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Universal Periodic Review

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

### Madagascar

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## Introduction

1. The Working Group on the Universal Periodic Review, established in accordance with Human Rights Council resolution 5/1, held its seventh session from 8 to 19 February 2010. The review of Madagascar was held at the 12th meeting, on 15 February 2010. The delegation of Madagascar was headed by Christine Razanamahaso, Garde des Sceaux, Ministre de la Justice. At its 16th meeting, held on 17 February 2010, the Working Group adopted the report on Madagascar.
2. On 7 September 2009, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Madagascar: Bahrain, Norway and South Africa.
3. In accordance with paragraph 15 of the annex to resolution 5/1, the following documents were issued for the review of Madagascar:
  - (a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/7/MDG/1);
  - (b) A compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/7/MDG/2);
  - (c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/7/MDG/3).
4. A list of questions prepared in advance by Argentina, the Czech Republic, Denmark, Germany, Hungary, Latvia, the Netherlands, Norway, Sweden, Switzerland and the United Kingdom of Great Britain and Northern Ireland was transmitted to Madagascar through the troika. Those questions are available on the extranet of the universal periodic review.

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

### A. Presentation by the State under review

5. The head of the delegation stated that, despite the crisis situation prevailing in the country, the Government had taken all the measures necessary to honour its obligations under the universal periodic review mechanism, which the international community wanted to be intergovernmental, cooperative, interactive, objective, constructive, non-politicized and action-oriented.
6. The presence of the Malagasy delegation showed the determination of the Government to achieve the common goal of the full enjoyment of human rights in the country, with the support and encouragement of the international community.
7. In presenting the most salient points of the national report, the head of the delegation emphasized that, with regard to the delay in the submission of periodic reports to the treaty bodies, an Inter-ministerial Committee for the Drafting of Human Rights Reports, which included members of civil society, had been set up in 2003. Since then, 15 reports had been drafted, of which 4 had already been examined and 3 were awaiting review.
8. The Committee prepared the national report for the universal periodic review, which was the subject of successive consultations with members of civil society at the regional level and includes their observations.

9. With regard to the normative framework, the Constitution states, in its preamble, that the Universal Declaration of Human Rights, the African Charter on Human and Peoples' Rights and the conventions related to women's and children's rights are an integral part of Malagasy positive law. The Constitution also acknowledges that international conventions ratified by Madagascar, once published, have authority above that of domestic legislation. Furthermore, in order to ensure the judicial implementation of ratified international instruments, relevant actors and members of civil society recently received training on human rights and the administration of justice, conducted in partnership with the United Nations.

10. At the institutional level, in the light of the observations of treaty bodies and in conformity with the Paris Principles, a National Human Rights Council was created by law in 2008. It includes nine members of Parliament and members of the Executive, the law faculty, civil society, the Bar Association, journalist unions and trade unions. Owing to the suspension of Parliament, it was not possible to establish this institution in an effective way. However, a People's Ombudsman (Médiateur de la République) protects the rights of citizens in cases of conflict with the Administration.

11. Within the framework of the implementation of the United Nations Convention against Corruption and the United Nations Convention against Transnational Crime, ratified by Madagascar in 2003 and 2005, respectively, four independent bodies entrusted with combating corruption have been established.

12. In order to guarantee the exercise and enjoyment of rights concerning electoral procedures, a national electoral council was established in 2003. A draft bill aimed at the creation of an independent national electoral council is in the process of being adopted, following a broad inclusive and consultative process. The council will have the task of managing, organizing and supervising electoral operations and referendums. It will also ensure that electoral legislation is complied with in order to guarantee free, transparent, democratic, fair and equitable elections. It will ensure that citizens are educated in that regard, with the collaboration of civil society. The membership and the powers of the committee will be in conformity with relevant international practice.

13. The Constitution enshrines the independence of the judiciary and ensures that judges cannot be removed. At present, the Supreme Council of the Judiciary comprises mainly lay and non-judge members, whereas previously most of its members were appointed by the Minister of Justice.

14. Moreover, codes of conduct for judges, other judicial personnel and prison personnel have been published in order to improve the equality of justice. Access to justice has been improved through the following measures:

- The establishment of new courts and tribunals, thus enhancing the effectiveness of the appeal process;
- The provision of judicial assistance for economically disadvantaged persons;
- The setting up of legal information and orientation kiosks;
- The provision of alternative means for dispute settlement in a community setting, through "law houses" focusing on reconciliation.

