



Human Rights Council
Working Group on the Universal Periodic Review
Thirty-fourth session
4–15 November 2019

Summary of Stakeholders' submissions on Madagascar*

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a summary of 14 stakeholders' submissions¹ to the universal periodic review, presented in a summarized manner owing to word-limit constraints. A separate section is provided for the contribution by the national human rights institution that is accredited in full compliance with the Paris Principles.

II. Information provided by the national human rights institution accredited in full compliance with the Paris Principles

2. The Independent National Human Rights Commission² noted that the instruments to which Madagascar was a party were considered to be an integral part of Malagasy positive law.³

3. The Commission reported that 19 summary executions involving the police and the gendarmerie had been recorded between 2017 and 2018. Other abuses involving elements of the security forces, who were responsible for recurrent human rights violations, were also highlighted. Despite the reform of the security sector, prosecution of members of the security forces remained difficult. The law provided for a procedure preliminary to their prosecution,¹ which served to promote corporatism and the culture of impunity.⁴

4. The Commission recommended that the Government revise the law relating to the security forces, create an independent entity to investigate members of the security forces and ensure the systematic, independent and impartial investigation of each and every case of summary execution.⁵

5. The Commission reported that it had visited 23 of the country's 82 detention facilities and observed a deterioration in the conditions of detention. Prison overcrowding

* The present document was not edited before being sent to United Nations translation services.



was widespread, with persons on remand awaiting trial accounting for 53.21 per cent of the total prison population. In addition, women and girls were not always held separately from men and boys. All detained persons were found to be in a state of chronic malnutrition and undernourishment, which affected their state of health.⁶

6. Acts of torture and cruel, inhuman and degrading treatment and punishment of prisoners were noted in certain places of deprivation of liberty.⁷

7. The Commission recommended that the Government renovate the detention centres and establish places of detention in the vicinity of courthouses; expedite judicial proceedings, including those relating to the enforcement of court decisions; and implement alternative measures to imprisonment.⁸

8. The Commission noted that, in an effort to protect property and persons in a situation of continued insecurity, communities had maintained so-called *Dina* agreements, which had to be approved by the courts before they could be applied.⁹ However, cruel, inhuman and degrading treatment and punishment, which sometimes constituted a threat to the life of the victims, was legitimized in *Dina* agreements that had not been approved but were nonetheless applied. The loss of public confidence in State institutions fuelled the spread of mob justice.¹⁰

9. The Commission recommended that the Government eliminate abuses in *Dina* sentence enforcement and mob justice, provide human rights training to *Dina* members and strengthen cooperation between grass-roots communities and the judicial system.¹¹

10. The Commission indicated that corruption was widespread in the public administration, including in competitive examinations, land administration, the legal system and hospital environments, thus promoting a culture of impunity and exacerbating the loss of public confidence. The situation spurred acts of mob justice, which were on the rise throughout the country.¹²

11. The Commission recommended that the Government re-examine the possibility of enabling private audiovisual media to broadcast nationally in order to promote diverse opinions and equal access to information in all areas of the country, and to establish a multi-stakeholder body with responsibility for granting, suspending and withdrawing operating licences for private audiovisual broadcasters.¹³

12. The Commission noted that Madagascar was one of the poorest countries in the world and experienced high population growth. Poverty affected every area of life, such as the economy, sociocultural life and security. It particularly affected rural and remote communities, hitting the most vulnerable groups of society the hardest.¹⁴

13. The Commission emphasized that the general health of the population was poor and that health policy was ineffective. The unequal distribution of health infrastructure, health-care staff, medical equipment and medications was palpable, especially in rural areas. The lack of professionalism of some health-care staff was a violation of the right to life. The Commission recommended that the Government improve the living conditions of medical personnel, integrate traditional health practitioners into the public health system and strengthen security in rural areas.¹⁵

14. The Commission indicated that, although the principle of free primary education was enshrined in the 2010 Constitution, it was far from being a lived reality. Thousands of children, girls in particular, were out of school. Teaching quality was poor and teachers' working conditions were unattractive. The Commission recommended that the Government enforce the principle of free education and improve the salary, housing and health-care coverage of teachers.¹⁶

15. The Commission noted that, with regard to land disputes, the violations most commonly reported by local communities were: land seizures by mining companies, massive population displacements, significant environmental damage and disregard for the habits and customs of villagers by mining companies, including the destruction of cultural property. The Commission recommended that the Government take further inspiration from international texts with a view to improving the land situation in Madagascar and reviewing

the mining code so as to increase the security of land tenure in the face of foreign investment.¹⁷

16. The Commission maintained that the situations of slavery and trafficking faced by female migrant workers continued to exist. Illegal departures of female migrant workers were still regularly recorded, despite the government ban on sending workers to at-risk countries. Women victims of abuse were held captive by their employers, who confiscated their passports. Employment agencies – whether licensed to provide passport services or not – joined forces and contributed to the spread of the phenomenon. There was still no clear policy for dismantling trafficking networks and the lack of registration of migrant workers made it difficult to provide them with support. The Commission recommended that the Government strengthen the protection of migrant workers, bring into operation the National Office to Combat Human Trafficking and implement the National Plan to Combat Human Trafficking.¹⁸

