welcomed reforms of the judiciary to improve access to justice.

66. Brazil welcomed ratification of the Convention on the Rights of Persons with Disabilities and commended Madagascar for approval of the new Nationality Code, allowing Malagasy women to transmit their nationality to their children regardless of their marital status.

67. Burkina Faso welcomed the operationalization of the Independent National Human Rights Commission, beginning in 2016, and the strengthening of the legislative framework to combat gender-based violence and child marriage.

68. Burundi commended the efforts of Madagascar to improve the civil registration system. It welcomed the adoption of the General State Policy 2019–2024 aimed at combating poverty and the measures taken to improve the protection of the environment.

69. Canada welcomed the National Strategy to Combat Child Marriage and the National Strategy to Combat Gender-based Violence. It was concerned about the state of detention facilities and encouraged Madagascar to improve the infrastructure and reduce the health risks faced by detainees.

70. The Central African Republic welcomed the various reforms initiated by Madagascar, including equality between women and men with regard to the transmission of nationality to children.

71. Chile valued the decision of Madagascar to ratify several international instruments, including the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

72. China commended Madagascar for its efforts and achievements in the areas of social and economic development, poverty alleviation, health-care services, vocational skills training, the promotion of employment and the fight against trafficking and corruption.

73. The Congo commended Madagascar for its efforts to strengthen the legal and institutional framework, including the operationalization of the Independent National Human Rights Commission.

74. Costa Rica appreciated the ratification of several international instruments, as well as the establishment of the High Court of Justice and the High Council for the Defence of Democracy and the Rule of Law.

75. Côte d'Ivoire commended Madagascar for its ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Rights of Persons with Disabilities.

76. Croatia commended Madagascar for its ratification of the Optional Protocol to the Convention against Torture and the establishment of the National Committee to Combat Child Labour.

77. Cuba noted the updating of legislation in various spheres of political and social life, and the improvement of the mechanisms for the protection of children.

78. Denmark commended Madagascar for steps taken to ensure universal access to health services, including the adoption of the Reproductive Health and Family Planning Act in 2018.

79. Djibouti noted with satisfaction measures taken to strengthen the fight against poverty and to promote the rights to health, education and employment, notably the National Employment and Vocational Training Policy and the National Strategy for Social Protection 2019–2023.
80. Egypt commended Madagascar for its engagement and cooperation with the Human Rights Council and its mechanisms and the accession to several treaties. It applauded the strengthening of human rights legislation, the reform of the justice sector and efforts to combat corruption.
81. Ethiopia congratulated Madagascar on the ratification of international human rights instruments, the conduct of awareness-raising campaigns and community dialogues, and the establishment of the National Office to Combat Human Trafficking.
82. Fiji commended Madagascar for its law on the worst forms of child labour, the national action plan to eliminate child labour and its legislation and plans on environmental protection, and noted the absence of strategies addressing climate change.
83. France welcomed progress on human rights issues, notably with respect to freedom of expression, and in combating trafficking in persons, as well as the establishment of an Independent National Human Rights Commission.
84. Gabon noted the strengthening of the legal and institutional human rights framework, the gradual abandonment of harmful cultural practices, such as the stigmatization of twin children, and the implementation of the decent work country programme 2015–2019.
85. Georgia welcomed the adoption of a national action plan to combat human trafficking, the gender and elections strategy covering the period 2015–2020, and the National Strategy to Combat Child Marriage 2018–2024.
86. Germany welcomed the ratification of the Optional Protocol to the Convention against Torture and the establishment of the Independent National Human Rights Commission.
87. Ghana commended Madagascar for its ratification of the Convention on the Rights of Persons with Disabilities and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
88. Haiti recognized efforts to improve the human rights situation in the country, despite financial and historical constraints.
89. Iceland welcomed the steps outlined in the national report of Madagascar and looked forward to continued steps to improve the human rights situation in the country.
90. India welcomed legislative progress and reforms, including the law on combating money-laundering and the financing of terrorism, the law on human trafficking and child protection laws.
91. Indonesia commended Madagascar for progress in addressing inequality, poverty and unemployment, and applauded the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.
92. The Islamic Republic of Iran commended Madagascar for the development of a national strategy for universal health coverage and the ratification of the Convention on the Rights of Persons with Disabilities.
93. Iraq welcomed the adoption of legislation on the protection of the right to life and the right to personal security, and the promotion of a national system for human rights.
94. Ireland commended Madagascar for the adoption of legislation on the abolition of the death penalty and the accreditation of its national human rights institution with A status, and welcomed the adoption of a national strategy on gender-based violence.
95. Israel noted measures to raise public awareness about human rights, promote gender equality, reduce the prevalence of child marriage and to combat human trafficking, forced labour, gender-based violence and corruption in the public sector.

