



Human Rights Council
Working Group on the Universal Periodic Review
Forty-eighth session
Geneva, 20–31 January 2025

Madagascar

Compilation of information prepared by 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 outcome of the previous review.¹ It is a compilation of information contained in relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with human rights mechanisms

2. The Committee on the Rights of the Child recommended that Madagascar ratify the International Convention for the Protection of All Persons from Enforced Disappearance and the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.²

3. The Committee on the Rights of the Child and the Office of the United Nations High Commissioner for Refugees (UNHCR) recommended that Madagascar consider acceding to the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness.³ UNHCR also recommended that Madagascar accede to the Protocol relating to the Status of Refugees, remove its declarations to the Convention relating to the Status of Refugees and ratify the Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa.⁴

III. National human rights framework

1. Constitutional and legislative framework

4. The United Nations country team noted that, while Madagascar had a progressive Constitution that integrated many international human rights standards, the process of harmonizing national laws with those rights was still under way.⁵

2. Institutional infrastructure and policy measures

5. The Committee on the Rights of the Child recommended that Madagascar: (a) take steps to formalize according to the law the appointment of the commissioners at the National



Independent Human Rights Commission; (b) ensure that the Commission and its commissioner representing civil society actors working for the rights of the child received sufficient resources to effectively carry out their mandates and were able to address complaints by children; (c) ensure that the Commission provided for the protection of children who were victims of violations of their rights, and undertook follow-up for victims; and (d) seek technical cooperation.⁶

6. The Independent Expert on the enjoyment of human rights by persons with albinism recommended that Madagascar ensure the independence of the National Independent Human Rights Commission in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights.⁷ While the Commission had been designated as part of the national preventive mechanism, the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment recommended that Madagascar adopt all necessary legislative and administrative acts to grant it the required resources to carry out its tasks. In 2024, the Subcommittee noted that Madagascar had not yet established its national preventive mechanism, despite having ratified the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 2017.⁸

IV. Promotion and protection of human rights

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

1. Equality and non-discrimination

7. The Committee on the Rights of the Child recommended that Madagascar strengthen measures to eliminate discrimination, in particular against girls, twins, children with disabilities, children living with HIV/AIDS, children with albinism and children living in rural areas, through programmes and policies to eliminate inequalities in access to education, healthcare and development, and to raise awareness of non-discrimination and foster an inclusive environment in schools.⁹

8. The Committee of Experts on the Application of Conventions and Recommendations of the International Labour Organization (ILO) reported that, for several years, it had been emphasizing that neither the Labour Code nor the Civil Service Regulations prohibited discrimination on all the grounds covered by the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), including colour and social origin. It had been asking the Government to take the measures necessary to bring its legislation into conformity with that Convention.¹⁰

9. The United Nations country team noted that persons living in rural areas (80 per cent of the population) remained largely disadvantaged compared to persons living in urban areas in terms of accessing basic health, nutrition, education, protection, water and sanitation services.¹¹

2. Right to life, liberty and security of person, and freedom from torture

10. The United Nations country team reported that insecurity remained a serious concern in the south, south-east and south-west of the country, all areas where the population experienced extreme poverty. Although cattle theft had decreased following government measures, security forces were reportedly committing widespread arbitrary executions, arbitrary arrests and detentions and imposing prolonged detention without trial. Monitoring mechanisms for security forces and penitentiary administration were often ineffective.¹²

11. The United Nations country team also reported that, in 2024, Madagascar had adopted legislation providing for physical and chemical castration for perpetrators of sexual violence against children.¹³

12. The Committee on the Rights of the Child urged Madagascar to: (a) explicitly prohibit corporal punishment in law in all settings; (b) promote positive, non-violent and participatory

forms of child-rearing; and (c) conduct awareness-raising campaigns for parents and professionals working with children to promote related attitude change.¹⁴

13. Several special procedure mandate holders highlighted their concern in 2020 about an asylum-seeker who had allegedly been subjected to a State-sponsored extraterritorial abduction, forcibly returned to his country of origin and arbitrarily detained. They expressed alarm about the alleged agreement between the two Governments to circumvent the fundamental safeguards enshrined in the regular extradition and expulsion procedures, in violation of international human rights law, including on enforced disappearance and non-refoulement.¹⁵ In 2021, mandate holders again raised that case, expressing concern at the reported enforced disappearance of the asylum-seeker.¹⁶

14. In 2022, several special procedure mandate holders highlighted their concern about reported attacks and abductions of persons with albinism, notably in areas affected by a lack of security, including the murder of persons with albinism for the ritual use of their body parts. They urged Madagascar to take measures to protect all persons with albinism.¹⁷