17. The Commission stated that the weight of tradition and cultural practices hampered the full development of women and girls, who were victims of various forms of exploitation. Sexual abuse and exploitation, particularly sex tourism, were increasing to the detriment of children's rights and despite the measures adopted by the Malagasy Government. The Commission recommended that the Government reduce early school dropout rates, especially among girls, and raise awareness among victims with regard to reporting alleged perpetrators or filing complaints.¹⁹

18. The Commission indicated that cases of rape continued to occur with total impunity in every region of Madagascar. Minors were among both victims and perpetrators. Rape had a psychological and physical impact on the victim and led, among other things, to child victims dropping out of school. Nevertheless, the duty to report was not well established in society and amicable legal settlements prevented victims from receiving effective care. Marital rape was not recognized as such by the public. The Commission recommended that the Government expedite the processing of rape cases by the courts, including by streamlining procedures and increasing the number of criminal court sessions, and disseminate legislation on violence against women and girls.²⁰

19. The Commission noted that, despite government efforts, harmful traditional practices persisted, such as the rejection and abandonment of twin boys by their parents in certain parts of the country. Child marriages still occurred in rural areas. The Commission recommended that the Government register and monitor centres for twin children who had been rejected by their families.²¹

20. The Commission highlighted the fact that members of stigmatized or marginalized groups and persons with disabilities were unable to fully participate in social, economic and political life. The Commission recommended that the Government take appropriate measures to implement the provisions of the Convention on the Rights of Persons with Disabilities and integrate the plan for disability inclusion into the activities of all ministries.²²

III. Information provided by other stakeholders

A. Scope of international obligations²³ and cooperation with international human rights mechanisms and bodies²⁴

21. AI noted that Madagascar was yet to ratify other treaties it agreed to, including the OP-CEDAW, the ICPED, the OP-ICESCR, and the OP-CRPD.²⁵

22. OSCDH recommended that Madagascar ratify the Convention on the Protection of Persons from Enforced Disappearance²⁶ and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa.²⁷

23. JS4 recommended that Madagascar accede to the 1954 Convention Relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.²⁸

24. CIVICUS recommended that Madagascar prioritise official visits by the Special Rapporteur on the situation of human rights defenders, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the rights to freedom of peaceful assembly and of association, the Special Rapporteur on the Independence of Judges and Lawyers, the Special Rapporteur on the rights to privacy and the Working Group on Arbitrary Detention.²⁹

25. GTT³⁰ and CIVICUS³¹ recommended that Madagascar allow the visit of the Special Rapporteur on extrajudicial, summary or arbitrary executions to the country.

26. AI recommends that Madagascar issue an invitation to the United Nations Working Group on Arbitrary Detention and the Special Rapporteur on Torture to carry out visits to Madagascar and grant them unfettered access to places of detention.³²

27. ICAN noted with appreciation that Madagascar signed the United Nations Treaty on the Prohibition of Nuclear Weapons on 20 September 2017 and recommended that Madagascar then ratifies the Treaty as a matter of urgency.³³

B. National human rights framework³⁴

28. JS3 recommended ensuring that the National Independent Commission on Human Rights was provided with the necessary budget for the achievement of its functions; ensuring that its regional offices were implemented and that the members of the National Mechanism for the Prevention of Torture were provided with the professional skills and knowledge required for the monitoring of places of detention.³⁵

29. OSCDH recommended establishing a national mechanism to ensure the effective implementation of the provisions of international and regional human rights instruments; intensifying the establishment of local justice structures for a fair trial; focusing on the implementation of the national reconciliation policy to combat impunity and popular vindictiveness.³⁶

30. OSCDH recommended that Madagascar proceed as soon as possible to the amendment of Articles 2 to 8 and 36 to 40 of Law No. 2014-043 on the High Court of Justice and appoint only professional judges for greater efficiency of this high court.³⁷

C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Cross-cutting issues

Development, the environment, and business and human rights³⁸

31. GTT noted that in 2016, Madagascar has experienced the transfer of more than 3.7 million hectares of agricultural land to foreign companies. The creation of ZESs (special economic zones) was likely to provoke massive expulsions and expropriations in all regions, under cover of the declaration of public utility. GTT recommended that Madagascar lead an independent investigation into the plundering of resources and put punitive measures in place for the squandering of natural resources and land grabbing, the latter being considered a crime against humanity.³⁹

