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# National report submitted pursuant to Human Rights Council resolutions 5/1 and 16/21*

## Madagascar

* The present document is being issued without formal editing.



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# Introduction

1. Madagascar hereby submits its national report, which takes stock of the human rights situation in the country from 2019 to 2024, pursuant to United Nations General Assembly resolution 60/251 of 15 March 2006 establishing the Human Rights Council and its commitments under the universal periodic review.

2. This initiative demonstrates the Government's ongoing commitment to constructive cooperation with all United Nations mechanisms.

3. The report, which illustrates the country's efforts to implement the recommendations accepted during the third cycle, outlines the progress made and the results of the evaluation of the indicators set out under the implementation plan of 2020. It also addresses the challenges in ensuring the realization of certain rights and issues relating to social cohesion and poverty reduction.

4. In addition, it makes reference to the positive measures geared towards addressing the coronavirus disease (COVID-19) health crisis and provides detailed information on the action taken to strengthen the link between human rights, the 2030 Agenda for Sustainable Development and the Sustainable Development Goals.

# I. Process for the preparation of the report

5. Following the final adoption of the report in March 2020, the Ministry of Justice took steps to disseminate all the recommendations contained therein.

6. After a series of consultations, the present report was prepared based on a participatory and inclusive approach.

7. Under the coordination of the Directorate for Human Rights and International Relations of the Ministry of Justice, numerous meetings were organized with various bodies, including the courts and tribunals, the police, the gendarmerie, the prison administration service, the ministries of health, education, labour, employment, migration, mining, communication and tourism, the departments responsible for addressing issues relating to women, children and persons with disabilities and the National Statistics Institute.

8. Additional consultations were held with the High Council for the Defence of Democracy and the Rule of Law, the National Independent Commission on Human Rights and the Committee for the Safeguard of Integrity.

9. The drafting of the report, which was supported by the United Nations Development Programme, the Office of the United Nations High Commissioner for Human Rights, the United Nations Children's Fund (UNICEF) and the United Nations Population Fund (UNFPA), was carried out with the involvement of civil society organizations, which form part of the interministerial drafting committee.

# II. Implementation of the recommendations from the previous cycle

10. During the 2019 review, Madagascar accepted 174 of the 203 recommendations made and noted the remaining 29.

11. Many of the recommendations have been implemented in full, while others are still in the process of being implemented. The implementation of some recommendations has not yet begun.

## Recommendations implemented

12. The following recommendations have been fully implemented:

### Acceptance of international norms (122.7 and 122.8)

13. Madagascar has ratified almost all legal human rights instruments; eight of the nine main instruments are already part of national law pursuant to article 137.4 of the Malagasy Constitution.

14. Act No. 2017-042 authorizing the ratification of the Optional Protocol to the Convention on the Rights of Persons with Disabilities was adopted on 12 December 2017.

### Cooperation (121.4 and 121.9)

15. Madagascar cooperates with the United Nations system, the African Union, the Southern African Development Community, the Common Market for Eastern and Southern Africa, the Organisation internationale of la Francophonie, the Indian Ocean Commission and bilateral partners.

16. The national authorities respond favourably to requests and urgent appeals from the mechanisms of the Human Rights Council.

17. The country has honoured other commitments by:

- Concluding bilateral, regional and multilateral agreements and implementing development projects
- Involving civil society actors in the implementation of programmes for the promotion and protection of human rights
- Submitting periodic reports on the application of human rights treaties and protocols

18. From 20 to 30 September 2022, the country hosted the Independent Expert on the enjoyment of human rights by persons with albinism as part of efforts to meet its commitments made under other mechanisms. This visit was organized in line with the standing invitation extended to mandate holders in 2011.

19. Madagascar also hosted the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment from 16 to 27 April 2023. The following activities were conducted during the visit:

- Visits to 30 places of deprivation of liberty, including prisons, police and gendarmerie stations and psychiatric institutions, in different regions
- Meetings with representatives of the Government, the parliament, the judicial authorities, the National Independent Commission on Human Rights and civil society organizations
- Confidential, one-to-one interviews with persons deprived of their liberty, prison administration staff, police and gendarmerie officers and healthcare personnel

### Institutional framework (121.11)

20. In order to comply with the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Malagasy Government designated the National Independent Commission on Human Rights as the independent national preventive mechanism through the adoption of Act No. 2018-028 of 8 February 2019.

21. The effectiveness of this mechanism is contingent upon the final adoption and entry into force of the draft amendment to the Anti-Torture Act of 2008 and the inclusion of its operating budget in finance laws.

**Cross-cutting issues**

*Equality and non-discrimination (121.1, 121.14, 121.18, 121.19, 121.20, 121.98, 121.101, 121.103, 121.106, 121.110, 121.111, 121.112, 121.123, 121.125 and 122.12)*

22. Discrimination and discriminatory practices in all their forms are prohibited under article 6 (2) of the Constitution. This fundamental human rights principle is applicable in the civil service and areas including work, employment, education and health.

23. In response to the recommendation on the adoption of an open, merit-based process for the selection of candidates for United Nations treaty bodies, the Government is taking steps to ensure that the process is open and transparent, with a view to guaranteeing equal opportunities and promoting meritocracy through the widespread dissemination, either directly or through the relevant technical ministries, of vacancy announcements.

24. An open day on the international civil service was held on 14 June 2024 at the Ministry of Foreign Affairs. The aim of the event was to inform the public of the jobs available within international organizations, the skills required and the recruitment process. The event saw the active participation of representatives of international and regional organizations in Madagascar, recent graduates, professionals and current Malagasy international civil servants.

25. In the area of labour, Act No. 2024-014 of 14 August 2024, the new Labour Code, reiterates the ban on discrimination in all its forms in the labour market.