3. Administration of justice, including impunity, and the rule of law

15. Despite the adoption of the National Anti-Corruption Strategy, 2015–2025, the United Nations country team noted that corruption among officials remained widely reported. The Anti-Corruption Court Units reportedly had insufficient resources and political support to operate effectively, while a culture of impunity eroded efforts to tackle corruption.¹⁸

16. The United Nations country team reported that access to justice remained a challenge, given that around half of the population lived close to first instance courts. Moreover, a lack of trust in the formal justice system, restrictive costs and long delays led litigants to rely on traditional dispute resolution mechanisms (*dina*), which were managed by local communities. While *dina* assisted in addressing increased insecurity in certain regions, their decisions were not free from irregularities and sometimes ran counter to human rights principles.¹⁹

17. The United Nations country team and the Subcommittee on Prevention of Torture expressed concern at overcrowding in prisons.²⁰ Noting that half of the prison population was in pretrial detention, the Subcommittee recommended that Madagascar reconsider its criminal policies and enact urgent measures, including alternatives to imprisonment, to reduce the level of overcrowding, which constituted cruel, inhuman and degrading conditions of detention.²¹ The United Nations country team noted that the Government's efforts had resulted in a reduction in the number of adults in pretrial detention, although the number of children in pretrial detention remained high.²²

18. In the light of reports of the excessive use of deprivation of liberty against children in conflict with the law and the extremely poor detention conditions, the Committee on the Rights of the Child urged Madagascar to: (a) raise the legal age of criminal responsibility to at least 14 years of age; (b) provide mandatory training programmes for members of the judiciary and other relevant officials; (c) provide qualified independent legal aid to children accused of infringing the criminal law; (d) ensure the use of non-custodial measures for children and that detention was used only as a measure of last resort, for the shortest possible period of time, and was reviewed on a regular basis with a view to its withdrawal; and (e) where detention was unavoidable, ensure that children were not detained with adults and that detention conditions were compliant with international standards.²³

19. The Independent Expert on albinism expressed concern that, in the few cases of attacks against persons with albinism that had been prosecuted, insufficient charges had been laid and lenient sanctions imposed. There was a lack of transparency in the processing of, and trials on, cases of such attacks. Many families of victims reportedly preferred to seek reparations and sanctions through *dina* and, in the absence of information on action taken by the authorities, often took matters into their own hands, with possible violent results.²⁴ The Independent Expert recommended that Madagascar: (a) ensure that robust, expeditious investigations were conducted to ensure that perpetrators of crimes against persons with albinism were prosecuted; (b) inform the public of the conclusions of trials; (c) ensure respect for due process in investigations; (d) provide technical capacity assistance to the police, the

gendarmierie and judicial officers; (e) provide the resources necessary to assist with forensic investigations; (f) conduct a review of legislation to identify legal gaps in the prosecution of such cases and ensure that justice system officials were trained to apply appropriate laws; and (g) ensure reparations for victims.²⁵

20. Two special procedure mandate holders expressed concern about the arrest and imprisonment of a Malagasy businessman, which appeared to have been beset by procedural irregularities and to have involved alleged executive interference in the judiciary.²⁶

4. Fundamental freedoms and the right to participate in public and political life

21. The United Nations country team reported that, while a number of civil society organizations existed, they were restrained by a lack of funds and capacity, particularly outside the capital. Activists perceived to be opposing the Government had been subject to spurious charges and prison sentences. While draft legislation providing for a system of protection for human rights defenders and whistle-blowers had been introduced to the parliament, it had not been adopted.²⁷

22. Three special procedure mandate holders raised concern about the fact that two human rights defenders had received police summonses after their organization had lodged allegations of corruption in the lychee export industry. It appeared that the human rights defenders were being targeted in connection with their organization's denunciation of those allegations.²⁸

23. Four special procedures highlighted alleged acts of harassment, criminal prosecution and detention of human rights defenders before and after the November 2023 presidential elections. Such alleged threats, intimidation and criminal prosecution, in the politically tense context in which the election results were contested, could have a chilling effect on the work of human rights defenders.²⁹

24. The United Nations country team stated that, while the Constitution and other legislation provided for freedom of peaceful assembly, the authorities could restrict that right through administrative requirements and intervention by security forces. The 2023 presidential elections had been boycotted by 10 of the 13 candidates. Eleven opposition candidates had conducted street marches alleging irregularities in applying pre-election constitutional requirements and a lack of independence on the part of the institutions organizing the election. Despite the peaceful nature of those marches, the security forces had sometimes responded with teargas, rubber bullets and arbitrary arrests.³⁰ OHCHR raised similar concerns.³¹

25. The United Nations country team noted that, while national laws facilitated a wide variety of print, radio and social media reporting, they also conferred broad government powers to deny or suspend media licences, seize equipment and impose fines.³² The United Nations Educational, Scientific and Cultural Organization (UNESCO) encouraged Madagascar to introduce an access to information law that was in accordance with international standards, establishing an independent oversight institution. It also recommended operationalizing the National Authority for the Regulation of Mediated Communication and assessing the appointment system for the regulator of communication activities to ensure its independence.³³