32. PNI recommended that Madagascar prevent land grabbing by conducting a public consultation with the Malagasy population and the local community before granting contracts to investors;⁴⁰ promote transparent and equitable land governance: application without exclusion of the right to inheritance, prior recognition of the right to enjoy land or unwritten land rights of the Malagasy people on the lands of their ancestors.⁴¹ PNI finally recommended that Madagascar continue the implementation of land reform and revise laws on land management in the large industrial, mining, oil, quarry, coastal, agricultural, tourist and other large-scale operations.⁴²

33. OSCDH stated that the country's natural environment was seriously deteriorating. Traffickers were often covered by the authorities, while environmental protectors,

environmental activists and human rights defenders faced harassment, threats, imprisonment and even murder. Land grabbing was a recurrent problem, aggravated by the adoption of the law on the Special Economic Zone and the Tourism Land Reserve.⁴³

34. OSCDH recommended strengthening transparency, admissibility and anti-corruption in natural resource management in line with the requirements of the Extractive Industries Transparency Initiative; involving local communities in any project related to the exploitation of their natural resources; and adopting the draft law on the protection of human rights defenders and environmental activists.⁴⁴

35. JS1 recommended that Madagascar harmonize and implement the legislation concerning the management of natural resources in grass-roots communities and revise or amend existing laws and regulations with a view to safeguarding the land, assets and resources of the most vulnerable groups of the Malagasy population.⁴⁵

2. Civil and political rights

*Right to life, liberty and security of person*⁴⁶

36. AI recommended that Madagascar carry out prompt, thorough, independent and impartial investigations into all allegations of extrajudicial executions; make the outcome of the investigations public and bring those suspected of criminal responsibility to justice in fair trials that meet international standards.⁴⁷

37. SALC noted that the Act against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Act No. 8 of 2008 has not yet been incorporated into the national Criminal Code or the Criminal Procedure Code.⁴⁸ JS3 was concerned about the conditions of custody and called upon Madagascar to revise the Code of Criminal Procedure.⁴⁹

38. JS3 recommended that Madagascar expedite the process of revising Act No. 2008-008 prohibiting torture in order to align it with the provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, ensuring that the penalties for torture and ill-treatment were commensurate with the gravity of the acts committed and establishing that the statute of limitations was not applicable to acts of torture.⁵⁰

39. AI ascertained that detention conditions in Madagascar continue to constitute cruel, inhuman or degrading treatment or punishment.⁵¹

40. JS3 stated that prison overcrowding and the systematic or even unjustified use of pretrial detention were two issues affecting the administration of justice in Madagascar.⁵² SALC noted that Madagascar's prisons, despite recommendations received at the UPR second cycle, continue to be overcrowded, with many detainees awaiting trial in deplorable conditions.⁵³ AI recommended that Madagascar urgently adopt a National Action Plan to improve conditions of detention in line with international standards, in particular the Nelson Mandela Rules, as Madagascar had agreed to do during its second UPR cycle.⁵⁴ JS3 recommended that Madagascar improve conditions of detention; tackle prison overcrowding, in particular by preventing the excessive and unwarranted use of pretrial detention and focusing on alternatives to detention; and continue and intensify efforts to improve detainees' access to good nutrition and health care.⁵⁵

41. JS2 noted that domestic violence against women and children remained widespread but was rarely the subject of complaints owing to fear, social stigma and cultural attitudes that categorized women as "fanaka malemy", or the weaker sex.⁵⁶

*Administration of justice, including impunity, and the rule of law*⁵⁷

42. AI considered that under the Criminal Code and the Code of Criminal Procedure, pre-trial detention was too lengthy and violated fair trial rights.⁵⁸ AI also noted that Malagasy law permits lengthy periods of detention pending trial for children from the age of 13, violating international standards that require the deprivation of a child's liberty to be a measure of last resort and for the shortest possible time.⁵⁹ AI recommended that Madagascar amend the Code of Criminal Procedure to ensure that all arrested persons were brought promptly before a judge to determine the lawfulness of their detention within a

period not exceeding 48 hours; immediately and unconditionally release any individuals who had not committed a crime and were held merely for offences attributed to their relatives; urgently restructure prisons to ensure sufficient space to separate different categories of prisoners, especially children, in accordance with international law and standards.⁶⁰ JS3⁶¹ and OSCDH⁶² made similar comments and recommendations.

43. JS3 recommended that Madagascar revise the Code of Criminal Procedure to eliminate the maximum derogation period of 12 days and to provide for all rights of detainees in police custody, ensure that those rights were respected in practice and improve detention conditions in police custody facilities.⁶³

44. JS3 also recommended continuing and intensifying efforts to provide training to law-enforcement officers on human rights and, in particular, on the prohibition of torture and other cruel, inhuman or degrading treatment or punishment.⁶⁴

45. GTT recommended immediately taking measures to put an end to all arbitrary or politically motivated searches, arrests, detentions, and to develop, without delay, the necessary reforms to ensure the integrity of the administration of justice.⁶⁵

46. OSCDH stated that there was a failure to address police violence, physical torture, kidnapping, popular vindictiveness and widespread insecurity. In addition, the population's access to justice was limited by the remoteness of the courts and excessive legal costs.⁶⁶

Fundamental freedoms and the right to participate in public and political life⁶⁷

47. SALC,⁶⁸ CIVICUS,⁶⁹ AI⁷⁰ and GTT⁷¹ recommended that Madagascar create a safe environment which protects journalists, human rights defenders and other civil society actors and their right to exercise their freedom of expression.