15. With regard to the protection of women's rights, Madagascar adopted a National Policy for the Promotion of Women in 2000 and has implemented a Gender and Development Plan of Action for the period 2004-2008. In that connection, a number of legislative measures have been taken:

- Provisions ensuring equality between men and women, in particular with regard to marriage and inheritance rights;

- The inclusion of all forms of violence against women in the Criminal Code;
- A draft reform of the Nationality Code to remedy its discriminatory effects on women.

16. Moreover, awareness-raising and popularization programmes for women's associations, the religious community and traditional chiefs have been organized throughout the country.

17. In the area of children's rights, Madagascar has developed national plans to combat child labour and all forms of violence against children. In that connection, a commission aimed at reform involving children's rights has been established to identify all measures necessary to protect such rights, including ensuring the conformity of national legislation with the relevant international instruments.

18. A coherent system for the protection of children's rights has been operational and includes the following:

- Protection networks with national coverage, implemented in partnership with the United Nations Children's Fund (UNICEF);
- A centre for criminal analysis established with the national police, in partnership with the Embassy of the United States of America;
- Welcome and reintegration centres for children.

19. In partnership with the International Labour Organization (ILO), a National Committee for the Fight against Child Labour and Committees and Regional Observatories for the Fight against Child Labour have been established to guide the implementation of the National Plan for the Fight against Child Labour. Their priority activities are focused on preventing child labour and removing children from the workplace with a view to their reintegration into schools or professional training centres.

20. With regard to education, the Constitution guarantees the right to education as a parental responsibility, with respect for their freedom of choice. It also ensures the mandatory nature of primary education and the organization of a public education system. Madagascar endorses "education for all purposes" and has a national plan of action for its implementation. Specifically, the following measures have been taken:

- Financial coverage by the State for primary school fees and the distribution of school kits to all pupils in both private and public schools;
- The strengthening of the scholastic infrastructure and of teacher recruitment;
- The payment of subsidies for teachers recruited by parents;
- The financing of programmes providing private education;
- The establishment of school canteens in disadvantaged areas.

21. Moreover, a National Plan of Action for Girls' Education has been adopted and implemented to prevent girls from dropping out of school early and to increase the percentage of girls in the education system. However, early pregnancy, extreme poverty and certain customary practices constitute threats to access for female pupils and the continuation of their schooling. The legislation authorizes readmission to school after childbirth.

22. Concerning harmful traditional practices, the Ministry of Justice, with the support of the United Nations Development Programme (UNDP), has planned to holding a local, regional and national dialogue to discuss that issue, in order to involve all local actors in efforts to raise the awareness of the entire population about forced and early marriage.

23. State and non-State actors will focus on the establishment of a road map for the formulation of a national policy against all discriminatory traditional practices.

24. In the area of health, significant results have been achieved with regard to infant mortality reduction and the use of contraception. On the other hand, the struggle against maternal mortality requires additional effort.

25. With regard to combating disease, the AH1N1 epidemic is under control, while the national HIV/AIDS rate is below 1 per cent. In terms of improving access to health care, free medical assistance is now provided to economically disadvantaged individuals.

26. With respect to its intention to ratify the Optional Protocol to the Convention against Torture, the Government intends to undertake the ratification process after Parliament has been seated. The bloody repression carried out by the Presidential Guard on 7 February 2009, which caused the deaths of more than 20 persons, has been investigated by the National Mixed Investigating Committee. That investigation has led to the incrimination of people allegedly involved in the killings and it is scheduled to be concluded by the first quarter of 2010.

27. All parliamentarians, journalists, lawyers and other political personalities subject to criminal proceedings because of offences committed against common law have had access to defence rights.

28. With respect to allegations concerning the arbitrary detention and arrest of journalists, three journalists were arrested on the basis of penal accusations relating to offences of common law, attempts to carry out a plot and incitement to revolt.

29. With regard to prison conditions, the following measures have been undertaken:

- The establishment of infirmaries covering every penal facility;
- The quantitative and qualitative improvement of food supplies;
- The rehabilitation and refurbishment of penal facility infrastructure;
- The revitalization of agricultural production to provide better food supplies to prisons;
- The transfer of detainees to less-crowded prisons;
- The implementation of the release-on-parole procedure to reduce prison overcrowding.

30. The delegation clarified that the Direction for the Promotion of Integrity is involved in the fight against corruption in order to guarantee equal treatment for all citizens before the law and the State. The Communication Direction seeks to raise awareness among the population about ways and means of gaining access to justice in cases involving human rights violations. The Direction of the Oversight Jurisdiction Functions ensures the holding of periodic inspections in order to detect all irregularities, including human rights violations, which are to be reported to the relevant authorities. The Direction of Human Rights and International Relations ensures the implementation of projects in partnership with UNDP, UNICEF, the United Nations Population Fund (UNFPA) and OHCHR.