5. Right to marriage and family life

26. The United Nations country team reported that 39 per cent of women aged between 20 and 24 were married or entered into a union before the age of 18. The national strategy to combat child marriage was ending in 2024; there had been no notable reduction in the prevalence of child marriage.³⁴

27. The Committee on the Rights of the Child recommended that Madagascar: (a) amend the Law on Marriage and Matrimonial Regimes to eliminate exemptions to the minimum age of marriage, which was set at 18 years of age; (b) ensure the full implementation of the national strategy to combat child marriage, 2018–2024; (c) develop awareness-raising campaigns on the harmful effects of child marriage on girls' health and well-being; and (d) eradicate the harmful practices of the ill-treatment and abandonment of twins and the

kidnapping, ill-treatment and killing of children with albinism, including through legislation and increased awareness-raising, involving religious and traditional leaders.³⁵

6. Prohibition of all forms of slavery, including trafficking in persons

28. The United Nations country team reported that Madagascar remained a source country for trafficking in persons to international destinations and a country where internal trafficking was prevalent. Despite the adoption in December 2022 of the second national action plan to combat trafficking in persons, the National Office to Combat Trafficking in Persons required operational strengthening, and effective application of the law against trafficking in persons remained a challenge.³⁶

29. The Committee on the Rights of the Child recommended that Madagascar: (a) ensure the effective provision of referral and support services to children who were victims of trafficking; (b) investigate all cases of trafficking in children, using child-friendly proceedings, and bring perpetrators to justice; (c) conduct awareness-raising activities; and (d) ensure effective responses to cross-border trafficking, through standard operating procedures for rescue, repatriation, reintegration and rehabilitation.³⁷

7. Right to work and to just and favourable conditions of work

30. The Independent Expert on albinism noted that, regardless of their educational background, all the persons with albinism she had met in Madagascar faced obstacles in accessing gainful employment. Reasonable accommodation in the workplace was rarely provided for them. She recommended that Madagascar: (a) adopt measures to address poverty to ensure that persons with albinism were not left behind, had full access to employment and social welfare programmes and were included in all poverty-reduction programmes; (b) combat the discrimination that prevented persons with albinism from accessing the labour market; and (c) ensure that complaints made by persons with albinism about discrimination in the labour market were addressed by the relevant bodies.³⁸

8. Right to social security

31. The Committee on the Rights of the Child welcomed the adoption of a national social protection strategy (2019–2023).³⁹ While that strategy was aimed at providing support to the most vulnerable groups, including those in extreme poverty, the Independent Expert on albinism noted that such support was yet to be the reality for many, including persons with albinism.⁴⁰ The United Nations country team asserted that, despite efforts to develop the new strategy for 2024–2030, national social protection programmes covered less than 5 per cent of the population and 10 per cent of the poor, and were therefore inadequate and insufficiently shock-responsive in a disaster-prone context.⁴¹

9. Right to an adequate standard of living

32. The United Nations country team noted that Madagascar remained heavily dependent on external aid, which had constituted over a third of the 2022 budget and 29 per cent of social sector spending in 2022.⁴²

33. The United Nations country team reported that several years of drought in the south of the country, moderately high inflation and multiple cyclones had had a disastrous impact on agriculture. Food insecurity in the south had caused substantial migration of southerners to the north and was causing land degradation and social tension.⁴³ Noting that the extreme drought in the south caused widespread shortages of safe drinking water and food, exacerbated by the coronavirus disease (COVID-19) pandemic, the Committee on the Rights of the Child expressed concern that: (a) the number of children with severe acute malnutrition had increased; (b) a large number were affected by multidimensional poverty; and (c) access to water, sanitation and hygiene remained extremely limited.⁴⁴ The United Nations country team noted that access to water and sanitation services remained a major challenge, particularly in rural areas.⁴⁵

34. The Committee on the Rights of the Child recommended that Madagascar: (a) take urgent measures to prioritize children who suffered from severe acute malnutrition and provide them with the necessary treatment and nutrition; (b) ensure access to, and the

availability and affordability of, food, focusing on eliminating regional disparities; (c) address the root causes of malnutrition; (d) address multidimensional poverty among children; (e) prioritize access to water, sanitation and hygiene; and (f) seek technical assistance from international partners.⁴⁶

35. The Special Rapporteur on the human rights to safe drinking water and sanitation raised concern regarding the legal framework and policies prohibiting water cuts for persons unable to pay for water and those in situations of vulnerability, particularly in the context of the COVID-19 pandemic. He asserted that, given that such water cuts were a violation of the right to water and sanitation, that right must be explicitly recognized in law and in related policies.⁴⁷