48. AI recommended that Madagascar address threats and attacks of human rights defenders, including by thorough and independent investigations on human rights violations and abuses against them, bring the suspected perpetrators to justice in fair trials, provide effective remedies and adequate reparations to the victims.⁷² CIVICUS⁷³ and GTT⁷⁴ made similar recommendations.

49. AI recommended that Madagascar amend the legal framework (Ordinance 60-082) on peaceful protests and assembly to ensure the right to peaceful assembly is not subject to prior authorization, but at most prior notification, and only for large assemblies or assemblies where some disruption may be anticipated.⁷⁵ CIVICUS recommended adopting best practices on the freedom of peaceful assembly, as put forward by the United Nations Special Rapporteur on the rights to freedom of peaceful assembly and of association in his 2012 annual report.⁷⁶

50. SALC⁷⁷ and CIVICUS⁷⁸ noted the 2016 Code of Media Communication still criminalises and establishes heavy fines for contempt, defamation, slander or insult of any public officer. OSCDH stated that the law on the communication code confirmed the State's control over media communication.⁷⁹

51. SALC,⁸⁰ AI,⁸¹ CIVICUS⁸² and GTT⁸³ expressed their concern that the Cybercrimes Law targets freedom of expression as well as press freedom online.

52. OSCDH noted that the law on the communication code confirmed the State's control over media communication. The establishment of the National Authority for the Regulation of Media Communication was not yet a reality.⁸⁴ CIVICUS recommended that Madagascar amend restrictive provisions of the Law on Communication and of the Cyber Crimes Law to ensure that they were in line with constitutional provisions and international human rights standards.⁸⁵

53. OSCDH recommended that the provisions of the electoral law and the laws on political parties be implemented, with emphasis on the limitation and transparency of campaign funds.⁸⁶

54. OSCDH recommended that Madagascar adopt concrete measures for a more consistent and equitable representation of women in the administration of public affairs and facilitate women's access to credit at an affordable rate.⁸⁷

3. Economic, social and cultural rights

*Right to work and to just and favourable conditions of work*⁸⁸

55. OSCDH indicated that working conditions continued to be precarious and that certain labour rights were not respected. It recommended the implementation of the International Labour Organization (ILO) Collective Bargaining Convention, 1981 (No. 154).⁸⁹

*Right to an adequate standard of living*⁹⁰

56. OSCDH noted that the right to decent and affordable housing was limited; the systematic violation of the right of access to drinking water has been perpetrated for decades in the far south, as evidenced by chronic famine. The lack of hygiene and sanitation were the cause of the epidemics that hit the country.⁹¹

57. OSCDH recommended ensuring that the population, particularly the rural community, women and the disabled, has an adequate supply of safe and nutritious food; access to safe drinking water and adequate sanitation.⁹²

58. JS1 recommended that Madagascar intensify the fight against poverty in collaboration with UNDP and aim to ensure that particularly vulnerable populations have access to food security, income and employment opportunities.⁹³

*Right to health*⁹⁴

59. OSCDH recommended that Madagascar comply with constitutional provisions on access to the highest attainable standard of health and free public health; preserve children's lives through health investments in prevention and care; ensure strict surveillance of vaccination materials and products; make paediatric care and treatment free of charge.⁹⁵

60. AI recommended that Madagascar ensure that 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.⁹⁶

*Right to education*⁹⁷

61. According to GTT, Madagascar remained one of the countries in the world with the highest number of out-of-school children.⁹⁸

62. JS2 stated that children who had difficulty enrolling in public schools did not have access to quality education in the same way as children who enrolled in private schools.⁹⁹ Socioeconomic inequality was linked to inequality in education. JS2 recommended harmonizing educational programmes, including by encouraging exchanges between students in public and private schools as part of a corporate social responsibility programme.¹⁰⁰

63. OSCDH observed that the constitutional provisions concerning free education were not respected, making access to education difficult in Madagascar. OSCDH recommended guaranteeing effective free education and accessibility for all, without discrimination; ensuring equitable distribution of the State budget at the regional level to increase completion rates; raising parents' awareness of the importance of education.¹⁰¹

4. Rights of specific persons or groups

*Women*¹⁰²

64. JS4 stated that gender discrimination in Madagascar's nationality law denies women equality under the law, as enshrined in the Constitution of Madagascar, and implicitly establishes women to be second-class citizens, further exacerbating a sexist and discriminatory framework for women's role in the family and society.¹⁰³

