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Report of the Working Group on the Universal Periodic Review*

Madagascar

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

* The present document is being issued without formal editing.

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I. Introduction

1. In accordance with Human Rights Council resolution 16/21, Madagascar presented its fourth report under the universal periodic review on 27 January 2025.

2. In line with paragraph 32 of the annex to Human Rights Council resolution 5/1, the State has two options regarding the position it can take on each recommendation: it can either support it or note it.

3. Following the review, 235 recommendations were addressed to Madagascar, of which 178 were supported, 10 were noted and 47 were deferred.

4. The 47 deferred recommendations were made by Algeria, Bangladesh, Belgium, Chad, Chile, Colombia, Costa Rica, Côte d'Ivoire, Democratic Republic of the Congo, Dominican Republic, Egypt, Estonia, Eswatini, France, Gabon, Germany, Ghana, Iceland, India, Ireland, Jordan, Mauritius, Niger, Qatar, Rwanda, Senegal, Sierra Leone, Slovenia, South Sudan, Spain, Switzerland, Uruguay and Zambia.

5. For the preparation of this addendum to the report, Madagascar consulted all the ministries concerned: the Ministry of Justice, the Ministry of the Interior, the Ministry of Labour, Employment and the Civil Service, the Ministry of Health and the Ministry of Population and Solidarity.

II. Replies of the Government of Madagascar on the recommendations deferred during the universal periodic review

6. With the Government's approval, Madagascar has examined the 47 deferred recommendations and has taken a final position on each of them.

7. These positions can be summarized as follows:

- Supported: 26
- Noted: 18
- Partly supported and partly noted: 3

A. Supported recommendations

121.12, 121.14, 121.15, 121.16, 121.17, 121.18, 121.19, 121.20, 121.21, 121.22, 121.24, 121.25, 121.26, 121.27, 121.28, 121.32, 121.33, 121.34, 121.35, 121.36, 121.37, 121.39, 121.40, 121.41, 121.45, 121.47

8. Recommendation No. 121.12 on the allocation of resources to the National Independent Human Rights Commission is supported because this measure has already been implemented by the Government since the establishment of this institution in 2015. However, the provision of sufficient resources will depend on the means available to the Government.

9. Recommendations No. 121.14 and No. 121.15 on raising the age of criminal responsibility to 14 years are supported because they correspond to actions provided for in the national child protection policy.

10. Recommendation No. 121.16 on following up on the recommendations made by the Committee on the Rights of the Child, including by raising the legal age of responsibility to ensure that children's rights are respected, protected and fulfilled, is supported, with the exception of ratification of the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.

11. Recommendations No. 121.17 and No. 121.18 on guaranteeing freedom of expression and peaceful assembly and putting an end to the intimidation, arbitrary detention and harassment suffered by defenders, journalists and other civil society actors in the

exercise of their legitimate work are supported but will be implemented progressively over time.

12. Recommendations No. 121.19, No. 121.20 and No. 121.21 calling for the adoption of the law on the protection of human rights defenders are supported, as they are among the commitments made by Madagascar in previous universal periodic review cycles, and consultations and drafting work have already begun.

13. Recommendations No. 121.22, No. 121.24, No. 121.25, No. 121.26, No. 121.27 and No. 121.28 on amendment of the Law on Marriage and Matrimonial Regimes to remove exceptions to the minimum age of 18 years are supported, as they help to strengthen the fight against child marriage.

14. Recommendation No. 121.32 on free primary education is supported.

15. Recommendation No. 121.33 on the participation of communities where transnational companies wish to operate, through prior consultations, to generate better negotiations and avoid social conflict is supported.

16. Recommendations No. 121.34 and No. 121.35 on gender equality are supported. However, they cannot be implemented until the relevant law and policy have been adopted.

17. Recommendation No. 121.36 on the repeal of Memorandum No. 2023-862, which prohibits continued studies for married girls after pregnancy, is supported.

18. Recommendation No. 121.37 on the implementation of legal frameworks for women's representation, the promotion of their socioeconomic empowerment, the protection of their sexual rights and the prevention of sexual and gender-based violence is supported.

19. Recommendation No. 121.39 on the prohibition of corporal punishment in all settings is supported. This practice is strictly forbidden in schools under article 11 of Order No. 5246-96/MEN of 28 August 1996. With regard to the prohibition of corporal punishment in society at large, a commitment to this effect was already made during the previous universal periodic review cycle in 2019.

20. Recommendations No. 121.40 and No. 121.41 on finalizing the development of the national policy for the inclusion and empowerment of persons with disabilities and amending Act No. 97-044 are supported, as the related work has already begun.

21. Recommendations No. 121.45 and No. 121.47 on efforts to enhance services for refugees and asylum-seekers are supported.

B. Noted recommendations

121.2, 121.3, 121.4, 121.5, 121.6, 121.7, 121.8, 121.9, 121.10, 121.11, 121.13, 121.29, 121.30, 121.31, 121.42, 121.43, 121.44, 121.46

22. The following recommendations are noted, on the grounds that, for the time being, Madagascar is fully invested in the implementation of the international and regional legal instruments it has already ratified:

- Recommendations No. 121.2 and No. 121.3 on ratification of the International Convention for the Protection of All Persons from Enforced Disappearance;
- Recommendation No. 121.4 on ratification of the Convention on the Prevention and Punishment of the Crime of Genocide;
- Recommendations No. 121.5, No. 121.6, No. 121.7, No. 121.8, No. 121.9, No. 121.10 and No. 121.11 calling for accession to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness, as well as ratification of the Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa.

23. Recommendation No. 121.13 on the enactment of an access to information law is noted.

24. Recommendations No. 121.29, No. 121.30 and No. 121.31 on the decriminalization of abortion through the adoption of the bill on therapeutic termination of pregnancy are noted.

25. Recommendations No. 121.42, No. 121.43 and No. 121.44 on the recognition and protection of persons in the lesbian, gay, bisexual and transgender community are noted because the country's customs and national legislation do not allow for such action.

26. Recommendation No. 121.46 on access to self-employment and paid employment for refugees and asylum-seekers is noted.

C. Partly supported and partly noted recommendations

121.1, 121.23 and 121.38

27. Recommendation No. 121.1 is supported with regard to the repeal of discriminatory provisions in inheritance and matrimonial property laws, as the Government believes it is in a position to implement this recommendation, which concerns programmes that are already under way. Nonetheless, the part concerning ratification of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women is noted.

28. Amendment of the marriage law to remove exemptions to the minimum age for marriage, referred to in recommendation No. 121.23, is supported, while the decriminalization of abortion is noted.

29. Recommendation No. 121.38 on combating gender-based violence and discrimination against women, amending the marriage law to remove exceptions to the prohibition of child marriage and improving access to sexual and reproductive health services is supported, while the reference to abortion is noted.