31. Concerning gender equality, the delegation wished to submit the following:

- Assistance measures have been set forth in order to assist victims of violence, in collaboration with national and international non-governmental organizations;
- Awareness-raising films have been shown on television, including on private channels;

- Since 2007, awareness-raising campaigns and discussions aimed at promoting women equality have been carried out in various regions of the country. Traditional chiefs, State and non-State officials and members of civil society have been involved in those campaigns.

32. Furthermore, Madagascar approved law 2007-038 on 14 January 2008 to combat exploitation, sexual tourism and the trafficking in persons. The law provides for the provision of protection and aid to victims, including their social reintegration, through the establishment of welcome centres. The Government has also organized, as part of the project entitled “Fight against Trafficking and abuse”, a national awareness-raising campaign against sexual tourism affecting minors. During the same year, Parliament authorized the ratification of the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others. Madagascar has also concluded judicial cooperation agreements with neighbouring islands.

33. With regard to child labour, the labour code raised from 14 to 15 the minimum legal age for work. Night work and overtime are prohibited for persons younger than 18. A bill to criminalize the worst forms of child labour is being discussed. A special free telephone line has been put in place for reporting all forms of mistreatment and violence against children.

34. Concerning the death penalty, Madagascar is a de facto abolitionist State. Before presenting a new bill, the Government intends to conduct awareness-raising campaigns on the issue.

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

35. Twenty-four delegations took the floor during the interactive dialogue on the universal periodic review of Madagascar.

36. The United States of America deplored the use of violence that had led to deaths and injuries; the use of a politically controlled judiciary; and the continuing refusal to participate meaningfully in negotiations leading to the resolution of the political crisis. It was deeply concerned about the abductions and arbitrary arrests that had occurred since January 2009, and stated that authorities should put an end to the impunity of its security forces and address the politically motivated imprisonment and lengthy pre-trial detentions. It noted increasing problems regarding children’s issues, particularly the commercial sexual exploitation of children and child labour. It made recommendations.

37. Canada was concerned about the ongoing political crisis and the serious deterioration in the administration of criminal justice. It stated that the increasing number of illegal searches, arrests, detentions and convictions inspired by political motives suggested a strong politicization of the criminal justice system. The restrictions imposed on freedom of expression and freedom of assembly had been hardened. Canada welcomed measures taken before the current crisis to establish a National Human Rights Council and appoint a mediator. It made recommendations.

38. France noted that, despite efforts taken to put an end to arrests without a warrant order and the excessive use of force, those practices continued. It requested information about investigations opened to punish those responsible for such acts, as well as planned measures to improve detention conditions. France also requested information about measures to ensure that no one would be arrested for exercising his or her freedom of expression, association and assembly, and about the status of progress in and the timetable for finalizing the adoption of the Communication Code. It made recommendations.

39. Slovenia commended Madagascar for having ratified the Rome Statute of the International Criminal Court and for having adopted the Plan of Action for the World

Programme for Human Rights Education. It noted with interest the establishment of a special committee entrusted with drafting reports to treaty bodies. Referring to the recommendations made by the Committee on the Elimination of All Forms of Discrimination against Women and the Human Rights Committee, it was concerned about the high prevalence of violence against women and girls, such as domestic and sexual violence, including rape. It asked whether Madagascar planned to strengthen its national human rights institution. It made recommendations.

40. Australia was concerned about the political crisis and called on all parties to abide by the Maputo Agreement. It supported the efforts of the United Nations and the South African Development Community to bring stability to Madagascar. It was concerned at human rights violations, including killings, unlawful arrests, arbitrary detentions and illegitimate limitations on freedom of expression. It was particularly concerned at the deaths of unarmed persons during riots prior to the takeover of power by the High Authority of Transition. It remained concerned at reports of widespread violence against women and children, including human trafficking, sexual exploitation and child labour. It made recommendations.

41. The United Kingdom of Great Britain and Northern Ireland welcomed Madagascar's pledge to continue to promote democracy, good governance and the rule of law, but noted that the crisis ran counter to those ends. It remained concerned that political movements had been unable to implement the Maputo Agreement and the Addis Ababa Additional Act. It highlighted the fact that it was important that journalists be able to report freely on the political crisis and that people be able to freely assemble. It was concerned at restrictions on media freedom and at the fact that no independent investigations had been conducted into the alleged arrest and detention of journalists. It noted that peaceful demonstrations had been disrupted, often violently, by security forces and that opposition figures had been unlawfully arrested and detained. It made recommendations.

42. Spain positively acknowledged the efforts of international mediators and national political leaders, in terms of Maputo Agreement and Addis Ababa Additional Act, to find a consensual solution to the crisis. It considered that it was essential to make progress in implementing those agreements, as well as to move forward in building the Government of National Unity in such a way as to re-establish democratic institutions as soon as possible. Spain made recommendations.