26. Men and women have equal land ownership rights.

27. With regard to the gendarmerie, the provisions of the internal memorandum on the prohibition and punishment of discriminatory practices in all areas were strengthened in 2020. Accordingly, all gendarmerie staff, whether men or women, are treated on an equal footing. Their missions and interactions with all citizens are conducted with strict respect for gender equality.

*Development, the environment, and business and human rights (121.21, 121.22 and 121.24)*

28. In order to improve environmental protection, the relevant legal framework has been strengthened through:

- The amendment of the 2023 Act on the Local Management of Renewable Natural Resources
- The revision of the decree aimed at ensuring the compatibility of investment with the environment
- The preparation of a bill on non-forestry-related environmental offences

29. The National Climate Change Policy was updated in 2021.

30. As part of the implementation of the United Nations Framework Convention on Climate Change, its Kyoto Protocol and the Paris Agreement on climate change, measures have been taken to boost climate resilience and improve the climate governance system. Such measures include the adoption and implementation of:

- The National Climate Change Policy, in 2021
- National adaptation programmes of action
- Nationally appropriate mitigation actions

31. In the mining sector, the new General State Policy provides for the promotion of large mines, the professionalization of artisanal miners, the establishment of a processing plant for gold and precious stones and the creation of a mining laboratory that is compliant with international standards, in particular those on gold stamping, titration and labelling.

32. Act No. 2023-007, amending the Mining Code, was adopted on 27 July 2023. The Act provides, inter alia, for the promotion of human rights, children’s rights and gender equality in the mining sector and the obligation to implement a corporate social responsibility plan.

33. Pursuant to the provisions on corporate social responsibility, Decree No. 2024-1353 implementing the Investment Act (No. 2023-002 of 27 July 2023) was adopted on 3 July 2024.

34. In 2023, a mining programme was drawn up to provide for the following activities:

- The dissemination of the new Mining Code
- The validation of a code of conduct for mining operators in order to ensure the protection of human rights and tackle child labour
- The delivery of training and awareness-raising sessions on occupational health and safety in the mica sector
- The development and updating of environmental tools

35. As part of the implementation of the industrialization strategy, on 31 July 2023, the Government and the private sector signed an agreement on industrial programming. The purpose of the agreement is to enhance the involvement of all stakeholders in reducing poverty and create an environment that is conducive to achieving Sustainable Development Goal 9.

*Combating corruption (121.53, 121.55, 121.56 and 122.16)*

36. The Malagasy authorities have stepped up efforts to combat corruption by drawing up a new strategy after having evaluated the previous one.

37. The effective application of national laws in this area has made it possible to generate statistics on corruption cases registered with the anti-corruption offices in Antananarivo and Mahajanga. Since 2019, 361 public officials and elected representatives have been sentenced to prison, fined and/or banned from holding office.

38. A complaints service set up within the Senate has been operational since June 2024.

39. The application of anti-corruption laws has given rise to other measures, namely:

- The implementation of the I-TOROKA platform, through which users may file anonymous complaints, by the Independent Anti-Corruption Office in 2019
- The gradual establishment, since 2021, of anti-corruption directorates, services or units within each institution, ministry and public body
- The training of staff from the anti-corruption system, the Ministry of Justice, the office of the Minister in charge of the gendarmerie and the Ministry of Public Security
- The establishment and operationalization, in 2021, of the Agency for the Recovery of Illegally Obtained Assets, as provided for in Decree No. 2021-960 of 29 September 2021

40. Madagascar has focused on preventing corruption in competitive examinations for administrative positions. It has done so through:

- The establishment, in 2017, of a unit dedicated to preventing that particular form of corruption
- The implementation, in September 2020, of measures to involve stakeholders in, and hold them accountable for, identifying corruption risks and proposing appropriate preventive measures to ensure that government services are transparent and corruption-free
- The drafting, in January 2023, of a guide on preventing corruption when organizing the examinations concerned

**Civil and political rights**

*Reform of the judiciary*

41. Major reforms have been introduced to improve judicial services and guarantee the right to a fair trial.

42. These reforms include:

- The introduction of a real-time processing method to ensure that court cases are handled within a reasonable time frame
- The annual organization of events for court administrators to train them on court management and other relevant topics
- The implementation of a "service standard" to standardize court procedures and ensure compliance with various legal and contractual time limits

43. With regard to efforts to combat wrongful pretrial detention, the amended Code of Criminal Procedure prohibits the systematic remand of individuals in custody, in line with the final paragraph of article 16 of the new Constitution, which establishes that detention should be an exceptional measure.

44. In Madagascar, pretrial detention is an exceptional measure that may be ordered only when it is proven, on the basis of specific and detailed evidence, that detaining the accused person is, among other objectives, the only way to protect them. Accordingly, any decision to remand an individual in custody must be justified.

45. As part of efforts to promote the right of access to justice, a new website called "Fitsarana valio ny tarainako"[1] went live in May 2024 to enable the public to file complaints online.

46. In the same vein, two key reforms were introduced in 2024. The first reform was implemented on 5 February 2024 to improve court procedures: individuals may now use an online system to book an appointment to obtain their criminal record. The second reform consists of a case monitoring system, which was launched on 15 February 2024. This system enables users to closely monitor the progress of the cases concerning them. These improvements have been made to tackle corruption and touts and to speed up the processing of court cases.

*Decriminalization of press offences (122.21, 122.22, 122.23, 122.24 and 122.25)*

47. With regard to the promotion of the exercise of the freedoms of expression, demonstration, press and religion, the 2020 Act on Media Communications reaffirmed the decriminalization of press offences provided for in a law of 2016. The 2020 Act also guarantees access to sources of information.