36. The United Nations country team noted that estimates indicated that 72 per cent of urban inhabitants lived in informal housing. Legislation adopted in 2021 guaranteeing the right to adequate housing provided for the construction of new housing units and a mandatory 30 per cent of social housing in new developments. Further efforts were required to implement that law.⁴⁸

10. Right to health

37. The United Nations country team, while noting the adoption of health sector strategies, including on community health, malaria, HIV/AIDS, health financing and towards universal health coverage, noted the very slow progress that had been made in reducing the maternal mortality rate.⁴⁹ The Committee on the Rights of the Child recommended that Madagascar address the poverty and structural inequalities underlying the high rates of child mortality, and enhance its efforts to reduce infant mortality, address child malnutrition and promote children's and mothers' health.⁵⁰

38. The same Committee, while noting the adoption in 2017 of the law on vaccination, regretted its slow implementation and the fact that childhood immunization rates remained low, which had led to the re-emergence of vaccine-preventable diseases. It was concerned that almost half of the population lived far from health centres, that the sector lacked sufficient and qualified health personnel and that funding depended on external aid. It recommended that Madagascar implement the law on vaccination, ensure access to adequately resourced primary healthcare services, strengthen training for health workers, and increase allocations for healthcare in the national budget.⁵¹

39. The same Committee also recommended: (a) adopting a comprehensive sexual and reproductive health policy for adolescents and ensuring that sexual and reproductive health education was part of the mandatory school curriculum; (b) ensuring that all adolescents received appropriate information and services; (c) providing obstetric care for pregnant adolescents and effectively implementing the national strategic plan for the elimination of obstetric fistula, 2014–2030; (d) and decriminalizing abortion in all circumstances and ensuring access to safe abortion for adolescent girls.⁵²

40. In the light of reported cases of HIV among children and adolescents, the same Committee encouraged Madagascar to strengthen its programmes to prevent and treat HIV/AIDS, focusing on adolescents and the prevention of mother-to-child transmission.⁵³

41. The Independent Expert on albinism reported that access to quality healthcare was still a challenge for persons with albinism. She recommended that Madagascar ensure: (a) that quality healthcare services were available, affordable and accessible, particularly for skin cancer prevention and treatment; (b) that sunscreen was available as an essential medicine; (c) the availability of specialized doctors and capacity-building of healthcare workers to provide for the needs of persons with albinism; and (d) that sufficient budget was allocated for the implementation of the national health policy, particularly relating to persons with disabilities.⁵⁴

11. Right to education

42. While noting the adoption of the education sector plan, 2018–2022, the Committee on the Rights of the Child expressed concern about: (a) the low enrolment, school attendance and completion rates, especially at the secondary level, with large disparities among children

in different regions; (b) the lack of appropriate classrooms and access to clean water, sanitation and hygiene facilities; (c) the long distances that many children travelled to school and the burden of educational costs on parents; (d) the poor quality of education and lack of qualified teachers; (e) the limited access to distance learning and online education during the COVID-19 pandemic, with large regional disparities; and (f) the low budget allocations for education.⁵⁵ The United Nations country team expressed similar concerns and also noted the challenges to education posed by natural disasters.⁵⁶

43. The Committee on the Rights of the Child recommended that Madagascar take the measures necessary to: (a) guarantee access to education free of charge and increase school enrolment, attendance and completion rates for all children; (b) improve the quality of education, including by recruiting qualified teachers and ensuring that teachers received appropriate training; (c) allocate sufficient financial resources from the national budget to ensure that schools were accessible to all and equipped with adequate infrastructure, technology and sanitation facilities; and (d) address inequalities generated by the necessity for home schooling during the COVID-19 crisis, including by ensuring the availability of electricity and Internet access for all to access online education.⁵⁷

44. UNESCO recommended that Madagascar: (a) ensure the implementation of nine years of compulsory education and extend free schooling to the secondary and pre-primary levels; (b) amend legislation to eliminate exceptions to lowering the minimum age of marriage to 18 years; (c) strengthen efforts to increase the percentage of persons in pre primary, secondary and tertiary education; and (d) increase efforts to finance education, allocating at least 4 to 6 per cent of gross domestic product to education and/or at least 15 to 20 per cent of public spending to education, in line with international benchmarks.⁵⁸

45. The ILO Committee of Experts urged Madagascar to raise the age of completion of compulsory schooling so that it coincided with the minimum age for admission to employment.⁵⁹