96. Italy welcomed the ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, and efforts to combat human trafficking.
97. Lebanon welcomed the bolstering of human rights legislation and the establishment of institutions such as the High Council for the Defence of Democracy and the Rule of Law and the Independent National Human Rights Commission.
98. Libya welcomed the ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, and efforts to conduct judicial reforms and improve training, education and workers' rights.
99. Luxembourg welcomed the ratification of the Convention on the Rights of Persons with Disabilities and the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.
100. Mali welcomed the ratification of the Optional Protocol to the Convention against Torture, and measures taken to strengthen actions to combat violence against women.
101. Mauritania welcomed the normative and institutional framework adopted by Madagascar, in particular its efforts to combat trafficking in persons.
102. Mauritius congratulated Madagascar for its actions on education and health, especially the National Strategy for Universal Health Coverage, whose budget had increased considerably over the past five years.
103. Mexico welcomed the adoption of law No. 2014-035 on the abolition of the death penalty and the ratification of the Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.
104. Montenegro noted with appreciation the ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, and commended Madagascar for its cooperation with the United Nations human rights bodies and mechanisms.
105. Morocco welcomed the attention paid to measures to ensure gender equality, including the new Nationality Code of 2017, giving Malagasy women the opportunity to pass on their nationality to their children regardless of their marital status.
106. Mozambique noted with appreciation the constitutional and other legal reviews, and welcomed the ratification of some human rights instruments, as well as the extension of standing invitations to human rights mechanisms.
107. Timor-Leste recognized important achievements aimed at improving the human rights situation, including the ratification of treaties, the adoption of a national action plan to combat trafficking in persons, gender and election strategies, and the law on the abolition of the death penalty.
108. The Niger welcomed the efforts to improve the human rights situation by means of legislative, regulatory, administrative and judicial measures, as well as national policies and programmes.
109. Combating corruption had become a priority for the Government of Madagascar because of its negative impact on the economy. In that connection, Act No. 2004-030 of 9 September 2004 on combating corruption had been enhanced and amended in 2016. Newly established anti-corruption units had devised a national anti-corruption strategy for the period 2015–2025. A software application launched in June 2019 allowed victims to submit anonymous complaints. The number of prosecutions and convictions of perpetrators of corruption and their accomplices. Eight judges had been sanctioned by the High Council of the Judiciary for corruption, and three had been dismissed. In October 2019, an order had been issued for the recovery of illicit assets.
110. Additional measures had been introduced in respect of the courts, such as the establishment of a one-stop shop for processing cases and information kiosks in courts, as well as the installation of security cameras. New security cameras had been installed in

prisons and the Office for the Coordination and Oversight of Courts and Prisons had been created to oversee the prison administration.

111. Under Malagasy law, the age of marriage was set at 18 years. However, early marriages were possible with parental consent, if approved by a court. To prevent early marriages from becoming widespread, awareness-raising campaigns and targeted training had been set up for the various actors of the justice system. A special register of complaints from child victims had been set up in courts of first instance, thereby enabling the traceability of cases referred to the courts. Public awareness-raising campaigns had also been conducted.

112. Amendments to the law on persons with disabilities had recently been proposed to bring it into line with the Convention on the Rights of Persons with Disabilities.

113. In 2015, the Government of Madagascar had submitted a bill on the ratification of the Protocol relating to the Status of Refugees for consideration by the National Assembly, but the bill had not been adopted. The population had remained rather reluctant to host refugees. The Government had worked in collaboration with the Office of the United Nations High Commissioner for Refugees and, in 2019, Madagascar had hosted 156 asylum seekers. The Directorate of Intelligence and Immigration and Emigration Control had processed the applications of refugees and stateless persons. Madagascar had not yet set up procedures for identifying stateless persons.

114. In 2017, a retroactive law had been enacted to amend and supplement certain provisions of the Malagasy Nationality Code. Furthermore, a draft national action plan had been drawn up and would be submitted for approval in the near future.

115. With regard to the voluntary termination of pregnancy, an inclusive national forum on the right to life had been held in December 2018. The forum had given women from different social classes the opportunity to discuss unwanted pregnancies and abortion. Subsequently, consultations had been held with the public at large with a view to ratifying the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa. Although a growing number of initiatives sought to legalize abortion, the public remained reluctant to do so.

116. In order to more effectively combat child labour, a draft decree had been drawn up to strengthen the authority of labour inspectors and to ensure the application of the penalties provided for in the Labour Code and the criminal sanctions provided for in Decree No. 2018-009 of 11 January 2018.

117. Women's political freedom and right to participate in public affairs were enshrined in the Constitution and further upheld in the laws on political parties and on the status of opposition parties. Madagascar currently had 6 women ministers, 29 women deputies, 13 women senators and 67 women mayors.

118. The Government had taken steps to ensure access to high-quality health services, with a view to achieving significant health gains and improving the quality of life and well-being of the people of Madagascar. Several measures had been considered, including the introduction of free health care for children under 5 years of age, persons over 65 years of age and pregnant women. To improve geographic access to health care, the budget for the health sector had been increased. Possible uses for the additional funds included the creation of mobile health units, supplied with the necessary equipment, in various districts and municipalities. The construction of new hospitals and the renovation of dilapidated facilities were also.

119. Steps had been taken to eliminate discrimination in all its forms. Discrimination was already punishable under the Constitution; therefore, before drafting a specific anti-discrimination law, the Government had opted for a targeted approach that involved proposing a law on gender-based discrimination for adoption by the competent institutions; effectively applying the legal provisions already in place; training law enforcement officials; raising public awareness; and widely disseminating all the necessary tools.

120. In conclusion, the Malagasy delegation stressed that the Government had given due weight to the comments received during the dialogue. It had fulfilled most of its previous

commitments thanks to the support of its various partners but remained aware of the work that still needed to be done.