43. Germany was concerned about disappearances, including those of children and adolescents. It requested information about measures taken to find the disappeared, bring perpetrators to justice and prevent enforced disappearances. It referred to the concerns of the Human Rights Committee about the situation of children working as domestic servants. It requested information about measures taken to prevent that practice and the other worst forms of child labour, including the commercial sexual exploitation of children, child labour in mining and quarrying, and child labour in hazardous and unhealthful conditions. Germany made recommendations.

44. Italy called on authorities to involve opposition movements in the process of preparing for elections, in order to ensure impartiality and transparency. Italy noted with concern that the political crisis had given rise to a significant number of human rights abuses, such as the use of excessive force by the armed forces, extrajudicial killings, arbitrary arrests and ill treatment. While welcoming measures taken to protect women's rights, Italy noted that much remained to be done. Concerning capital punishment, it noted with satisfaction the de facto moratorium in place. Italy made recommendations.

45. Hungary expressed concern at the allegations of human rights violations reportedly taking place in Madagascar. It requested information about the mandate of and the



resources available to the national mechanism established to protect women's and children's rights. It made recommendations.

46. Chile acknowledged the difficulties faced by Madagascar as a result of the socio-political crisis that had affected the country since December 2008. It made recommendations.

47. The Syrian Arab Republic considered that Madagascar's national report assessed the human rights situation in the country in a transparent manner. It noted Madagascar's positive role in the Human Rights Council. It commended Madagascar's endeavours to develop an institutional framework for human rights, including with regard to economic, social and cultural rights, and its efforts to combat corruption. It made recommendations.

48. Madagascar noted all questions and recommendations made by the United States, France, the United Kingdom, Spain, Chile and Italy concerning human rights, the Maputo Agreement and a way out of the crisis, and indicated that replies would be given at a later stage.

49. The delegation provided specific replies regarding a number of concerns raised by the international community regarding arrests of journalists described as arbitrary, and stated that three journalists had been arrested on the basis of common law offences, but not on the basis of deprivation of freedom of expression or of the press. The delegation expressed its commitment to respecting freedom of expression and of the press, announcing that, for example, a dozen newspapers had been created within a period of six months. The delegation also indicated that politicians had been arrested on the basis of common law offences and could be released on fair bail, although their cases were still pending.

50. Regarding reported cases involving violent practices by agents of the gendarmerie and the investigation services, Madagascar was committed to investigating those acts of violence.

51. The delegation drew attention to the issue of the disappearance or abduction of a number of women and girls. It deplored the lack of statistics, but was committed to providing information at a later stage.

52. The delegation stressed the efforts made by Madagascar to improve the situation of women and children victims of violence, including marital and domestic violence, and indicated that its criminal code severely punished such acts, as well as acts involving the trafficking in and exploitation of children for sexual tourism purposes.

53. The delegation also indicated that Malagasy legislation criminalizes torture, which is severely punished.

54. The delegation indicated that Malagasy legislation prohibited child labour and that achievements had included removing some children from the labour market and reintegrating them into school or training centres. Madagascar was committed to continuing to improve the situation.

55. The delegation referred to the fact that Madagascar prohibited public meetings in certain locations to prevent the recurrence of the destruction of private and public property.

56. The delegation stated that Madagascar was considering allowing the national human rights council to function as soon as possible after implementation by Parliament.

57. Madagascar welcomed the invitation to adopt specific legislative measures to combat discriminatory acts against women.

58. The delegation recalled that, with regard to arbitrary arrests and degradation of the judiciary, the legal provisions of the criminal code, including its provisions aimed at

adequate defence, were respected and that appeal procedures were available for persons willing to submit a complaint and bring their case to court.

59. The delegation expressed the assurance that it would provide written replies to other questions that had not been fully addressed.

60. The Netherlands expressed serious concern at the impact on the enjoyment of all human rights resulting from the political crisis in the country, particularly with regard to reported unlawful arrests and arbitrary detentions, as well as violence against women and girls, including widespread domestic and sexual violence accompanied by a culture of impunity, and the lack of criminal provisions sanctioning marital rape. It made recommendations.

61. China appreciated the fact that Madagascar considered the achievement of the Millennium Development Goals a priority in its long-term efforts to eradicate poverty. It noted the establishment of a National Human Rights Council and the efforts made to promote the right to education and health and cultural rights. It noted that Madagascar had formulated a poverty reduction strategic paper and plan of action, and it expressed the hope that further information would be provided about their implementation.