46. The Independent Expert on albinism reported that many persons with albinism could not attend school due to fear of attacks, that they faced discrimination, and that there were no specific policies in schools to assist learners with albinism. She recommended that Madagascar: (a) develop a comprehensive policy on disability inclusion for the whole education system and ensure it was implemented; (b) provide budgetary support for inclusive education measures under the national education plan; (c) provide access to education for persons with albinism; (d) improve security infrastructure at schools attended by children with albinism; (e) increase resources to provide reasonable accommodation for learners with albinism; (f) ensure that assistive devices were provided free of charge; and (g) train teachers on disability inclusion.⁶⁰

12. Development, the environment, and business and human rights

47. While noting the development of codes of conduct in the tourism sector, the Committee on the Rights of the Child recommended that Madagascar establish and implement regulations to ensure that the business sector complied with international human rights, labour, environmental and other standards, particularly regarding children's rights. It also recommended: (a) establishing a regulatory framework for the industries operating in the country, especially those related to tourism, mining, fishing, agriculture and the vanilla sector; (b) establishing monitoring mechanisms for the investigation and redress of violations of children's rights; (c) encouraging the implementation of codes of conduct; and (d) strengthening relevant international cooperation.⁶¹

48. The United Nations country team reported that, since 2021, the south, south-east and north of the country had experienced a series of climatic shocks.⁶² While noting the severe impact of climate change on Madagascar, in the form of cyclones, hurricanes, droughts, floods and other natural disasters, the Committee on the Rights of the Child recommended that Madagascar: (a) ensure better preparedness through specific policies and programmes, and allocate sufficient resources; (b) ensure that children's special needs and views were taken into account; (c) collect disaggregated data identifying the types of risk faced by children in the context of various disasters; (d) increase children's awareness of and

preparedness for climate change and natural disasters by incorporating awareness-raising into the school curriculum and teacher training; and (e) seek international cooperation.⁶³

49. Two Special Rapporteurs expressed concern about the alleged killing by a group of illegal loggers of an environmental activist and human rights defender who had reportedly been threatened, harassed and intimidated for several years prior to his assassination. They were also concerned about the apparent lack of programmes in place to protect environmental human rights defenders.⁶⁴

B. Rights of specific persons or groups

1. Women

50. The United Nations country team reported that gender inequalities permeated every aspect of life in Madagascar and that women had limited decision-making power, as their agency was restricted by patriarchal norms. Women were often prevented from making their own reproductive choices, with an estimated 36 per cent of women aged 20 to 24 years giving birth before 18 years of age.

51. The United Nations country team noted that Act No. 2019-008 on combating gender-based violence had been adopted in 2019. The national strategy on combating gender-based violence had expired in 2021 and had not been updated. There had been no significant reduction in such violence.⁶⁵

52. The ILO Committee of Experts noted that, while it was important to establish the principle of equal access of men and women to public and private employment, that was not sufficient to combat the segregation faced by women in the labour market and to reduce remuneration gaps. Specific support measures were necessary to enable women to have access to a broader range of employment opportunities, such as reinforcing their economic independence, actively promoting their access to formal employment and decision-making positions, encouraging girls to choose non-traditional subjects and occupations, reducing school dropout rates for girls, and combating gender stereotypes.⁶⁶

2. Children

53. The United Nations country team stated that violence against children was widespread in Madagascar and was accepted by all communities. Madagascar had not adopted sufficient legal reforms or national policies to effectively prevent and respond to such violence.⁶⁷ The Committee on the Rights of the Child recommended that Madagascar: (a) undertake a comprehensive assessment of the extent of the abuse and neglect of children and implement long-term programmes to address their root causes; (b) strengthen awareness-raising programmes to formulate a strategy for combating child abuse; (c) ensure that all cases of child abuse were promptly reported and investigated, that perpetrators were prosecuted and sanctioned and victims provided with reparations; (d) ensure that law enforcement officials and other staff working with victims were trained in child-sensitive approaches; and (e) strengthen child protection services and allocate sufficient resources to victim support.⁶⁸

54. The same Committee expressed serious concern about reports that the sexual exploitation of children was widespread and tolerated, especially in touristic destinations, and about reports of online child sexual abuse. It urged Madagascar to: (a) establish mechanisms to ensure mandatory reporting of all cases of sexual exploitation of children, and to ensure investigations and prosecution of perpetrators; (b) conduct awareness-raising activities to combat victim stigmatization, and ensure child-friendly reporting channels; (c) raise awareness among the public and professionals working with children; and (d) pay attention to children in vulnerable situations.⁶⁹ The ILO Committee of Experts noted a prevailing climate of impunity for crimes relating to child prostitution. It urged the Government to ensure that investigations and prosecutions were conducted into persons suspected of procuring, using, offering and employing children for prostitution, and that effective penalties were imposed.⁷⁰

55. The Committee on the Rights of the Child urged Madagascar to: (a) ensure that legislation aimed at protecting children against offences prohibited under the Optional

Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography was fully implemented, that effective investigations were conducted and perpetrators were prosecuted and received appropriate punishment; (b) fight corruption and impunity for such offences; and (c) conduct awareness-raising activities to address the beliefs, behaviours and stereotypes that put children at risk of becoming victims of such offences.⁷¹

56. While noting the ongoing development of a new national action plan to combat child labour and a new labour code, the same Committee expressed concern that child labour remained a significant issue in the country.⁷² It recommended that Madagascar: (a) eliminate hazardous labour practices where child workers were exposed to environmental risk factors, promote safer alternatives and ensure monitoring; (b) strengthen its efforts to end child labour, including by raising public awareness, accelerating the adoption of a new national plan and increasing the number of labour inspectors; and (c) seek technical assistance.⁷³ The ILO Committee of Experts urged the Government to intensify its efforts to ensure the progressive elimination of child labour.⁷⁴

57. The Committee on the Rights of the Child urged Madagascar to: (a) adopt the decree implementing the 2017 law on adoption; (b) prevent illegal inter-country adoption through relevant policies and programmes, awareness-raising activities, the implementation of related legislation and the investigation and prosecution of cases; (c) address the root causes of illegal, inter-country adoptions, including by supporting vulnerable families; and (d) strengthen the Central Authority for Adoption.⁷⁵

58. The same Committee recommended that Madagascar: (a) ensure adequate safeguards and clear criteria for determining whether a child should be placed in alternative care; (b) adopt a strategy and action plan for deinstitutionalization; (c) ensure sufficient alternative family-based and community-based care options for children who could not stay with their families; (d) establish quality standards for all alternative care settings; (e) ensure adequate resources to facilitate children's social reintegration; and (f) strengthen the capacity of relevant professionals.⁷⁶

3. Persons with disabilities

59. The United Nations country team reported that persons with disabilities were particularly vulnerable to discrimination, exclusion and poverty. There was a lack of physical infrastructure to facilitate their inclusive participation in society, policies and training. A new national disability inclusion plan and a national strategy for inclusive education were being prepared.⁷⁷

60. The Committee on the Rights of the Child urged Madagascar to adopt a human rights-based approach to disability, to set up a comprehensive strategy for the inclusion of children with disabilities and to: (a) accelerate the establishment of the national committee for persons with disabilities; (b) organize data collection on children with disabilities; (c) promote access to inclusive education in mainstream schools; (d) ensure that children with disabilities had access to healthcare; (e) undertake awareness-raising campaigns to combat the stigmatization of children with disabilities; and (f) address the needs of children with intellectual and psychosocial disabilities, ensuring their integration into social life.⁷⁸

61. The United Nations country team reported that, owing to harmful cultural beliefs, persons with albinism remained in a critical situation, with high numbers of murders and kidnappings, particularly of children.⁷⁹ The Independent Expert on albinism recommended that Madagascar ensure that albinism was included in the forthcoming general census and that it provide safeguards for all data collected on persons with albinism to prevent their misuse.⁸⁰

62. The same Independent Expert recommended that Madagascar: (a) promote persons with albinism as role models to combat myths that dehumanized them; (b) collaborate with persons with albinism and organizations representing them to ensure their inclusion in public debates and in the development of legislation, policy, programmes and services for them; (c) help such organizations in strategic advocacy; (d) consider persons with albinism in future reports to human rights bodies and under the universal periodic review; and (e) involve them in all decisions taken for the enjoyment of their rights.⁸¹

63. The same Independent Expert reported that harmful practices and false beliefs provided fertile ground for attacks and inhumane treatment of persons with albinism. Unique to Madagascar was the fact that most attacks had focused on the extraction of the eyes of persons with albinism due to false beliefs that they could bring in money and make someone invisible. She recommended that Madagascar: (a) strengthen the protection of persons with albinism, particularly in remote areas; (b) facilitate the effective collaboration of the Organisme Mixte de Conception (security taskforce) in the protection of persons with albinism; (c) ensure that if shelters were used, the authorities took the lead and the best interests of the child were taken into account; and (d) facilitate the safe return and reintegration of those living in shelters to their families and ensure that stronger protection was provided in their communities.⁸²

64. The same Independent Expert also recommended: (a) conducting awareness-raising to demystify albinism and counter erroneous beliefs; (b) mobilizing stakeholders, such as community and religious leaders, to tackle myths; (c) using the commemoration of International Albinism Awareness Day to highlight the rights of persons with albinism; and (d) conduct training for stakeholders and local communities on the human rights of persons with albinism.⁸³ Furthermore, she recommended ensuring that the law on disability aligned with the Convention on the Rights of Persons with Disabilities.⁸⁴