*Combating trafficking in persons (121.60 to 121.69)*

48. Madagascar attaches great importance to combating this heinous crime. Accordingly, the following steps have been taken to intensify the measures to combat it, which were first introduced in 2013:

- The implementation of the National Policy against Trafficking in Persons and the second National Plan of Action against Trafficking in Persons, both of which were adopted in 2023
- The allocation of material, human and financial resources to the National Office to Combat Human Trafficking
- The celebration, on 30 July 2024, of the World Day against Trafficking in Persons, and the organization of related awareness-raising campaigns

49. The statistics on cases of trafficking registered with the Court of First Instance of Antananarivo show that 86 individuals have been accused of committing or being complicit in acts of trafficking and related offences. Of the 86 suspects, 54 have been remanded in custody for committing acts of trafficking in children, exploitation of domestic workers, child sexual exploitation, sale of persons and illegal adoption.

**Economic, social and cultural rights**

*Right to work and to just and favourable conditions of work (121.70, 121.74 and 121.79): second decent work country programme*

50. The second decent work country programme, covering the period 2021–2023, was drawn up in 2020 and signed on 23 June 2022. It focuses on:

- Creating decent and productive jobs
- Improving and extending social protection for all workers
- Promoting social security and occupational health in companies operating in Madagascar

51. With regard to work-related migration, the recently amended Labour Code provides for better protection for migrant workers.

52. As a result of the pandemic, the implementation period for the second decent work country programme was extended until the end of 2024. The programme's implementation will be subject to an internal evaluation.

*Right to social protection (121.71 and 121.72)*

53. A comprehensive evaluation of the National Social Protection Strategy is being conducted, with a view to supporting the development of a new strategy for the period from 2024 to 2030.

54. The implementation of the National Social Protection Policy has led to the introduction of a number of measures aimed at supporting individuals belonging to the target groups and meeting their basic needs in order to guarantee their autonomy.

55. In 2023, the Government extended social protection coverage to self-employed workers in the target regions.

56. From 2021 to 2023, the Government implemented a support programme that benefited 279,308 vulnerable households.

*Right to health: combating HIV/AIDS (121.18)*

57. In accordance with the 2016 United Nations Political Declaration on HIV/AIDS, Madagascar is drawing up a national strategic plan for the period from 2023 to 2028.

58. HIV/AIDS testing, care and antiretroviral treatment are provided free of charge in public health establishments.

*Right to education*

Increase in the education budget (121.88)

59. The budget earmarked for this sector has increased from 1,192,705,245 ariary in 2019 to 1,791,247,212 ariary in 2024, representing a rise of 33.4 per cent.

Inclusive, quality education (121.90)

60. Measures aimed at ensuring inclusive, quality education have been stepped up, in cooperation with civil society actors. These measures are as follows:

- The recruitment of 8,120 qualified teachers
- The delivery of initial and in-service training for teachers on core subjects and inclusive education, in both in-person and remote formats
- The overhaul of the school curricula through the inclusion of topics linked to human rights and the Sustainable Development Goals
- The provision of furniture and learning kits

- The modernization and refurbishment of infrastructures in order to meet resilience standards and integrate information and communications technology equipment

**Rights of specific persons or groups**

*Women's rights: adoption of texts on combating gender-based violence (121.98, 121.99, 121.100, 121.102, 121.105, 121.107, 121.112, 121.114, 121.118, 121.123, 121.124, 121.126 and 121.132)*

61. Gender-based violence is punishable under Act No. 2019-008 of 16 January 2020. To ensure its effective application, the Government issued Decree No. 2022-1219 of 17 August 2022 laying down rules for the prevention and handling of gender-based violence and the protection of victims.

62. Pursuant to that legislation, four of the shelters for victims of gender-based violence that were set up in 2021 are currently operational at the regional level.

*Children's rights*

Combating child labour (121.141)

63. Act No. 2022-018 of 13 December 2022 establishing general guidelines on the education system in Madagascar introduced progressive 10-year compulsory public education from the age of 5 years, with the aim of aligning the end of compulsory education with the minimum age of employment.

Combating corporal punishment (121.140 and 121.143)

64. The use of corporal punishment in Malagasy schools is prohibited under Order No. 5246-96/MEN of 28 August 1996. Pursuant to this Order, a teacher in a private school in Antananarivo who physically abused a pupil has had her teaching licence revoked and been banned from the profession for life.

65. In 2017, a circular was issued to reiterate the ban on using violence against pupils in public and private schools. Standard internal regulations for all public primary schools, which prohibit all forms of violence in schools and require teachers to intervene in cases of psychological harassment, were also drawn up.

66. The charters of good conduct established by parents, pupils and teachers for all schools formally condemn acts of violence of any kind.

## Recommendations in the course of being implemented

**Acceptance of international norms and compliance with international commitments (121.1 and 122.8)**

67. The ratification of other treaties and additional protocols will be discussed with all stakeholders.

68. The Government has agreed in principle that the Special Rapporteur on extreme poverty and human rights may visit the country in 2025. Some visits were postponed owing to the global health crisis and the elections in Madagascar.

69. The authorities are gradually translating the human rights treaties into Malagasy in order to facilitate understanding of those texts.

**Institutional framework for the protection of human rights: increase in the budget for the High Council for the Defence of Democracy and the National Independent Commission on Human Rights (121.5, 121.6, 121.8, 121.10, 121.11, 121.13 and 122.14)**

70. The budgets of the High Council for the Defence of Democracy and the National Independent Commission on Human Rights have remained stable over the last three years

despite the budget restrictions introduced in response to the health crisis and the global economic downturn.