62. The Lao People's Democratic Republic noted the progress and achievements of Madagascar in promoting recovery and development despite the socio-political crisis that had affected the country since 2008. It also noted the establishment of a National Human Rights Council in accordance with the Paris Principles. It commended Madagascar for having supported the objectives of "Education for All". It made recommendations.

63. Belarus noted with satisfaction a number of initiatives undertaken by the country, particularly the adoption of national plans to promote education for all and to combat HIV/AIDS and child labour. In that regard, it considered that, at the request of the Government, the United Nations, including the Office of the United Nations High Commissioner for Human Rights, would provide appropriate technical assistance. It encouraged Madagascar to step up its efforts related to women's and children's rights, including in the areas of sexual exploitation, women's access to medical care and education, the protection of street children from forced labour and the trafficking in persons. It made recommendations.

64. Norway recalled that the Universal Declaration of Human Rights set out the fundamental principle that the authority of Government shall be based on the will of the people, expressed in genuine elections. Norway expressed its particular concern regarding the human rights impact of environmental degradation in Madagascar, including the ongoing plundering of biological treasures recognized as World Heritage, which had escalated during the political crisis. Norway highlighted the role of civil society as essential to any meaningful universal periodic review process. Norway noted the focus on freedom of speech and the right to assembly, but expressed concerns about the increased number of politicians and journalists reportedly arrested and imprisoned. Norway recalled that media were crucial in ensuring freedom of expression. While noting certain progress made, Norway remained concerned at the lack of judicial independence and effectiveness. Norway appreciated the country's determination regarding women's rights. Norway made recommendations.

65. Argentina submitted a number of questions about the situation in Antananarivo, particularly concerning measures taken to restore the rule of law and measures adopted for the defence of women's rights, in particular in cases involving domestic violence. Argentina welcomed the efforts made to accede to most international instruments on human rights. Argentina expressed concern about the situation of physical and sexual domestic violence experienced by girls and women. Argentina made recommendations.

66. Switzerland took note of the replies made to its advance questions. Switzerland expressed concern about ongoing stalemates undermining the transition process in the context of the Maputo Agreement and the additional act of Addis Ababa, and urged a solution to the unstable situation to ensure that the Government would fulfil its obligations in terms of protecting human rights. Switzerland noted with great concern the deterioration in the conditions related to the exercise of freedom of opinion and expression. Switzerland noted that a number of measures had been taken to improve detention conditions, but expressed concern about general detention conditions and prison overcrowding. Switzerland made recommendations.

67. Sweden noted that, while Madagascar had ratified all major United Nations human rights conventions, political unrest and political turmoil remained a source of concern, especially with regard to the right of all persons to take part in the conduct of public affairs. It requested information about measures being taken to guarantee that right. Sweden noted that, while Madagascar had imposed a de facto moratorium on the death penalty, it had not adopted a law formally abolishing it, nor had it signed and ratified the Second Optional Protocol to the Convention on Civil and Political Rights. Sweden requested information about the status of the death penalty, including with regard to any plans to abolish it de jure and to sign and ratify the Second Optional Protocol. It made recommendations.

68. Turkey noted that Madagascar was party to most human rights instruments. It welcomed the establishment of a mediator and a National Human Rights Council, and encouraged Madagascar to implement them in cooperation with the Office of the United Nations High Commissioner for Human Rights. It also welcomed the legislative reforms concerning family law and the elimination of discrimination against women, as well as the adoption of a National Plan for the Education of Girls and the programme on “inclusive education” for children with disabilities. Turkey acknowledged existing challenges to the registration of children, as cited by the Committee on the Rights of the Child, and encouraged the re-establishment of the Registry on Civil Status so that every child would be registered at birth. It requested information about reform legislation concerning measures providing alternatives to incarceration. It encouraged Madagascar to intensify its efforts to implement the national plan for women’s equality and requested information about measures taken regarding that policy. It hoped that the cooperation with United Nations human rights mechanisms would continue and welcomed Madagascar’s willingness to continue its dialogue with treaty bodies.

69. Latvia flagged the issue of standing invitations to Special Procedures and referred to the request of the Special Rapporteur on the right to food to visit Madagascar. It made recommendations.

70. Mexico noted the challenges faced by Madagascar in implementing the transitional institutions provided for by the Maputo and Addis Ababa agreements. It favoured having stability, prosperity and democratic freedoms guaranteed through a consensual and inclusive process of dialogue. Mexico also noted Madagascar’s ratification and accession to most international human rights instruments, and it encouraged Madagascar to seek the support and assistance of the international community in its fight against poverty. Mexico made recommendations.