4. Migrants, refugees and asylum-seekers

65. The United Nations country team reported that, despite pending legislative reform, Madagascar lacked a comprehensive national legislative framework for asylum and laws and procedures that adequately protected the rights of refugees and asylum-seekers. Madagascar had received increased numbers of asylum-seekers since 2022 and without the right to engage in employment and to access basic services, many of them lived in difficult conditions. The country team urged Madagascar to develop a functioning national asylum system that included fair and efficient refugee status determination procedures, in line with international standards, and to grant both refugees and asylum-seekers full economic and social inclusion.⁸⁵ UNHCR recommended that Madagascar: (a) develop a national refugee framework that was inclusive and rights-based, ensuring equitable protection for all displaced persons within its jurisdiction; and (b) grant both refugees and asylum-seekers full access to self-employment and paid work through the refugee framework under development.⁸⁶

66. UNHCR noted that the exclusion of refugee children from public education had pushed some families towards unstable homeschooling, while other refugee children were not attending school at all. It recommended that Madagascar: (a) grant refugee children full access to public primary and secondary education on a par with nationals; and (b) grant refugees the right to access public healthcare services on a par with nationals and conduct awareness sessions to ensure that refugee communities understood their rights and responsibilities when accessing healthcare.⁸⁷

67. UNHCR also recommended that Madagascar: (a) assume responsibility for refugee registration and documentation; (b) ensure that the right to liberty, security and freedom of movement was guaranteed for all asylum-seekers and refugees and that they were protected against arbitrary arrest and detention; and (c) operationalize and adequately equip the Office for Refugees and Stateless Persons.⁸⁸

5. Stateless persons

68. The United Nations country team noted that the birth registration rate for children under 5 years of age had decreased. Immediate government action was required to ensure the right to a legal identity.⁸⁹

69. UNHCR estimated that there could be up to 100,000 stateless persons in Madagascar. Madagascar did not have national laws establishing a statelessness determination procedure or providing a legal framework for the protection of stateless persons in the country. While acknowledging ongoing efforts to amend the Nationality Code, UNHCR noted that the current nationality law included gender discriminatory provisions and did not provide sufficient legal safeguards to prevent statelessness from birth.⁹⁰ UNHCR recommended that Madagascar strengthen the Nationality Code to prevent and reduce statelessness.⁹¹

Notes

- 1 [A/HRC/43/13](#), [A/HRC/43/13/Add.1](#) and [A/HRC/28/2](#).
- 2 [CRC/C/MDG/CO/5-6](#), paras. 47 and 48.
- 3 *Ibid.*, para. 20 (c), and UNHCR submission for the universal periodic review of Madagascar, p. 3.
- 4 UNHCR submission, p. 2.
- 5 United Nations country team submission for the universal periodic review of Madagascar, para. 2.
- 6 [CRC/C/MDG/CO/5-6](#), para. 13.
- 7 [A/HRC/52/36/Add.1](#), para. 88 (h).
- 8 See <https://www.ohchr.org/en/press-releases/2023/05/madagascar-extreme-prison-overcrowding-needs-urgent-fix-un-experts>; and <https://www.ohchr.org/en/press-releases/2024/07/un-torture-prevention-body-announces-visits-2025-and-adopts-general-comment>.
- 9 [CRC/C/MDG/CO/5-6](#), para. 16.
- 10 See https://normlex.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:4123575,102955, Madagascar,2021.
- 11 United Nations country team submission, para. 10.
- 12 *Ibid.*, para. 14.
- 13 *Ibid.*, para. 15.
- 14 [CRC/C/MDG/CO/5-6](#), para. 22.
- 15 See communication MDG 3/2020, available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25585>, pp. 1–3 (in French).
- 16 See communication MDG 1/2021, available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26193>, pp. 1–4. See also <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=36197> (both in French).
- 17 See communication MDG 2/2022, available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=27084>, pp. 1–4. See also <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=36941> (both in French).
- 18 United Nations country team submission, para. 17.
- 19 *Ibid.*, para. 18.
- 20 *Ibid.*, para. 19 and <https://www.ohchr.org/en/press-releases/2023/05/madagascar-extreme-prison-overcrowding-needs-urgent-fix-un-experts>.
- 21 See <https://www.ohchr.org/en/press-releases/2023/05/madagascar-extreme-prison-overcrowding-needs-urgent-fix-un-experts>.
- 22 United Nations country team submission, para. 19.
- 23 [CRC/C/MDG/CO/5-6](#), para. 44. See also United Nations country team submission, para. 20.
- 24 [A/HRC/52/36/Add.1](#), paras. 42–48.
- 25 *Ibid.*, para. 87.
- 26 See communication MDG 1/2020, available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25105>, pp. 1–3 (in French).
- 27 United Nations country team submission, para. 29.
- 28 See communication MDG 4/2022, available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=27744>, pp. 1 and 2 (in French).
- 29 See communication MDG 1/2024, available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=28779>, pp. 1–3 (in French).
- 30 United Nations country team submission, para. 28.
- 31 See <https://www.ohchr.org/en/statements-and-speeches/2024/06/madagascar-call-respect-independence-judiciary-and-freedom>; and <https://www.ohchr.org/en/statements-and-speeches/2023/10/comment-un-human-rights-office-spokesperson-seif-magango-ahead>.
- 32 United Nations country team submission, para. 27.
- 33 UNESCO submission for the universal periodic review of Madagascar, paras. 27 and 28.
- 34 United Nations country team submission, paras. 41 and 42.
- 35 [CRC/C/MDG/CO/5-6](#), para. 26.
- 36 United Nations country team submission, para. 21.
- 37 [CRC/C/MDG/CO/5-6](#), para. 43 (b)–(e).
- 38 [A/HRC/52/36/Add.1](#), paras. 63–65 and 85.
- 39 [CRC/C/MDG/CO/5-6](#), para. 3 (f).