## **II. Conclusions and/or recommendations**

121. The recommendations formulated during the interactive dialogue/listed below have been examined by Madagascar and enjoy the support of Madagascar:

121.1 **Adopt an open, merit-based process when selecting national candidates for United Nations treaty body elections (United Kingdom of Great Britain and Northern Ireland);**

121.2 **Ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (Uruguay);**

121.3 **Ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (Croatia);**

121.4 **Intensify efforts to implement the recommendations stemming from the universal periodic review mechanism and commitments undertaken in the framework of other mechanisms (Mauritania);**

121.5 **Provide sufficient resources to the Independent National Human Rights Commission, in particular with regard to the promotion of women's rights and the promotion of equality between women and men (Serbia);**

121.6 **Guarantee the functioning of the Independent National Human Rights Commission in line with the Paris Principles and maintain institutional and financial support for the High Council for the Defence of Democracy and the Rule of Law (Spain);**

121.7 **Develop a capacity-building plan for public officials in the area of human rights (Sudan);**

121.8 **Ensure that the Independent National Human Rights Commission has sufficient resources to carry out its legal mandate (Costa Rica);**

121.9 **Continue to mobilize resources and seek necessary international support to enhance its capacity for the promotion and protection of human rights (Nigeria);**

121.10 **Continue strengthening the mandate of the Independent National Human Rights Commission in order to reach compliance with the Paris Principles (Georgia);**

121.11 **Strengthen the role and work of the Independent National Human Rights Commission in the monitoring of human rights, including collaboration with other States (Indonesia);**

121.12 **Encourage the Independent National Human Rights Commission to comply with the Paris Principles (Iraq);**

121.13 **Continue to further strengthen the role of the Independent National Human Rights Commission (Morocco);**

121.14 **Adopt comprehensive legislation, coupled with the relevant policies and programmes, to combat all forms of racial discrimination (Uganda);**

121.15 **Continue consolidating its excellent policies for the protection of elderly persons against all forms of marginalization and stigmatization (Bolivarian Republic of Venezuela);**

121.16 **Continue to take positive measures to protect the rights of vulnerable groups (China);**

121.17 **Strengthen policies and the legislative framework to fight against the stigmatization of persons living with HIV and populations at risk (India);**

- 121.18 **Combat racism and racial discrimination, including by raising awareness in order to prevent stigmatization of people living with HIV (Iraq);**
- 121.19 **Strengthen efforts to prevent and combat all forms of discrimination and violence against women, in particular by implementing the national strategy to combat gender-based violence (Italy);**
- 121.20 **Adopt legislation to prevent and eliminate racism and discrimination, and create the necessary mechanisms so that victims can access effective legal remedies and reparations (Mexico);**
- 121.21 **Strengthen national legislation on environmental protection (Serbia);**
- 121.22 **Promote the sustainable exploitation of its natural resources, in line with Sustainable Development Goals 14 and 15, especially through the sustainable management of its forests (Switzerland);**
- 121.23 **Ensure that women, children and persons with disabilities are meaningfully engaged in the development of legislation, policies and programmes on climate change and disaster risk reduction (Fiji);**
- 121.24 **Draft specific and relevant policies and programmes, with specific timelines, to ensure that mining activities contribute to the sustainable, social and economic development of the communities in which mining companies operate (Haiti);**
- 121.25 **Guarantee that bilateral fisheries agreements contain measures to protect the marine ecosystem and small fishing communities in Madagascar (Haiti);**
- 121.26 **Investigate, prosecute and punish abusive use of force and acts of torture and ill-treatment by the police and security forces (Spain);**
- 121.27 **Accelerate the review process of Law No. 2008-008 against torture, with a view to bringing it into conformity with the provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and especially ensure the inclusion of sanctions proportionate to the gravity of acts of torture and provide for the removal of the statute of limitations for acts of torture (Togo);**
- 121.28 **Take all necessary legislative and administrative measures to investigate and punish the perpetrators of acts of torture and cruel, inhuman and degrading treatment, in particular in detention centres, and especially investigate reports of summary executions allegedly involving State security forces (Uruguay);**
- 121.29 **Thoroughly investigate alleged cases of torture and ill-treatment committed by the police or security forces and prosecute the perpetrators (Zambia);**
- 121.30 **Continue efforts to minimize prison overcrowding in line with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) (Angola);**
- 121.31 **Expedite alignment of the anti-torture Act No. 2008-008 with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, incorporate it into national criminal codes and prosecute perpetrators of unlawful detention, torture and killings (Australia);**
- 121.32 **Intensify efforts to address acts of torture and ill-treatment by security forces, including by conducting independent investigations into all allegations of abuses, and ensure the prosecution of perpetrators (Botswana);**
- 121.33 **Increase efforts to reduce prison overcrowding and improve living conditions in penitentiaries (Burundi);**