65. JS4 noted that the new nationality law, n° 2016-038, did not address gender-discriminatory provisions that deny Malagasy women the ability to confer nationality on a

non-national spouse on an equal basis with Malagasy men.¹⁰⁴ Women's unequal ability to confer nationality on spouses also negatively impacts women's ability to freely choose a spouse, to form a family, and to ensure family unity.¹⁰⁵

66. JS2 recommended guaranteeing girls' right to education by carrying out awareness-raising campaigns aimed at households on the importance of having an education for a brighter future.¹⁰⁶

67. AI recommends that Madagascar decriminalize the provision of abortion-related information and services by medical providers in all circumstances and pregnant people seeking or having an abortion; remove legal, administrative and practical barriers to accessing safe and legal abortion services; and repeal Article 317 of the Penal Code, which provides sentences ranging up to 5 years of imprisonment and large fines.¹⁰⁷

*Children*¹⁰⁸

68. JS2 noted that many boys and girls came from rural areas to look for work in Antananarivo, where they ended up performing odd jobs – such as handling goods, delivering water, looking after cars and cleaning – in often difficult conditions. Girls were generally employed as household workers. Far from their families, they were extremely vulnerable to ill-treatment and exploitation and often had no one to call on for help.¹⁰⁹

69. JS2 expressed its concern at the fact that there were still numerous street children who were at particular risk of abuse. It emphasized the urgent need to take specific measures to enable those children to break out of the vicious cycle of poverty.¹¹⁰

70. ECPAT observed that Sexual exploitation of children (SEC) for the purpose of prostitution and sexual exploitation of children in the context of travel and tourism, a particularly widespread phenomenon, were common in Madagascar, which did not have a specific national action plan against Sexual Exploitation of Children.¹¹¹ The practice of forced and early marriages also remained very common in Madagascar.¹¹²

71. ECPAT recommended that Madagascar adopt a specific national action plan to combat the sexual exploitation of children that takes into account all forms of sexual exploitation of children, or – failing that, ensure that all forms of sexual exploitation of children are integrated into the various relevant national action plans – by setting clear and precise objectives and allocating adequate budgetary provisions.¹¹³

72. ECPAT recommended that Madagascar provide a legal definition and criminalize all forms of sexual exploitation of children in accordance with regional and international standards,¹¹⁴ and establish an effective and appropriate legal aid mechanism for child victims of sexual exploitation.¹¹⁵

73. JS2 recommended that Madagascar put preventive measures in place by establishing workshops to raise awareness of children's rights and setting up drop-in advice centres for child victims of sex tourism, especially in regions popular with tourists, in order to discourage minors from turning to the sex trade.¹¹⁶

74. JS2 recommended that Madagascar continue the actions taken by the National Commission to Combat Child Labour and take measures to raise awareness of the issue of child labour, especially in rural areas and in the agricultural and informal sectors.¹¹⁷

75. JS2 recommended that Madagascar construct housing, emergency accommodation and shelters for children and their families living on the street or in a particularly precarious situation, and earmark funds specifically for the reintegration of street children into the education system.¹¹⁸

76. OSCDH recommended that Madagascar accelerate the implementation of the National Strategy to Combat Child Marriage and ratify the SADC Model Law on Child Marriage.¹¹⁹

77. OSCDH observed that the draft legislation on the rejection of twin children has not yet been adopted and awareness campaigns are not very productive.¹²⁰ OSCDH recommended encouraging the support of traditional and religious leaders in the fight

against child marriage and rejection of twins and ensuring the monitoring and evaluation of projects to combat child marriage.¹²¹

78. GIEACPC hoped that the Universal Periodic Review Working Group will note with concern the continued legality of corporal punishment of children in Madagascar. GIEPAC hoped states will raise the issue during the review in 2019 and make a specific recommendation that Madagascar draft and enact legislation to explicitly prohibit corporal punishment of children in all settings, including the home.¹²²

79. JS2 recommended that Madagascar carry out awareness-raising campaigns aimed at parents and teaching staff in order to eliminate the use of corporal punishment against children.¹²³

*Persons with disabilities*¹²⁴

80. OSCDH stated that the National Disability Inclusion Policy of 26 March 2015, containing the programme of all ministries from 2015–2019 for the development of people with disabilities has not been accompanied by concrete activities or appropriate budgets. Additionally, the Directorate for Disabled Persons within the Ministry of Population, Social Protection and the Advancement of Women, was disbanded.¹²⁵

81. OSCDH recommended that Madagascar develop a second policy by including it in each ministry's annual work plan and providing it with sufficient budgets; and reinstall the Directorate for Persons with Disabilities.¹²⁶

82. JS2 recommended that Madagascar promote inclusive education for children with disabilities by supporting centres and organizations that looked after children with disabilities.¹²⁷

83. OSCDH recommended that Madagascar take measures to encourage the recruitment of persons with disabilities in the public and private sectors; facilitate their access to microcredits; and ensure respect for the right to vote of persons with disabilities, including by ensuring access to polling stations.¹²⁸