- ⁴⁰ [A/HRC/52/36/Add.1](#), para. 62.
- ⁴¹ United Nations country team submission, para. 24.
- ⁴² *Ibid.*, para. 24.
- ⁴³ *Ibid.*, para. 34.
- ⁴⁴ [CRC/C/MDG/CO/5-6](#), para. 35.
- ⁴⁵ United Nations country team submission, para. 13.
- ⁴⁶ [CRC/C/MDG/CO/5-6](#), para. 36.
- ⁴⁷ See communication MDG 1/2022, available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=27000>, pp. 1–3 (in French).
- ⁴⁸ United Nations country team submission, paras. 25 and 26.
- ⁴⁹ *Ibid.*, paras. 30–33.
- ⁵⁰ [CRC/C/MDG/CO/5-6](#), para. 18.
- ⁵¹ *Ibid.*, paras. 31 and 32.
- ⁵² *Ibid.*, para. 33.
- ⁵³ *Ibid.*, para. 34.
- ⁵⁴ [A/HRC/52/36/Add.1](#), paras. 58–61 and 84.
- ⁵⁵ [CRC/C/MDG/CO/5-6](#), para. 38.
- ⁵⁶ United Nations country team submission, paras. 37–39.
- ⁵⁷ [CRC/C/MDG/CO/5-6](#), para. 39.
- ⁵⁸ UNESCO submission, paras. 20–23.
- ⁵⁹ See https://normlex.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:4290595,102955,Madagascar,2022.
- ⁶⁰ [A/HRC/52/36/Add.1](#), paras. 53–55 and 83.
- ⁶¹ [CRC/C/MDG/CO/5-6](#), para. 15.
- ⁶² United Nations country team submission, para. 12.
- ⁶³ [CRC/C/MDG/CO/5-6](#), para. 37.
- ⁶⁴ See communication MDG 3/2022, available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=27491>, pp. 1 and 2 (in French).
- ⁶⁵ United Nations country team submission, paras. 41 and 42.
- ⁶⁶ See https://normlex.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:4368581,102955,Madagascar,2023.
- ⁶⁷ United Nations country team submission, paras. 44 and 45.
- ⁶⁸ [CRC/C/MDG/CO/5-6](#), para. 23.
- ⁶⁹ *Ibid.*, paras. 24 and 25.
- ⁷⁰ See https://normlex.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:4295412,102955,Madagascar,2022.
- ⁷¹ [CRC/C/MDG/CO/5-6](#), para. 45.
- ⁷² *Ibid.*, para. 40. See also United Nations country team submission, para. 40.
- ⁷³ *Ibid.*, para. 41.
- ⁷⁴ See https://normlex.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:4290595,102955,Madagascar,2022.
- ⁷⁵ [CRC/C/MDG/CO/5-6](#), para. 29.
- ⁷⁶ *Ibid.*, para. 28.
- ⁷⁷ United Nations country team submission, para. 46.
- ⁷⁸ [CRC/C/MDG/CO/5-6](#), para. 30.
- ⁷⁹ United Nations country team submission, para. 47.
- ⁸⁰ [A/HRC/52/36/Add.1](#), para. 79 (c)–(d).
- ⁸¹ *Ibid.*, para. 80.
- ⁸² *Ibid.*, paras. 30, 31 and 86.
- ⁸³ *Ibid.*, paras. 81 and 82.
- ⁸⁴ *Ibid.*, para. 88 (a).
- ⁸⁵ United Nations country team submission, para. 48.
- ⁸⁶ UNHCR submission, p. 3.
- ⁸⁷ *Ibid.*, p. 4.
- ⁸⁸ *Ibid.*, p. 5.
- ⁸⁹ United Nations country team submission, para. 22.

⁹⁰ UNHCR submission, pp. 1 and 2.

⁹¹ Ibid., p. 3.