## Civil and political rights

### *Right to life, liberty and security of person*

Summary and extrajudicial execution (121.28, 121.39, 121.40, 121.43 and 122.13)

71. In order to put an end to summary and extrajudicial executions by the defence and security forces, steps are being taken to strengthen the effective application of criminal laws, including the Code of Military Justice and the Code of Conduct for the Defence and Security Forces, through the delivery of capacity-building programmes on respect for human rights to staff from the gendarmerie, national police, prison administration system and armed forces.

72. These programmes cover the treatment of persons deprived of their liberty, the proportionate use of weapons, compliance with procedures and fundamental judicial guarantees and the dissemination of all relevant national and international instruments.

73. In the area of justice, training courses are regularly organized for judges in order to enhance their capacity to effectively apply criminal laws and address other topics, such as the prohibition of summary and extrajudicial executions.

74. Since 2018, disciplinary action has been taken against 15 members of the gendarmerie, without prejudice to their criminal prosecution.

Prison overcrowding (121.30, 121.33, 121.36, 121.37 and 121.44)

75. Three new prisons, with a capacity to house 1,500 individuals, have been built since 2022. A further four prisons are almost complete.

76. Other key measures include accelerating the processing of cases brought to the criminal courts and the Court of Cassation and establishing task forces to ensure the proper implementation of criminal policy.

77. Communication between heads of prisons and the courts has been increased, in particular with regard to the management of court registries and the handling of individual prisoners.

78. The granting of presidential pardons to prisoners has helped to reduce the prison population by around 4 per cent.

79. In 2019, the ratio of convicted prisoners to pretrial detainees was reversed as a result of the establishment of a strategic monitoring unit. That ratio was 54:46 in 2019, 53:47 in 2020, 56:44 in 2021, 55:45 in 2022 (owing to the pandemic), 60:40 in 2023 and 54:46 in August 2024.

Conditions of detention (121.35, 121.36, 121.37, 121.39 and 121.44)

80. The budget earmarked for prisoner health and nutrition services has been increased by 25 per cent in 2024.

81. The authorities are also working to overhaul semi-open agricultural prison camps, which currently operate on 364.1 hectares of land. The grains produced within these camps account for more than 10 per cent of the food provided to prisoners. Each detainee receives an average of 2,272 ± 1,255.21 kilocalories' worth of food per day.

82. With regard to prisoner health, the prison administration service has drawn on its experience of managing the COVID-19 pandemic to draw up and disseminate a multi-hazard contingency plan for prisons. In 2020, the country recorded one death among the 98 confirmed cases of COVID-19 in prisons.

83. Twenty-nine new prison nurses have been assigned to prisons since 2021.

84. In 2023, in collaboration with the Ministry of Public Health, a component on prisoner health was integrated into the National Tuberculosis Programme.

85. In 2024, guidance on the restructuring of the Detainee Support Committee was drawn up and distributed to the 22 regional directorates of the prison administration service. The Committee, which is a forum for dialogue, exchange and action, is made up of legal and natural persons from both the public and private sectors.

86. A manual on police custody procedures has been developed and widely disseminated among criminal investigation police officers in order to remind them of the rules concerning respect for the fundamental guarantees granted to all persons deprived of their liberty pursuant to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

87. Training sessions on this subject are regularly organized by the relevant professional training establishments.

Torture and other cruel, inhuman or degrading treatment or punishment: amendment of Act No. 2008-008 and investigations (121.26, 121.27, 121.28, 121.29, 121.31, 121.32, 121.34, 121.38, 121.41, 121.42, 121.45 and 121.46)

88. With regard to the right not to be subjected to torture and ill-treatment, the Anti-Torture Act of 2008 is currently being amended. In accordance with the relevant treaty provisions and related recommendations, this amendment provides, inter alia, for the extension of the Act's scope of application to natural or legal persons under private law who commit torture, the establishment of torture as a separate offence, the categorization of offences according to the seriousness of their consequences, the enshrinement of the non-applicability of amnesty in cases of torture and the absence of extenuating circumstances.

89. The draft amendment will include a provision reflecting that contained in the law of 2018, which designates the National Independent Commission on Human Rights as the national mechanism for the prevention of torture and other cruel, inhuman or degrading treatment or punishment.

90. Efforts to prevent acts of torture and ill-treatment led to the establishment, in 2022, of a group of qualified trainers from various bodies such as the Ministry of Justice, the police, the gendarmerie and the prison administration service.

91. A systematic report of each investigation file is submitted to the public prosecution service, with a view to addressing the delays that can result in the ill-treatment of persons deprived of their liberty. This approach is part of efforts to process cases in real time.

92. Through its "Tagnamaron'ny fandriampahalemana"[2] programme, the gendarmerie has held sessions to educate citizens about their rights and prohibited practices, including in relation to the fight against torture and ill-treatment. This proactive approach aims to create a better-informed and more vigilant society, thereby reducing the risk of torture and ill-treatment.

*Administration of justice (121.20, 121.47, 121.48, 121.49, 121.50, 121.53, 121.55, 121.56, 121.57 and 122.17)*

Access to justice, judicial remedies and redress

93. In order to promote the right of users of the justice system to information, reception and information kiosks have been set up within the judicial and administrative courts.

94. All decisions handed down in commercial cases are published on the website of the Commercial Court.

95. In terms of access to remedies and redress, under current laws, all victims are entitled to bring a claim for compensation before the competent courts.

96. In addition to mass media coverage and the dissemination of national and international instruments, the following measures have been taken:

- The revision of the status of the judiciary

- The amendment of the organic act on the Supreme Court and its three component courts
- The amendment of the act on the administrative courts
- The reform of the court system
- The organization of an event[3] known as "Fitsarana Manakaiky Vahoaka" on 18 July 2024 in Antananarivo
- The organization, in 2022, of a campaign to raise awareness of the right of access to justice in 21 towns in the south of the island
- The organization of the "Fiara Zo" campaign, as part of which a team of notaries, lawyers and enforcement agents has travelled around five regions since 2023

97. In terms of infrastructure, 10 new courts of first instance have been built since 2022.

98. Since 2019, 159 new judges have been recruited, and 100 student judges are being trained at the National School of Judges and Court Registrars.