- 121.34 Accelerate the process of revision of the law prohibiting torture to harmonize it with the provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Chile);
- 121.35 Redouble efforts to improve the living conditions and treatment of prisoners, including nutrition and medical care (Côte d'Ivoire);
- 121.36 Improve the conditions of detention by combating the excessive use of pretrial detention to avoid overcrowding, in accordance with international standards (Croatia);
- 121.37 Bring its prisons and detention conditions into line with the United Nations Standard Minimum Rules for the Treatment of Prisoners (Denmark);
- 121.38 Accelerate the revision process of Act No. 2008-008, to ensure that the criminalization of torture and cruel, inhuman and degrading treatment is in line with international standards (France);
- 121.39 Reform the penitentiary system to ensure better conditions of detention, especially for children, and to avoid long-term preventive detention, and ban extrajudicial executions (France);
- 121.40 Take effective measures to prevent arbitrary killings by police forces and to bring those found guilty of such actions to justice (Germany);
- 121.41 Strengthen efforts to prevent the use of torture, especially in law enforcement (Indonesia);
- 121.42 Investigate allegations of torture and prosecute the perpetrators (Iraq);
- 121.43 Adopt measures to tackle the phenomenon of extrajudicial executions and ensure that perpetrators are brought to justice (Italy);
- 121.44 Strengthen efforts to improve conditions in the penitentiary system, by addressing the problem of prison overcrowding, and amend the Code of Criminal Procedure with the aim of reducing the duration of pretrial detention (Italy);
- 121.45 Continue efforts to combat torture, both in law and in practice, and launch awareness and training programmes for police and security agencies (Lebanon);
- 121.46 Review the applicable national legislation to guarantee the inclusion of sanctions against ill-treatment, the removal of the statute of limitations on acts of torture and the inadmissibility as evidence before the courts of confessions obtained under duress or torture (Mexico);
- 121.47 Rehabilitate detention centres and streamline judicial proceedings, in particular with regard to the enforcement of court decisions (Senegal);
- 121.48 Guarantee the independence of the judiciary, continue efforts to establish an accessible and efficient system of justice, provided with resources, and limit the competence of traditional justice mechanisms ("dina" courts), ensuring the conformity of decisions with international human rights standards (Spain);
- 121.49 Limit the use of pretrial detention, by establishing reasonable terms and applying alternatives to pretrial detention (Spain);
- 121.50 Limit the length of pretrial detention, in law and in practice, in conformity with international standards (Switzerland);
- 121.51 Integrate measures to identify and combat abusive pretrial detention into national action plans on prison reform (United Kingdom of Great Britain and Northern Ireland);

- 121.52 **Immediately end the pervasive practice of lengthy pretrial detention and intensify efforts to provide appropriate nutritional and medical care for those detained (United States of America);**
- 121.53 **Ensure independent and impartial inquiries are conducted into corruption cases, including in natural resource management, in line with the National Anti-Corruption Strategy 2015–2025, and that those found guilty face sanctions in accordance with the law (Australia);**
- 121.54 **Ensure accountability for cases of excessive use of force by security forces by effectively investigating all allegations, and bring suspected perpetrators to justice in fair trials that meet international standards (Netherlands);**
- 121.55 **Strengthen efforts to fight against corruption (Central African Republic);**
- 121.56 **Work towards the full implementation of the 10-year National Anti-Corruption Strategy 2015–2025 (Israel);**
- 121.57 **Continue efforts to guarantee the independence and effectiveness of the judiciary (Peru);**
- 121.58 **Continue measures for engaging in dialogue with civil society organizations (Azerbaijan);**
- 121.59 **Take measures to ensure that all individuals and political parties can fully enjoy the rights to peaceful assembly and freedom of association, and ensure that any restrictions on the exercise of these rights are in accordance with the conditions set forth in the International Covenant on Civil and Political Rights (Luxembourg);**
- 121.60 **Allocate sufficient funds and resources to effectively implement the national action plan on trafficking in persons and ensure the effective functioning of the National Office to Combat Human Trafficking (Seychelles);**
- 121.61 **Guarantee access for all victims of trafficking in persons to legal, psychological, medical and social assistance and to shelters and reparation, regardless of their status (Uganda);**
- 121.62 **Strengthen existing legislation to ensure that all forms of modern slavery and human trafficking are criminalized in line with international conventions and standards, including the sexual exploitation of children (United Kingdom of Great Britain and Northern Ireland);**
- 121.63 **Redouble efforts to combat human trafficking (Congo);**
- 121.64 **Extend beyond 2019 the national action plan on trafficking in persons, and continue strengthening the actions of prevention, confrontation and prosecution of those responsible, as well as protection for the victims of this crime (Cuba);**
- 121.65 **Continue efforts to combat human trafficking (Egypt);**
- 121.66 **Implement the national plan to combat human trafficking and enforce legislation to strengthen the protection of migrant workers and prevent situations of slavery and trafficking faced by female migrant workers (Germany);**
- 121.67 **Further develop international outreach in the context of the fight against human trafficking and forced labour (Israel);**
- 121.68 **Continue efforts to combat human trafficking and consider renewing the implementation of the national plan to combat human trafficking 2015–2019 (Lebanon);**
- 121.69 **Continue efforts in training and capacity-building programmes for duty bearers on anti-human trafficking (Philippines);**