Minorities and indigenous peoples

84. PNI expressed concerns about the deteriorating human rights situation in the *Fokonolona* indigenous communities.¹²⁹ PNI deplored the increase in insecurity, cases of intimidation, violence, arrests and death threats against local leaders, populations, women and children, fishermen, farmers, foresters, environmental protectors of endangered species, human rights and environmental defenders.¹³⁰ PNI recommended, *inter alia*, to ensure the protection of the *Fokonolona* malagasy; recognize the legal personality of the *Fokonolona*, as expressed in the preamble of the Malagasy Constitution; restore the lands of the *fokonolona* communities and repair the damages caused; prevent lands' seizure by public consultation with the Malagasy people and the local community before contracts are awarded to investors; redefine the form of the environmental law in Madagascar and its practical application.¹³¹

85. JS1 recommended that Madagascar recognize the legal personality of the *Fokonolona*, in accordance with the preamble and article 152 of the Malagasy Constitution, and ensure that their lands were legally registered in their name.¹³² JS1 also recommended that the Government provide the *Fokonolona* with technical and socio-organizational support. It should also strengthen their capacities by providing the necessary means to support their development and the establishment of good governance for improved natural resource management.¹³³

*Migrants, refugees, asylum seekers and internally displaced persons*¹³⁴

86. OSCDH¹³⁵ observed that illegal migration continues despite the State's suspension of the sending of Malagasy workers abroad, the majority of whom are victims of trafficking. OSCDH¹³⁶ recommended Madagascar to strictly enforce legal standards protecting the rights of migrant workers and members of their families by providing for stricter sanctions against networks of traffickers.

Stateless persons

87. JS4 noted that racial discrimination causes statelessness among individuals of given origins as they faced with difficulties to access naturalisation. Stateless persons were also at a greater risk of human trafficking, early and forced marriage, arbitrary detention, and lack of access to justice.¹³⁷

88. JS4 recommended that Madagascar ensure that all international and regional obligations related to the right to nationality, prevention and reduction of statelessness, protection of stateless persons, non-discrimination, and birth registration are fully incorporated into domestic law and implemented in practice.¹³⁸

Notes

¹ The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org.

*Civil society**Individual submissions:*

AI	Amnesty International, London (United Kingdom);
CIVICUS	World Alliance for Citizen Participation, Johannesburg (South Africa);
ECPAT International	ECPAT, Bangkok (Thailand);
GIEACPC	Global Initiative to End All Corporal Punishment of Children, London (United Kingdom);
GTT International	Collectif de la diaspora malagasy, Geneva (Switzerland);
ICAN	International Campaign to Abolish Nuclear Weapons, Geneva (Switzerland);
OSCDH	Groupement de la société Civile Malagasy (Madagascar);
PNI	Partnership Network International, Corsier, (Switzerland);
SALC	Southern Africa Litigation Centre, Johannesburg (South Africa).

Joint submissions:

JS1	Joint submission 1 submitted by: Partnership Network International, Corsier, (Switzerland);
JS2	Joint submission 2 submitted by: Istituto Internazionale Maria Ausiliatrice, Veyrier (Switzerland);
JS3	Joint submission 3 submitted by: FIACAT, Fédération Internationale de l'Action des Chrétiens pour l'Abolition de la Torture, Paris (France);
JS4	Joint submission 4 submitted by: Institute on Statelessness and Inclusion, Eindhoven (Netherlands).

National human rights institution:

CNIDH (A status)	Commission Nationale Indépendante des Droits de l'Homme, Antananarivo, (Madagascar).
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² <https://nhri.ohchr.org/EN/AboutUs/GANHRIAccreditation/Documents/SCA%20Report%20March%202019%20-%20EN%20.pdf>.

³ Commission Nationale Indépendante des Droits de l'Homme, soumission pour l'Examen Périodique Universel du Madagascar, page 2.

⁴ Commission Nationale Indépendante des Droits de l'Homme, soumission pour l'Examen Périodique Universel du Madagascar, page 4.

⁵ Commission Nationale Indépendante des Droits de l'Homme, soumission pour l'Examen Périodique Universel du Madagascar, page 5.

⁶ Commission Nationale Indépendante des Droits de l'Homme, soumission pour l'Examen Périodique Universel du Madagascar, page 4.

⁷ Commission Nationale Indépendante des Droits de l'Homme, soumission pour l'Examen Périodique Universel du Madagascar, page 3.

⁸ Commission Nationale Indépendante des Droits de l'Homme, soumission pour l'Examen Périodique Universel du Madagascar, pages 3 et 4.

⁹ Commission Nationale Indépendante des Droits de l'Homme, soumission pour l'Examen Périodique Universel du Madagascar, page 5.

¹⁰ Commission Nationale Indépendante des Droits de l'Homme, soumission pour l'Examen Périodique Universel du Madagascar, page 11.