Independence of the judiciary (121.48)

99. To strengthen the independence of the judiciary, circulars have been issued to all judges to remind them of the need for strict compliance with ethical rules and to reiterate the principle of the independence and security of tenure of judges.

*Fundamental freedom and right to participate in public affairs (121.59, 122.18)*

100. To improve the enjoyment of freedom of communication, the State set up a cybercrime unit within the Ministry of Communication in 2022. The unit's mission is to raise awareness and educate the public about their rights, duties and obligations when using an information system.

101. In addition, awareness-raising campaigns have been carried out for journalists and social network users to ensure that information to be disseminated, including in advertisements, is checked in advance.

102. The new law on media communications was shared with representatives of the media, institutions and public agencies in 2022 and 2023.

103. Pursuant to this law, the powers of the Journalists Association were modified by Decree No. 2021-307 of 11 March 2021. Major changes related to:

- Framework for the journalistic profession
- Useful information about online media
- Possibility of national coverage
- Strengthening of the National Authority on the Regulation of Media Coverage

104. In addition, a draft bill on access to public information, prepared in 2021, is currently being examined by the Government.

105. The national press agency "Dépêche Informative Taratra" was set up to disseminate official information more widely, in line with the new decree setting out the organization chart of the Ministry of Communication.

106. In terms of education, information, communication and awareness-raising activities relating to fundamental rights and freedoms, the High Council for the Defence of Democracy and the Rule of Law has carried out awareness-raising and informational campaigns in 13 regions. The objective of these campaigns was to strengthen citizenship and legal safeguards among civil society, local authorities, dignitaries, religious and opinion leaders, and vulnerable groups.

107. In accordance with current legislation, the authorities have permitted political parties and platforms to organize political demonstrations and rallies.

*Prohibition of all forms of slavery: combating illegal migration (121.61 and 121.68)*

108. Madagascar has signed and implemented the Global Compact for Safe, Orderly and Regular Migration adopted in Morocco in 2018.

109. In order to promote labour migration, a gender-sensitive, evidence-based national labour migration policy for 2023 is currently being validated.

110. Since 2022, the authorities have suspended the licences of employment agencies in order to verify their activities.

111. In addition, the interministerial migration monitoring committee, jointly headed by the Ministry of Labour and the Ministry of Foreign Affairs, has been revitalized as a result of its new membership and the holding of regular meetings.

112. In 2020, the Ministry of the Interior introduced a service standard to facilitate the prompt granting of residence visas.

113. Lastly, to facilitate passport issuance by the National Police, a one-stop shop was set up in 2023, with the possibility of submitting applications online.

**Economic, social and cultural rights**

*Right to social protection (121.71 and 121.72)*

114. To ensure a holistic response to the effects of natural disasters, the country continues to implement the National Risk and Disaster Management Strategy 2016–2030.

115. More than 80 per cent of the 1,355,000 beneficiaries of the "Social Safety Net" project since 2016 have been women.

*Right to an acceptable standard of living: water and sanitation (121.77, 121.80, 121.81 and 121.83)*

116. The population's access to drinking water and sanitation and the sustainable management of water resources are a priority for the State. Various initiatives aimed at improving water resource management and enhancing climate and healthcare resilience have therefore been launched. These initiatives include:

- Amendment of the Water Code, which is currently being validated
- Adoption of the decree making operational the regulatory body for the water, sanitation and hygiene sector
- Updating of the national water, sanitation and hygiene (WASH) policy and the WASH sector plan
- Implementation of the WASH school and health training approach, with a view to enforcing hygiene standards among children and others visiting basic health centres and university hospitals
- Increase in the number of water outlets and sanitation facilities

117. The Madagascar Madio 2025 road map was launched in 2019 to address the problem of open defecation. It sets out key actions to be carried out in rural areas, and aims to:

- Completely eradicate the practice of open defecation, improve solid waste and sewage sludge management and expand access to basic sanitation services, particularly in urban areas
- Ensure access to sanitation services in schools and health centres
- Reinforce existing infrastructure to evacuate wastewater and rainwater, which cause flooding every year during periods of high water
- Promote good hygiene practices for the entire population

118. To improve access to adequate water and sanitation infrastructure, 1,548 institutional latrines were built in 2023, using a construction manual that takes into account the specific needs of persons with disabilities and menstruating women.

119. In 2016, Madagascar furthered its cooperation efforts with Morocco and Egypt through the conclusion of bilateral agreements.

120. Between 2019 and 2024, 40,822 water points and 2,393 sanitation facilities were built.

*Right to health*

Access to healthcare (121.81, 121.83, 121.84, 121.87, 121.125, 121.128 and 121.134)

121. The State has taken the following measures to promote the right to health:

- Amendment of the Health Code, which is currently being validated
- Development of a bill on the financial protection of health service users
- Development of a new 2024 National Health Policy
- Provision of care for itinerant, isolated populations in hard-to-reach areas

122. In addition, a national strategic plan to improve community health was adopted in 2022.

123. Strengthening and ensuring sustained funding for the healthcare system, with a view to moving towards universal health coverage, is also a key measure for improving the health of the population.

124. The Ministry of Public Health is making access to good-quality healthcare a priority, by implementing a community healthcare strategy and improving health facilities, especially in isolated areas.