- 121.70 Finalize the drafting of the second generation of the decent work country programme, as well as its implementation (Gabon);
- 121.71 Provide for the implementation of the National Strategy for Social Protection 2019–2023 (Russian Federation);
- 121.72 Provide adequate financial resources for the effective implementation of the National Social Protection Policy (Namibia);
- 121.73 Consider seeking financial and capacity-building assistance to eradicate poverty (United Republic of Tanzania);
- 121.74 Continue developing the 13 strategic axes of the General State Policy within the framework of the fight against poverty (Bolivarian Republic of Venezuela);
- 121.75 Take further measures to sustain and reinforce food security (Viet Nam);
- 121.76 Continue to implement poverty reduction policies with a focus on reducing income inequality (Viet Nam);
- 121.77 Ensure access to safe drinking water and adequate sanitation for its population, particularly for the rural community, women and disabled persons (Bangladesh);
- 121.78 Continue to promote sustainable economic and social development, advance poverty alleviation and improve people’s living standards (China);
- 121.79 Do not relent in its poverty alleviation efforts, with a view to improving the general well-being of its people (Nigeria);
- 121.80 Strengthen the water, sanitation and hygiene sector plan, taking into account vulnerable groups, and adopting a gender and equity approach (India);
- 121.81 Enhance bilateral and trilateral cooperation in improving access to food, water, health care and education (Indonesia);
- 121.82 Eliminate poverty by the exercise of the right to development, including through sustained economic growth, investment, and creating new job opportunity (Islamic Republic of Iran);
- 121.83 Intensify its efforts to improve access to drinking water and sanitation (Islamic Republic of Iran);
- 121.84 Further enhance activities aimed at giving effect to the right of access to health (Azerbaijan);
- 121.85 Continue strengthening the implementation of the National Strategy for Universal Health Coverage adopted in 2015, in order to guarantee quality health-care services to the entire population, regardless of their economic or social situation (Cuba);
- 121.86 Continue its efforts to fight malaria and other related infectious diseases (Islamic Republic of Iran);
- 121.87 Support strategies aimed at developing the health sector and providing health care for all (Libya);
- 121.88 Increase the annual budget allocations for the education sector in order to guarantee free education in primary and secondary schools for all of Madagascar’s children and take action to decrease the early school dropout rate (United Republic of Tanzania);
- 121.89 Make efforts to fully implement the principle enshrined in the Constitution regarding free primary education for all children in the country (Uruguay);

- 121.90 Take new measures to provide for inclusive, quality education (Armenia);
- 121.91 Accelerate efforts to reach the objectives on inclusive education in the national sector plan, especially with regard to children with disabilities and children in geographically isolated areas (Norway);
- 121.92 Continue efforts to achieve equal access to education for all (Libya);
- 121.93 Redouble efforts regarding access to education for children in rural areas, as well as access to adequate health services for vulnerable sections of the population, in particular women, children, older people and persons with disabilities (Mauritius);
- 121.94 Strengthen measures to encourage women's participation in public affairs and representation in decision-making levels (Myanmar);
- 121.95 Step up efforts to implement the national strategy to fight against gender-based violence (Myanmar);
- 121.96 Continue measures to ensure woman and girl victims of violence have access to justice and provide adequate protection (Myanmar);
- 121.97 Continue its efforts to broaden the economic rights and opportunities of women (Russian Federation);
- 121.98 Strengthen measures to combat discrimination and violence against women, including through the implementation of relevant laws, eliminating any loopholes in national legislation that might undermine the protection of the rights of women and addressing discriminatory stereotypes that affect women (Rwanda);
- 121.99 Enact legislation to criminalize all acts of violence against women, specifically criminalizing domestic violence and all forms of sexual abuse (Seychelles);
- 121.100 Accelerate the adoption of the specific law on gender-based violence that will also define marital rape as a criminal offence (Slovenia);
- 121.101 Continue its efforts to combat discrimination and all forms of violence against women (Tunisia);
- 121.102 Adopt legislation to criminalize all acts of violence against women, specifically domestic violence, including marital rape, child and/or forced marriage and all forms of sexual abuse (Ukraine);
- 121.103 Ensure the equal rights of women and men in all matters relating to marriage and family relations (Ukraine);
- 121.104 Take further measures aimed at combating and eliminating violence against women and girls, in particular sexual violence and sexual and labour exploitation (Uruguay);
- 121.105 Continue moving towards the adoption of a specific law on gender violence which strengthens the "zero tolerance" culture and on the development of mechanisms of prevention and attention to victims of such violence (Bolivarian Republic of Venezuela);
- 121.106 Continue to strengthen measures aimed at eliminating discrimination against women and tackling gender-based violence (Nepal);
- 121.107 Adopt legislation to criminalize all acts of violence against women, specifically domestic violence (Zambia);
- 121.108 Ensure incorporation of the perspective of the empowerment of rural women into the initiatives taken to prepare adaptation to climate change and to mitigate its consequences (Algeria);