71. Kyrgyzstan noted Madagascar’s efforts to strengthen the national human rights protection system, including the plan of action to achieve the Millennium Development Goals, the fight against corruption, the efforts made to improve the education system and the policies adopted in favour of children. It also noted the existence of more than 1,500 associations and non-governmental organizations in the country. It made recommendations.

## II. Conclusions and/or recommendations

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

1. To ratify the International Convention for the Protection of All Persons from Enforced Disappearance and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (France) (Spain) (Argentina);
2. To promptly ratify the Convention on the Rights of Persons with Disabilities and its Optional Protocol (Spain) (Argentina);
3. To sign and ratify the International Convention on the Protection of the Rights of all Migrant Workers and Their Families (Argentina);
4. To ratify the Optional Protocol to the Convention on the Elimination of all Forms of Discrimination against Women (Switzerland) (Spain);
5. To take measures to put an end to racial discrimination and to make the required declaration that recognizes the competence of the Committee on the Elimination of All Forms of Racial Discrimination in order to receive and review communications (France);
6. To strengthen efforts to fulfil its obligations under the Convention for the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child to protect its most vulnerable populations, including women and children, notably in times of crisis (Australia);
7. That the principles of governance set out in the Universal Declaration of Human Rights are applied, as they are key to the sustainable management of natural resources, such as protected rainforests, and essential to the realization of fundamental economic, social and cultural rights (Norway);
8. To effectively implement the Palermo Protocol, as well as other laws on human trafficking (Germany);
9. To take all the initiatives necessary to re-establish a legitimate political framework and guarantee the full enjoyment of fundamental human rights by the population (Italy);
10. To restore a democratically elected Government in accordance with, inter alia, article 25 of the International Convention on Civil and Political Rights (Sweden);
11. To immediately renew the dialogue with all parties to the conflict and take a position in support of a political solution that is inclusive and consensual, emphasizes the protection of human rights and would lead to the sustainable restoration of democracy and a return to constitutional order in the country (Canada);
12. To bring civil law and customary law into conformity with the Convention on the Elimination of All Forms of Discrimination against Women, and to implement measures to put an end to polygamy (France);
13. To revise the Criminal code to include, as criminal offences, all forms of sexual and psychological violence against women and girls, including marital rape (Slovenia);

14. To adopt specific legislation in the area of equality between men and women, a law on the fight against domestic violence and a global strategy aimed at eliminating cultural practices and discriminatory stereotypes against women (France);
15. To apply laws on improving the status of women in the country and their marital status (Kyrgyzstan);
16. To continue to strengthen the legal system and the State mechanism to protect human rights (Lao People's Democratic Republic);
17. To take, as soon as possible, the measures necessary to operationalize national human rights institutions, ensuring their independence and de-politicization, with the technical assistance of OHCHR (Canada);
18. To establish a national human rights institution in accordance with the Paris Principles (Germany);
19. To establish an independent national human rights institution in accordance with the Paris Principles (Norway);
20. To establish an institution to supervise and evaluate the implementation of the Convention on the Rights of the Child, in particular to put in place a plan of action to protect and reintegrate street children (Mexico);
21. To apply the Recommended Principles and Guidelines of OHCHR when addressing the issue of trafficking (Germany);
22. To step up its efforts to combat the trafficking in persons and to formulate a national plan of action to prevent such trafficking (Belarus);
23. To strengthen human and financial resources earmarked for the new services responsible for human rights within the Ministry of Justice (Hungary);
24. To extend an open and standing invitation to all special procedures (Spain) (Argentina) (Latvia)
25. To continue to adopt legislation that would eliminate practices and cultural stereotypes that discriminate against women, especially discriminatory practices in the areas of land ownership, assets management and inheritance, all of which restrict women's access to economic resources and, thus, to women's autonomy (Chile);
26. To put in place effective measures to reduce inconsistencies between laws and practice, in order to tackle gender stereotyping and traditional attitudes that conflict with human rights (Norway);
27. To put in place measures to combat persistent attitudes and stereotypes regarding the role and responsibilities of women in society (Mexico);
28. To define torture in its domestic legislation and to make it a criminal offence with specific sanctions, in support of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (United States of America);
29. To investigate all allegations of torture, and to adopt a definition of torture in keeping with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in order to, inter alia, make torture an autonomous offence with adequate sanctions (France);