125. The National Pharmaceutical Policy was amended in 2021 to provide for a more efficient pharmaceutical system, by integrating healthcare structures and providers and ensuring the proper use of high-quality medicines and other healthcare inputs for the population.

Sexual health (122.27)

126. As part of the comprehensive sexuality education programme, awareness-raising campaigns have been conducted since 2019, and topics related to comprehensive sexuality education have been incorporated into school and extracurricular activities.

127. The multisectoral coordination committee for the protection and care of adolescent and youth health scaled up its activities between 2018 and 2020.

128. Information, education and communication sessions on reproductive health have been held for adolescents and young people at youth-friendly health centres, with a view to improving their sexuality and reproductive health knowledge. Training has been organized for health workers at these centres, enabling them to interact better with the targeted population.

Reproductive health (121.34 and 122.27)

129. The 2021–2025 Integrated Strategic Plan reflects the commitment of Madagascar to improve strategies and expand initiatives related to family planning and the securing of reproductive health products.

130. On 12 July 2024, at the launch of the National Forum on the Promotion of Family Planning, the President made a high-level commitment to promote the effectiveness of family planning. This commitment reflects the importance of access to contraception as a powerful tool for combating poverty and improving living conditions. The goal is 5.1 million regular users of family planning by 2028, to be achieved by implementing several initiatives already under way, including the expansion of free contraceptive distribution points throughout the country and the education of young people.

Children’s health (121.35)

131. Madagascar has joined the Campaign on Accelerated Reduction of Maternal, Newborn and Child Mortality in Africa 2021–2030, which was officially launched in November 2022. This campaign expands and reinforces accountability partnerships for reproductive, maternal, child, newborn and adolescent health.

132. A road map for the reduction of maternal and newborn mortality 2023–2027 was also drawn up.

133. As part of the national immunization strategy, the Ministry of Public Health has made a priority of vaccinating zero-dose and under-vaccinated children, as well as those living in hard-to-reach communities.

134. Madagascar adopted a national multisectoral nutrition action plan for the period 2022–2026, the aim of which is to ensure that every Malagasy family has good nutritional status and access to safe, healthy food.

135. The country has a number of public health establishments, including 22 university hospitals, 16 regional referral hospitals, 101 district referral hospitals and 2,844 basic health centres. Between 2019 and 2023, 41 basic health centres and 16 hospitals were built, and 3 hospitals were rehabilitated. A further 8,260 community sites with 44,065 community workers are available and operational.

136. A national health emergency fund was set up on 15 October 2021 to facilitate access to emergency medical care.

137. Madagascar adopted a health sector development plan for the period 2022–2024 to eradicate communicable and infectious diseases.

Malaria control (121.68)

138. Madagascar has adopted a national malaria control plan for the period 2023–2027 based on five strategic pillars.

Financing of the healthcare system (121.85)

139. In order to guarantee good-quality health services for the entire population, the budget allocated to the health sector was increased by 12.5 per cent between 2021 and 2022, and by 24.2 per cent between 2022 and 2023.

*Right to education*

140. Madagascar strengthened its commitment to promoting access to education by adopting Act No. 2022-018 of 13 December 2022, establishing general guidelines on the education system.

Access to education and reduction of dropout rates (121.92, 121.93 and 121.125)

141. The following measures were taken between 2019 and 2023 to improve access to education and reduce dropout rates:

- Grants to 22,206 non-staff public school teachers
- Reduction in education-related expenses for parents through the recruitment of 31,500 non-civil servant teachers to the teaching corps, the allocation of “school funds” to 26,710 schools, the distribution of 2,003,066 school supply kits and the operation of school canteens in 6,006 schools
- Construction of 1,610 schools

142. During the pandemic, the Ministry developed a remote self-learning system based on audiovisual broadcasts.

**Rights of specific persons or groups**

*Women's rights*

Combating gender-based violence (121.19, 121.94, 121.98, 121.99, 121.100, 121.101, 121.102, 121.104, 121.105, 121.106, 121.107, 121.112, 121.113, 121.114, 121.115, 121.116, 121.118, 121.119, 121.123, 121.126, 121.129, 121.132 and 121.135)

143. To better address gender-based violence, a number of prosecutors have been designated as focal points for cases involving gender-based violence. Special hearings are now held regularly in courts and tribunals to expedite the processing of such cases.

144. Since 2020, training modules on how to combat gender-based violence have been introduced at the two National Police training schools.

145. In addition, women's units have been set up within police stations to deal with cases involving gender-based violence.

146. A manual of standard procedures was drafted, validated and made available to the relevant entities in 2022 to ensure the integrated management of victims of gender-based violence.

147. A series of capacity-building programmes for 1,171 State and non-State actors involved in handling cases of gender-based violence have been carried out since 2022.

148. As for the prevention of gender-based violence, the authorities are working to implement community awareness-raising programmes, disseminate legislation, ensure that public bodies are operational and further develop cooperation with hotel operators.

149. In addition, awareness-raising campaigns were carried out in public schools between 2021 and 2023.

Women's socioeconomic empowerment (121.97, 121.120, 121.122, 121.127, 121.130 and 121.133)

150. A national strategy for women's economic empowerment is being developed.

151. Between 2019 and 2024, 1,530 associations and 6,732 female members of associations received vocational training in baking, hairdressing, fishing and agrifood activities; various materials, kits and equipment were subsequently distributed.

152. To facilitate the exchange of know-how among women's associations, 10 "women's houses" have been built and have opened their doors across the country.

Participation of women in political and public life (121.23, 121.94, 121.109, 121.111, 121.120, 121.121, 121.122, 121.123, 121.125, 121.127, 121.130 and 121.133)

153. In 2022, the "TALILY RAIKE" project, which promotes peaceful conflict resolution by strengthening women's leadership in decision-making processes, was carried out to encourage women's participation in public affairs and encourage them to take up leadership roles.