- 121.109 Gradually implement measures to ensure better representation of women in public affairs, aiming at achieving gender parity (Angola);
- 121.110 Enhance measures aimed at combating traditional stereotypes and gender inequality, in particular through investigating and punishing cases of violence as well as child marriage (Argentina);
- 121.111 Continue its efforts to promote gender equality, and continue to take the necessary measures to protect the rights of women in law and in practice (Armenia);
- 121.112 Enact legislation to criminalize all aspects of gender-based violence, including marital rape, in line with the Convention on the Elimination of All Forms of Discrimination against Women (Australia);
- 121.113 Strengthen the fight against all acts of violence against women, such as domestic violence, marital rape and all forms of sexual abuse, including through penal legislative reforms (Brazil);
- 121.114 Adopt the specific law on the fight against gender-based violence (Burkina Faso);
- 121.115 Ensure that women and girls who are victims of violence have access to effective remedies and that the perpetrators of such acts are prosecuted and convicted (Burkina Faso);
- 121.116 Allocate adequate resources and implement the bill on fighting gender-based violence (Canada);
- 121.117 Ensure that all women and girls have access to information, services and education on sexual and reproductive health, including comprehensive sexuality education (Canada);
- 121.118 Pass laws to criminalize all acts of violence against women and take actions to ensure the protection of the rights of women in all fields, including through the elimination of the wage gap (Costa Rica);
- 121.119 Strengthen mechanisms to prevent and combat domestic violence in order to protect victims and provide them with justice and rehabilitation, as well as all other forms of assistance (Djibouti);
- 121.120 Pursue the policy of eliminating inequalities between men and women by taking the necessary measures to increase the participation of women in political, economic and social life (Djibouti);
- 121.121 Pursue efforts to reinforce women's participation in political life (Egypt);
- 121.122 Give special attention to the rights of women living in rural areas (Gabon);
- 121.123 Ensure the equal rights of women and men in all matters, adopt legislation to criminalize all acts of violence against women and enforce legislation aimed at eliminating discrimination against women (Germany);
- 121.124 Approve the proposed bill to combat gender-based violence and ensure adequate resources for its implementation, including effective handling of marital rape as a criminal offence (Norway);
- 121.125 Continue its efforts to ensure gender equality, gender-neutral policies, child rights related to access to education, health and social services (India);
- 121.126 Adopt the draft bill on gender-based violence establishing marital rape as a criminal offence, in line with recommendations of the Committee on the Elimination of All Forms of Discrimination against Women (Ireland);

- 121.127 Increase its efforts to empower women both in the economic and public spheres, and enhance women's representation in public offices (Israel);
- 121.128 Increase access for women and girls to basic health-care services, giving priority to rural areas (Peru);
- 121.129 Continue ongoing efforts to combat violence against women (Libya);
- 121.130 Repeal all discriminatory provisions against women in the public and private spheres, as well as with regard to economic autonomy, including those contained in nationality, inheritance and marriage legislation (Luxembourg);
- 121.131 Ensure compliance with existing legislation to eliminate discrimination against women (Luxembourg);
- 121.132 Adopt the specific bill on combating gender-based violence the drafting process for which began in 2018 (Mali);
- 121.133 Encourage the participation of women in the economic life of the country and provide them with the means for their empowerment so that they can contribute to its socioeconomic development (Mauritius);
- 121.134 Reduce maternal mortality by increasing the access of women and girls to basic health-care services and ensure sufficient resources to promote and protect women's and girls' reproductive health (Montenegro);
- 121.135 Continue enhancing measures and programmes to strengthen the protection of women and girls from gender-based violence (Philippines);
- 121.136 Continue making efforts to promote the rights of children (Sudan);
- 121.137 Continue its efforts to protect the rights of children (Tunisia);
- 121.138 Intensify efforts to abolish child labour and combat all forms of exploitation of children (Nepal);
- 121.139 Adopt a specific national action plan to combat the sexual exploitation of children that takes into account all forms of sexual exploitation (Zambia);
- 121.140 Take practical steps, including through legislative measures, to put an end to corporal punishment in all settings (Zambia);
- 121.141 Intensify its efforts to ensure the progressive elimination of child labour and take measures to raise the age of completion of compulsory education to align it with the minimum age of admission to employment (Algeria);
- 121.142 Take effective measures to ensure the implementation of the National Strategy to Combat Child Marriage 2018–2024 as a means of eradicating the high incidence of child marriage (Botswana);
- 121.143 Adopt laws prohibiting corporal punishment of children and redouble efforts against child, early and forced marriages (Brazil);
- 121.144 Allocate dedicated resources to projects to combat child marriage and conduct public awareness-raising campaigns in collaboration with religious and traditional authorities and civil society (Canada);
- 121.145 Continue efforts to progressively eliminate child labour (Central African Republic);
- 121.146 Approve a national action plan to combat the sexual exploitation of children and adolescents, including preventive measures that contribute to raising the visibility of the problem, and provide effective assistance to victims (Chile);
- 121.147 Fight effectively against child labour (Congo);