30. To adopt effective measures to prevent torture and other forms of ill treatment and to limit the period of time for which people can be held in police custody or pre-trial detention (Chile);
31. That the country assess the possibility of harmonizing its domestic legislation with standards set out in international instruments, according particular attention to two questions: the status of prisoners and the need to define the offence of torture in the aforementioned legislation (Argentina);
32. To immediately take measures to stop all searches, arrests, detentions, prosecutions and convictions that are arbitrary or inspired by political motives, and to formulate as soon as possible the reforms necessary to ensure the integrity of the administration of justice (Canada);
33. To release political detainees, cease arbitrary detentions and take other measures to ensure that those arrested and detained are given the right to a fair trial, in keeping with Madagascar's obligations under the International Covenant on Civil and Political Rights (United Kingdom of Great Britain and Northern Ireland);
34. To step up efforts to ensure substantial improvement in its penal institutions, specifically prohibiting forced labour, and also to establish detention centres for minors (Spain);
35. To implement effective measures and allocate adequate resources to ensure respect for international standards in prisons, especially with regard to food, health care and the hygiene of detainees (Switzerland);
36. To continue to make gradual progress towards cultural change regarding sexual abuse and gender-based violence, which include all sectors of society, and to adopt legislative measures that specifically prohibit all acts of sexual abuse, including sexual rape during marriage (Spain);
37. To make all forms of violence against women and children criminal offences, and to provide victims of violence with effective mechanisms of redress and protection (Germany);
38. To adopt, as a matter of priority, proper, comprehensive and effective measures to address all forms of violence against women and girls, including domestic violence, sexual violence and trafficking (Italy);
39. To adopt effective measures to combat violence against women and girls, especially domestic and sexual violence, particularly through prevention and sanctioning and the protection and compensation of victims (Chile);
40. To take effective measures to protect all girls and women from all forms of violence and ill treatment, to carry out investigations and to ensure those responsible are punished (Argentina);
41. To take the measures necessary to combat violence against women, including the criminalization of domestic violence and marital rape (Netherlands);
42. To establish counselling services and shelters for victims of violence (Netherlands);
43. To carry out awareness-raising campaigns to curb the trafficking in human beings and sex tourism (Germany);

44. To enforce its law on human trafficking; to institute a process enabling law enforcement officials to document human trafficking cases and refer victims for assistance; to increase efforts to raise public awareness about labour trafficking; and to prosecute public officials suspected of trafficking-related complicity (United States of America);
45. To implement a national programme devoted to eliminating the trafficking in women and girls and their involvement in acts of sexual exploitation while, at the same time, addressing the root causes of such crimes, and to include measures aimed at the social reintegration and rehabilitation of such individuals (Mexico);
46. To strengthen its efforts to combat the trafficking in and sexual exploitation of women and girls, especially in rural areas, by adopting a comprehensive action plan to address trafficking and sexual exploitation, and to ensure the allocation of human and financial resources for its implementation (Slovenia);
47. To enhance efforts to improve women's rights and to combat human trafficking, sexual violence, domestic violence and the exploitation of women and children (Norway);
48. To leave the investigation of criminal offences to the existing judicial system, in particular the police and the Prosecutor's Office (Netherlands);
49. To ensure for all the right to a fair trial (Netherlands);
50. To complete the process of judicial and penal reform (Norway);
51. To immediately lift restrictions on freedom of expression, association and peaceful assembly, and on the ability of journalists to report on and criticize Government policy freely, without fear of repression (Canada);
52. To take concrete steps to ensure that journalists are able to freely carry out their work and report on the political crisis, free from harassment and intimidation (United Kingdom of Great Britain and Northern Ireland);
53. To take immediate steps to ensure that the Malagasy population has the freedom to assemble and peacefully express their views (United Kingdom of Great Britain and Northern Ireland);
54. To ensure that no one is arrested for exercising his or her right to freedom of expression, association and peaceful assembly (Netherlands);
55. That no restrictions be put on the media, so that they may operate freely (Norway);
56. To reform the Communication Code (Norway);
57. To adopt appropriate measures to widely disseminate and ensure the full observance of the Declaration on Human Rights Defenders (Norway);
58. To effectively investigate and prosecute crimes and violations against human rights defenders and journalists, and to bring to justice those responsible (Norway);
59. To continue to endeavour to develop the right to health through the adoption of free care, provided through the Equity Funds in Madagascar (Syrian Arab Republic);
60. To continue to work to combat poverty (Kyrgyzstan);