154. Regarding women in elected office, women account for 5 per cent of mayors, 7 per cent of municipal councillors, 17 per cent of deputies and 8 per cent of senators.

155. According to AUGURE, a computerized system for managing the State's human resources, women make up around 46 per cent of employees in the Malagasy administration at the central and local levels.

Gender promotion (121.110 and 122.28)

156. The commitment of Madagascar to promoting gender is reflected in the development of the gender law and policy referred to in the previous paragraph.

*Rights of the child*

Sexual exploitation of children (121.62, 121.104, 121.138, 121.139, 121.146, 121.152 and 121.155)

157. The authorities have stepped up the fight against the sexual exploitation of children by amending Act No. 95-017 of 25 August 1995 on the Tourism Code. The amendment covers cases of sexual exploitation of children in the context of travel and tourism.

158. The code of conduct, consisting of nine commitments, was updated in 2023 by actors in the tourism industry and the relevant ministry.

159. The vice and minors protection squad receives specialized training in techniques for identifying, investigating and intervening in cases of child sexual exploitation.

Combating child marriage (121.142, 121.143, 121.144, 121.154, 121.155 and 121.156)

160. The implementation of the National Strategy to Combat Child Marriage adopted in 2018 will be completed in 2024.

Combating child labour (121.138, 121.141, 121.145, 121.147, 121.152, 121.153, 121.155, 121.158 and 121.160)

161. With reference to the "Vision Zero Fund" initiative, the State drew up a global strategic plan for the Labour Inspectorate for the period 2022–2025. In 2023, implementation of the plan led to the identification of 9 child workers in the vanilla sector and 780 child workers, including 300 girls and 480 boys, in the mining sector.

162. The mission of the Manjarisoa Centre in Antananarivo is to help disadvantaged children go back to school and receive vocational training. Each year, the Centre hosts 35 children, including 20 in education catch-up programmes and 15 over the age of 14 in vocational training.

163. The code of conduct for mining operators also contributes to the fight against child labour, including in the vanilla, cocoa, clove and mica sectors.

164. Efforts to combat child labour in the mica mining sector continue with the "Madagascar Shines" project, which covers the period 2022–2025. The project aims to improve the resilience of mining families by providing educational services to 1,800 children and livelihood services to 2,200 adults through a joint action plan involving several ministries and partners.

165. In 2023, the National Committee for Combating Child Labour was provided with tools such as identification, observation, reporting and monitoring forms, to enable it to work more effectively.

166. In March 2024, a community of practice to combat child labour and its worst forms was created. It brings together 22 State and non-State, national and international bodies to combat child labour and protect children.

Promotion of children's rights (121.125, 121.136 and 121.156)

167. The authorities have stepped up their efforts to enforce the right to birth registration. In addition to continuing implementation of the "Ezaka kopia" project, the authorities have increased the number of hearings for the purpose of issuing birth decrees and are gradually digitizing birth registration and introducing the issuance of a unique identification number as part of the PRODIGY project.

168. Every year, campaigns are conducted to raise awareness of children's rights on international theme days and on National Inclusive Education Day.

Protection of children (121.137): eradicating the rape of minors

169. In order to better protect children against rape, a penalty of surgical castration was recently introduced, by Act No. 2024-001 of 7 February 2024, modifying and supplementing

certain provisions of the Malagasy Criminal Code. This new penalty applies to the most dangerous sexual predators, including those who have raped children under the age of 10.

*Rights of persons with disabilities (121.23, 121.77, 121.191 and 121.193)*

170. Act No. 97-044, on the rights of people living with disabilities, is being amended to better uphold the rights of persons living with disabilities, as part of the process of bringing national legislation into line with the relevant international treaties and the optional protocols thereto.

171. To overcome barriers to social participation, the Ministry has been working on a national policy for the inclusion and empowerment of persons with disabilities. In preparation since 2022, the national policy is now being finalized.

172. With regard to the right to education of persons with disabilities, an interministerial decree has been issued regarding the adaptation of official examination procedures for candidates with special needs, in order to ensure their effective participation.

173. Between 2019 and 2024, 476 candidates with special needs sat the examination for the certificate of completion of primary studies and 152 sat the examination for the certificate of completion of the first stage of secondary education.

174. In addition, since 2020, the Ministry of Education has created and launched 10 networks for parents of students with special needs, including students with disabilities, in 4 regional directorates of the national education system.

175. To ensure that persons with disabilities have access to facilities adapted to their situation, 10 new sanitary units, to be installed in 2019, have been fitted with access ramps, and 40 community facilities have been set up less than 30 minutes from where the persons concerned live.

176. As part of the ongoing promotion of the rights of persons with disabilities, social safety net programmes and skills-based initiatives have made it possible to organize support and training in income-generating activities. Thus, 19,616 persons with disabilities in 15 beneficiary regions have been provided with equipment, and 7,651 persons with disabilities have been given food, blankets, materials and equipment, as well as assistive devices such as wheelchairs, crutches and hearing aids.

*Rights of persons affected by leprosy (122.28)*

177. To improve the situation of persons affected by leprosy, the State has developed:

- A multisectoral master plan for leprosy control covering the period 2023–2027, with the aim of significantly reducing leprosy
- A new strategic plan for leprosy control for the period 2025–2030, including prevention activities, active screening, capacity-building for health workers, case management, disability prevention, the fight against stigmatization and respect for human rights

## Recommendations not yet implemented

178. The following recommendations remained outstanding during the period under review:

- Adoption of comprehensive legislation, coupled with the relevant policies and programmes, to combat all forms of racial discrimination (121.14)
- Vigorous measures to combat the practice of *moletry* (bride price) (121.154)

# III. Developments in the human rights situation at the national level

## Elections

179. During the period under review, a number of national elections were held. Credible, transparent and inclusive, these elections were accepted by the political parties and platforms, voters and national and international observers. Elections for the Senate, the Presidency and the National Assembly were held on 11 December 2020, 16 November 2023 and 29 May 2024, respectively.