- 121.148 **Intensify awareness campaigns and finalize the bill regarding the rejection of twin children (Congo);**
- 121.149 **Take all necessary measures to combat child and forced marriages while addressing their root causes (Croatia);**
- 121.150 **Continue efforts to strengthen the rights of children (Egypt);**
- 121.151 **Continue the implementation of a strategic plan as aligned with the Africa Programme on Accelerated Improvement of Civil Registration and Vital Statistics Systems (Ethiopia);**
- 121.152 **Implement and continue to strengthen initiatives aimed at preventing and protecting against child labour and child sexual exploitation (Fiji);**
- 121.153 **Continue its efforts to combat child labour in the vanilla production sector, by ensuring the enforceability of the legislation prohibiting child labour (Gabon);**
- 121.154 **Further implement vigorous measures against “molety” and child marriages (Georgia);**
- 121.155 **Implement existing legislative and policy frameworks on child labour and child, early and forced marriage, respectively, and develop a national strategy to combat all forms of child sexual exploitation (Ireland);**
- 121.156 **Adopt all necessary measures, including awareness-raising campaigns, to prevent and combat child, early and forced marriage (Italy);**
- 121.157 **Strengthen measures so that birth registration is universal, free and accessible to the entire population, including the daughters and sons of Malagasy migrant workers abroad and of foreign workers in Madagascar (Mexico);**
- 121.158 **Redouble efforts in the fight against child labour (Mozambique);**
- 121.159 **Further intensify awareness-raising activities on human rights, especially for children and youth (Philippines);**
- 121.160 **Intensify efforts to ensure the progressive elimination of child labour (Timor-Leste);**
- 121.161 **Take further measures to prevent child sex tourism in the country (Timor-Leste);**
- 121.162 **Enforce legal standards to protect the rights of all migrant workers and take necessary measures against networks of traffickers (Bangladesh);**
- 121.163 **Prosecute employers who exploit migrant workers (Central African Republic).**
122. **The following recommendations will be examined by Madagascar, which will provide responses in due time, but no later than the forty-third session of the Human Rights Council:**
- 122.1 **Ratify the Convention on the Prevention and Punishment of the Crime of Genocide (Rwanda) (Armenia) (Montenegro);**
- 122.2 **Accede to the Protocol relating to the Status of Refugees of 1967 (Namibia);**
- 122.3 **Ratify the United Nations statelessness conventions (Namibia);**
- 122.4 **Accede to the Convention on the Reduction of Statelessness (Ukraine);**
- 122.5 **Ratify the Protocol relating to the Status of Refugees (Ukraine);**
- 122.6 **Ratify the International Convention for the Protection of All Persons from Enforced Disappearance (Argentina);**

- 122.7 Continue its commitment to ratify international treaties (Armenia);
- 122.8 Ratify the Optional Protocol to the Convention on the Rights of Persons with Disabilities establishing the individual communications procedure and the inquiry procedure (Bangladesh);
- 122.9 Consider ratifying the Protocol relating to the Status of Refugees and acceding to the Convention on the Reduction of Statelessness (Côte d'Ivoire);
- 122.10 Consider ratifying the conventions it has already signed, in particular the Convention on the Elimination of All Forms of Discrimination against Women, the International Convention for the Protection of All Persons from Enforced Disappearance and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (Niger);
- 122.11 Take measures to continue the decentralization of the country (Germany);
- 122.12 Consider enacting comprehensive legislation that provides full and effective protection against discrimination in all forms, and which contains a comprehensive list of prohibited offences that constitute grounds of discrimination (Ghana);
- 122.13 Launch a transparent, independent investigation into allegations of arbitrary or unlawful killings of criminal suspects by the security forces, especially during operations to combat cattle rustling (United States of America);
- 122.14 Create an independent mechanism to investigate reports of acts of torture and ill-treatment committed by members of the police and security forces (Costa Rica);
- 122.15 Implement a national reconciliation policy to combat impunity (Senegal);
- 122.16 Strengthen, through financial and human resources, the Independent Anti-Corruption Bureau (BIANCO) and the Financial Intelligence Unit (SAMIFIN), in order to fight more effectively against corruption in the country (Haiti);
- 122.17 Cease the harassment, arbitrary detention and intimidation of human rights defenders exercising their right to freedom of expression, including environmental activists (United States of America);
- 122.18 Enhance the freedom of expression by amending all restrictive provisions of the law on communication and the cybercrimes law, and align these laws with constitutional provisions and international human rights standards (Netherlands);
- 122.19 Ensure that laws on libel, contempt and slander fully respect the right to freedom of expression (Canada);
- 122.20 Repeal the offence of insulting public officials (Canada);
- 122.21 Revise the legislation related to the activities of the press and communication media to strictly comply with the provisions of article 19 of the International Covenant on Civil and Political Rights (Chile);
- 122.22 Take all the necessary measures to release all persons detained exclusively for exercising their rights to expression, opinion, association and assembly (France);
- 122.23 Continue to enact and fully implement legislation that seeks to promote and protect the rights to freedom of expression and religion (Ghana);
- 122.24 Amend legislation which unduly restricts freedom of expression, in line with international and regional human rights law, including by decriminalizing defamation and abolishing insult laws (Iceland);

122.25 Decriminalize defamation and insult, and amend provisions related to these issues to ensure they are better in line with international standards on freedom of expression (Luxembourg);

122.26 Amend the Penal Code to decriminalize and eliminate all punitive measures related to termination of pregnancies in cases of rape, incest, severe fetal impairment and situations where the life of the mother is at risk (Denmark);

122.27 Ensure all women and girls can access sexual and reproductive health information, services and commodities, including emergency contraception and other modern methods of contraception, as well as comprehensive sexuality education both in and out of school (Iceland);

122.28 Ensure equitable, gender-sensitive and functional access to early diagnosis and high quality treatment, as well as rehabilitation and reasonable accommodation, for persons affected by leprosy-related physical impairments and disability (Portugal);

122.29 Strengthen the rights of girls and women by combating early marriage, providing assistance for school attendance and legalizing abortion in all circumstances. Ensure that women and girls who resort to abortion, as well as doctors who perform them, are not subject to criminal sanctions (France).