- ¹¹ Commission Nationale Indépendante des Droits de l'Homme, soumission pour l'Examen Périodique Universel du Madagascar, pages 5 et 6.
- ¹² Commission Nationale Indépendante des Droits de l'Homme, soumission pour l'Examen Périodique Universel du Madagascar, page 2.
- ¹³ Commission Nationale Indépendante des Droits de l'Homme, soumission pour l'Examen Périodique Universel du Madagascar, page 7.
- ¹⁴ Commission Nationale Indépendante des Droits de l'Homme, soumission pour l'Examen Périodique Universel du Madagascar, page 2.
- ¹⁵ Commission Nationale Indépendante des Droits de l'Homme, soumission pour l'Examen Périodique Universel du Madagascar, page 9.
- ¹⁶ Commission Nationale Indépendante des Droits de l'Homme, soumission pour l'Examen Périodique Universel du Madagascar, page 9.
- ¹⁷ Commission Nationale Indépendante des Droits de l'Homme, soumission pour l'Examen Périodique Universel du Madagascar, page 8.
- ¹⁸ Commission Nationale Indépendante des Droits de l'Homme, soumission pour l'Examen Périodique Universel du Madagascar, pages 10 et 11.
- ¹⁹ Commission Nationale Indépendante des Droits de l'Homme, soumission pour l'Examen Périodique Universel du Madagascar, page 11.
- ²⁰ Commission Nationale Indépendante des Droits de l'Homme, soumission pour l'Examen Périodique Universel du Madagascar, page 12.
- ²¹ Commission Nationale Indépendante des Droits de l'Homme, soumission pour l'Examen Périodique Universel du Madagascar, pages 9 et 10.
- ²² Commission Nationale Indépendante des Droits de l'Homme, soumission pour l'Examen Périodique Universel du Madagascar, page 12.
- ²³ The following abbreviations are used in UPR documents:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination;
ICESCR	International Covenant on Economic, Social and Cultural Rights;
OP-ICESCR	Optional Protocol to ICESCR;
ICCPR	International Covenant on Civil and Political Rights;
ICCPR-OP 1	Optional Protocol to ICCPR;
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty;
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women;
OP-CEDAW	Optional Protocol to CEDAW;
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
OP-CAT	Optional Protocol to CAT;
CRC	Convention on the Rights of the Child;
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict;
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography;
OP-CRC-IC	Optional Protocol to CRC on a communications procedure;
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
CRPD	Convention on the Rights of Persons with Disabilities;
OP-CRPD	Optional Protocol to CRPD;
ICPPED	International Convention for the Protection of All Persons from Enforced Disappearance.

²⁴ For relevant recommendations see A/HRC/28/13, paras. 108.1–38, 53, 56, 97, 118, and A/HRC/28/13/Add.1, paras. 109.1, 2.

²⁵ See AI, p. 1.

²⁶ OSCDH, para. 14.

²⁷ OSCDH, para. 73.

²⁸ JS4, p. 6.

²⁹ CIVICUS, p. 9.

³⁰ GTT, p. 6.

³¹ CIVICUS, p. 9.

³² AI, p. 6.

³³ ICAN, p. 1.