180. For the presidential election, 13 of 28 candidacies were accepted by the High Constitutional Court. Having obtained the absolute majority of votes cast in the first round, Mr. Andry Rajoelina was re-elected President of the Republic.

181. In the legislative elections, 163 deputies and 12 senators were elected.

182. The organization of all elections and the announcement of provisional results is entrusted to the Independent National Electoral Commission, the body in charge of managing elections in Madagascar.

183. The final results of national elections are announced by the High Constitutional Court, whereas the administrative courts are responsible for announcing the final results of communal and municipal elections.

## Response to the coronavirus disease (COVID-19) pandemic

184. In line with the International Health Regulations, the State took the following measures during the COVID-19 pandemic:

- Establishment of a COVID-19 response operations control centre in Ivato on 4 January 2020
- Nationwide declaration of a public health emergency on 21 March 2020
- Implementation of two COVID-19 response plans, in April 2020 and April 2021
- Establishment of public medical centres for the treatment of COVID-19 on 29 July 2020
- Creation of a Malagasy medical analysis laboratory (LA2M) on 7 October 2020
- Adoption of the National Deployment and Vaccination Plan against COVID-19 in September 2021
- Provision of COVID-19 vaccines free of charge as from September 2021
- Production and free distribution of COVID-Organics (CVO), an artemisia-based herbal tea and capsule
- Establishment of the “Pharmalagasy” pharmaceutical plant to manufacture medicines
- Provision of free emergency care for people with COVID-19

185. To prevent transmission and slow the spread of COVID-19, the following measures were taken:

- Free distribution of surgical masks
- Regular disinfection of public areas
- Requisition of hotels and centres to house people with COVID-19
- Joining of the COVID-19 Vaccine Global Access (COVAX) Facility on 19 March 2021 to benefit from vaccines
- Vaccination against COVID-19, first dose, as from 10 May 2021

### Protection of persons with albinism

186. On the occasion of International Albinism Awareness Day on 13 June 2022, the national authorities, together with the United Nations Children's Fund (UNICEF) and other partners, came together to raise public awareness about the persistent discrimination against persons with albinism, with a view to eliminating such discrimination and putting an end to the abductions and murders perpetrated against them.

187. In addition, the authorities have taken due note of and are committed to implementing the recommendations of the Independent Expert on the enjoyment of human rights by persons with albinism, based on her visit to Madagascar from 20 to 30 September 2022.

188. A national committee for the protection of persons with albinism was set up in 2022. The committee, which brings together representatives of the Ministry of Justice, the Ministry of Population and Solidarity, the office of the Minister in charge of the Gendarmerie, the National Independent Commission on Human Rights, the Office of the Ombudsman, associations of persons with albinism and United Nations agencies in Madagascar, is working on a national plan that outlines the measures to be taken in support of persons with albinism. In addition, a report on the situation of persons with albinism, based on data from three southern regions, was drafted in March 2023.

189. To better protect persons with albinism against abduction, gendarmerie units are frequently deployed to areas frequented by persons with albinism, so that they can increase patrols and surveillance of high-risk areas and care centres for persons with albinism.

190. Awareness-raising campaigns are also carried out to decry the evil beliefs that lead to the abduction and killing of persons with albinism.

### Protection of refugees and stateless persons

191. A National Action Plan to Reduce and Eliminate Statelessness was drawn up in 2019 and adopted on 3 July 2024.

192. A bill on the protection of refugees is currently being drafted. In addition, the Office for Refugees within the Ministry of the Interior has been revitalized to take better charge of refugees in Madagascar.

## IV. New and emerging issues

### Progress

193. Major progress was made during the reporting period. Action focused on restoring participatory democracy by organizing regular presidential, legislative and territorial elections; restoring the confidence of the public in the judiciary; strengthening the functioning of national institutions that defend human rights; implementing various programmes, policies and strategies in the areas of health, education, labour and environmental protection; and establishing peace and security both nationally and locally.

### Challenges

194. Madagascar, as an island State and least developed country, is beset by economic and social difficulties exacerbated by the drastic consequences of the COVID-19 pandemic and various global problems, including ongoing war and global warming. This context has significantly limited the implementation of certain initiatives aimed at implementing the recommendations accepted by Madagascar.

### Expectations

195. Madagascar looks forward to working with its international partners to further strengthen its national capacities for the promotion and protection of human rights, and thus help it to meet its treaty obligations arising from the ratification of international legal instruments. The unfailing support provided throughout these periods is much appreciated and, on this occasion, Madagascar requests that such support continue, in particular for the development of the first human rights policy of Madagascar.

## Concluding remarks

196. Despite the unfavourable situation, Madagascar is determined to step up its efforts and make significant progress towards its various objectives and overcome the challenges it faces, given the paramount importance of the promotion, protection and respect of human rights.

197. Madagascar thus reaffirms the importance of the universal periodic review mechanism, as a cornerstone for the promotion and protection of human rights internationally, based on constructive dialogue with Member States.

198. Madagascar also takes this opportunity to renew its commitment to human rights and to strengthening its close cooperation with international and regional human rights mechanisms.

*Notes*

[1] Répondez ma doléance.
[2] Participation collective à la paix.
[3] Cette activité s'inscrit dans le cadre de la mise en œuvre du premier pilier de la PGE sur le capital humain et le troisième pilier sur la bonne gouvernance.