123. The recommendations formulated during the interactive dialogue/listed below have been examined by Madagascar and have been noted by Madagascar:

123.1 Ratify the Optional Protocol to the Convention of the Rights of the Child on a communications procedure (Ukraine);

123.2 Improve resourcing available to bodies protecting the human rights of women, children and minorities, including lesbian, gay, bisexual, transgender and intersex persons (Australia);

123.3 Adopt comprehensive legislation to combat racism and discrimination, which includes a definition of discrimination based on sexual orientation and gender identity (Chile);

123.4 Adopt comprehensive anti-discrimination legislation that addresses direct and indirect discrimination and encompasses all the prohibited grounds of discrimination, including sexual orientation and gender identity (Iceland);

123.5 Decriminalize abortion in all circumstances and remove legal, administrative and practical barriers to accessing safe and legal abortion services (Iceland);

123.6 Continue the important reform of its nationality law in order to address the gender-discriminatory provisions that persist, which deny Malagasy women the ability to confer Malagasy nationality to a non-national spouse upon marriage on an equal basis with Malagasy men (Portugal);

123.7 Take the necessary measures to provide psychosocial assistance to child soldiers with a view to their social reintegration (Senegal);

123.8 Make efforts to accelerate the process of national reconciliation and ensure the demobilization and treatment of minors in armed conflict as victims (Costa Rica);

123.9 Take all steps necessary to make appropriate assistance available to children who have been involved in armed conflict, including aiding their physical and psychological recovery and their social reintegration (Timor-Leste);

123.10 Recognize the legal personality of the Fokolonona indigenous peoples, as provided for in the preamble of the Constitution (Peru);

123.11 **Take all measures likely to reduce the rate of stateless persons among the population, regardless of their ethnic or religious origin (Switzerland).**

124. **All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and/or the State under review. They should not be construed as endorsed by the Working Group as a whole.**

## Annex

### Composition of the delegation

The delegation of Madagascar was headed by H.E. Mr. Jacques Randrianasolo, Minister of Justice of the Republic of Madagascar, and comprised the following members:

- Madame ROBLINE, Secrétaire Général Du Sénat;
- Madame RABY SAVATSARAHAINA Ain'Harimanga Gabrielle, Directeur De Cabinet Du Ministre De La Justice;
- Madame SAHONDRARIMALALA Marie Michelle, Directeur Des Etudes Juridiques – Présidence De Madagascar;
- Madame RANDRIANASOAVINIRINA Lazambola Fleurisse, Chef Du Service Des Etudes Juridiques – Sénat;
- Monsieur FIDIMANANTSOA Rakotomalala Andrianirina, Secrétaire Rédacteur – Assemblée Nationale;
- Madame BELALAHY Hanitriniaina, Directeur Des Droits Humains Et Des Relations Internationales – Ministère De La Justice;
- Monsieur TOMBOHAVANA Fabien, Chef Du Service Des Droits De l'Homme – Ministère De La Justice;
- Madame RAKOTOARISOA Mboahangy Fanambinana, Chef Du Service De La Normalisation Et De l'Humanisation Des Conditions De La Détention Ministère De La Justice;
- Madame RANDRIAMBELO Mandimbin'ny Aina Mbolanoro, Directeur De l'Ecole Nationale Supérieure De La Police – Ministère De La Sécurité Publique;
- Monsieur ANDRIAMIANDRA Nivoherifidy, Chef Du Service Central De La Police Des Mœurs Et De La Protection Des Mineurs Ministère De La Sécurité Publique;
- Monsieur RAZAINDRAVONONA Georges Evariste, Contrôleur Général De Police – Ministère De La Sécurité Publique;
- Monsieur RANDRIATIANARISOA Fenitra;
- Directeur De La Migration Professionnelle, Ministère Du Travail, De La Fonction Publique, De l'Emploi Et Des Lois Sociales;
- Monsieur RANDRIANIRAINY Heriniaina Arsène, Directeur De l'Institut National De Travail, Ministère Du Travail, De La Fonction Publique, De l'Emploi Et Des Lois Sociales;
- Madame RAVELOSON Julie Anna, Chef De Département – Ministère De l'Education Nationale Et De l'Enseignement Technique;
- Monsieur FANAHEMANANA Hubert Tiaray, Directeur Général De La Communication – Ministère De La Communication Et De La Culture;
- Monsieur RABEHASOANINA Andrianarivo, Général De Division Secrétaire d'Etat Auprès Du Ministère De La Défense Nationale Chargé De La Gendarmerie;
- Madame ANDRIAMIFIDY Hobinirina Nomenjanahary, Chef De Division Auprès Du Service Des Droits De l'Homme Et Des Affaires Humanitaires Ministère Des Affaires Etrangères;
- Monsieur KOLA Emi – Haulain, Chargé d'Affaires Ai – Mission Permanente De Madagascar À Genève;
- Madame RAZAFINDRAVAO Tatiana Eddie, Premier Conseiller – Mission Permanente De Madagascar À Genève;

- Monsieur RAZAFINDRANGATO Rivo Nantenaina, Conseiller – Mission Permanente De Madagascar À Genève;
  - Madame BODOSOA Eulalie Yvette, Premier Secrétaire En Charge Des Questions Des Droits De l’Homme Mission Permanente De Madagascar À Genève.
-