61. To continue the education reform in order to ensure free primary education for all girls and boys (Norway);
  62. To establish an effective and inclusive process to follow up on the UPR recommendations (Norway);
  63. To provide training for the judiciary and public officials, as well as health service providers to deal with victims of violence (Netherlands);
  64. To share experiences and good practices with other countries in the areas of development and the protection of human rights (Lao People's Democratic Republic);
  65. To work actively with international organizations that provide technical assistance to strengthen the protection of human rights (Kyrgyzstan).
73. The following recommendations will be examined by Madagascar, which will provide responses in due course. The responses made by Madagascar to those recommendations will be included in the outcome report to be adopted by the Human Rights Council at its fourteenth session:
1. To promptly ratify the Optional Protocol to the International Covenant on Economic, Social, and Cultural Rights (Spain) (Argentina);
  2. To sign and ratify the Optional Protocol to the International Covenant on Civil and Political Rights (Argentina);
  3. To sign and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (Spain) (Sweden) (Switzerland);
  4. To restart the four-party "Maputo process" talks with the goal of establishing an inclusive transitional Government that would prepare the country for free and fair elections and a return to democratic and constitutional rule (United States of America);
  5. That the Malagasy political movements agree on a transitional Government in keeping with the Maputo and Addis Ababa agreements and that the transitional Government returns the country to democracy through organizing inclusive, free, fair and transparent elections as soon as possible (United Kingdom of Great Britain and Northern Ireland);
  6. To put in place the transitional institutions foreseen in the Maputo Agreement, and to hold credible elections leading to the restoration of democracy and the rule of law (Norway);
  7. That the various parties fully commit themselves to overcoming current difficulties and find a definitive and lasting solution (Switzerland);
  8. To consider adopting measures to counter discrimination against the descendants of slaves and the persistence of the caste system (Chile);
  9. To adopt a de jure moratorium on the use of the death penalty with a view to its abolition (Italy);
  10. To abolish the death penalty (Norway);
  11. To introduce a de jure moratorium on the death penalty and to adopt a law abolishing that penalty (Sweden);
  12. To legally abolish the death penalty (Spain);



13. To investigate allegations concerning the deaths of people arrested during the peaceful demonstration in February 2009 (Switzerland);
  14. To establish a habeas corpus mechanism for preventing arbitrary detention (Spain);
  15. To disband the bodies set up by the Haute Autorité de la Transition to carry out arrests, detentions and investigations of crimes (Netherlands);
  16. To open an independent and impartial inquiry into the excessive use of force by security law enforcement forces before and after the unconstitutional transfer of power in March 2009, under the supervision of the United Nations and the African Union and with the support of international human rights organizations (Canada);
  17. To immediately release all political prisoners (Norway).
74. The following recommendations did not enjoy the support of Madagascar:
1. To open a credible and independent process for investigating the deaths and the events surrounding the March 2009 military coup, as called for by the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on freedom of opinion and expression (Australia);
  2. To appoint, by consensus among all political forces in the country, an independent mediator (ombudsman) (Spain).
75. All conclusions and/or recommendations set out in the present report reflect the positions of the submitting State(s) and/or the State under review. They should not be construed as endorsed by the Working Group as a whole.

## Annex

### Composition of the delegation

The delegation of Madagascar was headed by Christine Razanamahaso, Garde des Sceaux, Ministre de la Justice, and was composed of 14 members:

- Rakotomaharo Rajemison, Ambassadeur, Représentant Permanent de Madagascar auprès de l'Office des Nations Unies et des Institutions spécialisées à Genève;
- Lucien Rakotoniaina, Directeur des Droits Humains et des Relations Internationales, Président du Comité Interministériel de Rédaction des Rapports des Droits de l'homme;
- Velotiana Raobelina Rakotoanosy, Directeur de la Coopération Multilatérale a.i., Vice Primature chargée des Affaires Etrangères;
- Jean Pierre Rakotonirina, Ministre Conseiller, Représentation Permanente de Madagascar auprès de l'Office des Nations Unies et des Institutions spécialisées à Genève;
- Harifera Rabemananjara, Conseiller, Représentation Permanente de Madagascar auprès de l'Office des Nations Unies et des Institutions spécialisées à Genève;
- Mialy Ramilison, Conseiller, Représentation Permanente de Madagascar auprès de l'Office des Nations Unies et des Institutions spécialisées à Genève;
- Eric Beantanana, Attaché, Représentation Permanente de Madagascar auprès de l'Office des Nations Unies et des Institutions spécialisées à Genève;
- Noëline Rakotondrabe, Directeur de l'Administration des Juridictions, Ministère de la Justice;
- Laurette Lalaharinivo, Directeur des Réformes et Législations, Ministère de la Justice;
- Mija Rasoarinjafy, Chef de Service des Affaires Juridiques et des Droits de l'Homme, Vice Primature chargée des Affaires Etrangères;
- Louissette Rahantanirina, Chargée des Etudes et des Droits de l'Homme, Vice Primature Chargée de la Santé;
- Jean Baptiste Randrianandrasana, Chef de service des études, Ministère de l'Education Nationale;
- Liva Tehindrazanarivelo, Professeur Adjoint, Boston University Geneva Programme, chargé des cours, Institut des Droits de l'Homme, Université Catholique de Lyon.