- ³⁴ For relevant recommendations see A/HRC/28/13, paras. 108.39, 52, 55, 57, 75.
- ³⁵ S3, paras. 50 and 54.
- ³⁶ OSCDH, paras. 8, 9, 10.
- ³⁷ OSCDH, para. 11.
- ³⁸ For relevant recommendations see A/HRC/28/13, paras. 108.139.
- ³⁹ GTT, p. 13.
- ⁴⁰ PNI, para. 20.3.
- ⁴¹ PNI, para. 20.4.
- ⁴² PNI, para. 20.5.
- ⁴³ OSCDH, para. 33.
- ⁴⁴ OSCDH, paras. 34, 68, 69.
- ⁴⁵ JS1, para. 63.1.
- ⁴⁶ For relevant recommendations see A/HRC/28/13, paras. 108.67, 72, 76, 85, 89, 91, 92, 98, 103–105, 112, 113.
- ⁴⁷ AI, p. 7.
- ⁴⁸ SALC p. 2.
- ⁴⁹ S3, para. 20.
- ⁵⁰ JS3, para. 9.
- ⁵¹ AI, p. 2.
- ⁵² JS3, para. 28.
- ⁵³ SALC, p. 6.
- ⁵⁴ AI, p. 6.
- ⁵⁵ JS3, para. 46.
- ⁵⁶ JS2, para. 15.
- ⁵⁷ For relevant recommendations see A/HRC/28/13, paras. 108.94, 114–117, and A/HRC/28/13/Add.1, para. 109.4.
- ⁵⁸ AI, p. 2.
- ⁵⁹ AI, p. 2.
- ⁶⁰ AI, p. 6.
- ⁶¹ JS3, para. 24.
- ⁶² OSCDH, p. 4.
- ⁶³ JS3, para. 20.
- ⁶⁴ JS3, para. 14.
- ⁶⁵ GTT, p. 7.
- ⁶⁶ OSCDH, para. 7.
- ⁶⁷ For relevant recommendations see A/HRC/28/13, paras. 108.119, and A/HRC/28/13/Add.1, paras. 109.5–9.
- ⁶⁸ SALC, p. 5.
- ⁶⁹ CIVICUS, p. 8.
- ⁷⁰ AI, pp. 6–7.
- ⁷¹ GTT, p. 8.
- ⁷² AI, pp. 6–7.
- ⁷³ CIVICUS, p. 8.
- ⁷⁴ GTT, p. 8.
- ⁷⁵ AI, p. 6.
- ⁷⁶ CIVICUS, pp. 8–9.
- ⁷⁷ SALC p. 4.
- ⁷⁸ CIVICUS p. 5.
- ⁷⁹ OSCDH, p. 6.
- ⁸⁰ SALC p. 4.
- ⁸¹ AI p. 5.
- ⁸² CIVICUS p. 5.
- ⁸³ GTT, p. 8.
- ⁸⁴ OSCDH, para. 42.
- ⁸⁵ CIVICUS, p. 8.
- ⁸⁶ OSCDH, p. 44.
- ⁸⁷ OSCDH, paras. 73 and 74.
- ⁸⁸ For relevant recommendations see A/HRC/28/13, paras. 108.54.
- ⁸⁹ OSCDH, p. 6.
- ⁹⁰ For relevant recommendations see A/HRC/28/13, paras. 108.54, 121–126, and A/HRC/28/13/Add.1, paras. 109.10, 11.
- ⁹¹ OSCDH, para. 59.
- ⁹² OSCDH, paras. 60, 61 and 62.

- ⁹³ JS1, p. 6.
- ⁹⁴ For relevant recommendations see A/HRC/28/13/Add.1,v paras. 109.3, 12, 13.
- ⁹⁵ OSCDH, paras. 32, 63, 64, 65.
- ⁹⁶ AI, p. 7.
- ⁹⁷ For relevant recommendations see A/HRC/28/13, paras. 108.127–138, and A/HRC/28/13/Add.1, paras. 109.16–18.
- ⁹⁸ GTT, p. 11.
- ⁹⁹ JS2, para. 28.
- ¹⁰⁰ JS2, para. 33 d viii.
- ¹⁰¹ OSCDH, paras.53, 54 and 55.
- ¹⁰² For relevant recommendations see A/HRC/28/13, paras. 108.58, 59, 61, 65, 70, 71, 74, 79, 81, 83, 84, 87, 88, 93, 95, 100, 101, 106, 108, 110, 120.
- ¹⁰³ JS4, para. 32.
- ¹⁰⁴ JS4, para. 25.
- ¹⁰⁵ JS4, para. 32.
- ¹⁰⁶ JS2, para. 33 b vi.
- ¹⁰⁷ AI, p. 7.
- ¹⁰⁸ For relevant recommendations see A/HRC/28/13, paras. 108.62–64, 78, 86, 90, 109, 111. A/HRC/28/13/Add.1, paras. 109.14, 15.
- ¹⁰⁹ JS2, para. 15.
- ¹¹⁰ JS2, para. 21.
- ¹¹¹ ECPAT, p. 3–4–5.
- ¹¹² ECPAT, p. 4.
- ¹¹³ ECPAT, p. 6.
- ¹¹⁴ ECPAT, p. 8.
- ¹¹⁵ ECPAT, p. 9.
- ¹¹⁶ JS2, para. 22 a ii.
- ¹¹⁷ JS2, para. 22 a i.
- ¹¹⁸ JS2, para. 22 e xi.
- ¹¹⁹ OSCDH, paras. 78 and 79.
- ¹²⁰ OSCDH, para. 77.
- ¹²¹ OSCDH, paras. 81 and 82.
- ¹²² GIEACPC, p. 1
- ¹²³ JS2, para. 22 IV.
- ¹²⁴ For relevant recommendations see A/HRC/28/13/Add.1, para. 109.20, 21.
- ¹²⁵ OSCDH, p. 13.
- ¹²⁶ OSCDH, p. 14.
- ¹²⁷ JS2, para. 33 a iii.
- ¹²⁸ OSCDH, p. 6.
- ¹²⁹ PNI, para. 15.
- ¹³⁰ PNI, para. 17.
- ¹³¹ PNI, paras. 19 and 20.1, 20.2 and 20.3.
- ¹³² JS1, para. 63.2.
- ¹³³ JS1, para. 63.3.
- ¹³⁴ For relevant recommendations see A/HRC/28/13, para. 108.39.
- ¹³⁵ OSCDH, p. 13.
- ¹³⁶ OSCDH, p. 13.
- ¹³⁷ JS4, para. 34.
- ¹³⁸ JS4, para. 36 III.