

UNCT Contribution to UPR

I. Background and framework

1. Madagascar has returned to constitutional legality through the organization of the 2013 presidential and legislative elections that were followed by the 2015 municipal and senatorial ones. The successful organization of the 2018 presidential elections was a landmark step towards the consolidation of the Malagasy democratic achievements and gains.

2. The political landscape before the elections was marred with uncertainties; a number of government changes and reshuffles, initiation of impeachment proceedings against the president of the republic on the grounds of “ *serious and repeated violation of the constitution and high treason*”; and introduction of two motions of no confidence against the government in May and July 2015, as well as street demonstrations.

3. In April 2018 a strong popular movement fueled by the challenge of the electoral code adopted by the National Assembly resulted in an exceptional situation that required the intervention of the High Constitutional Court. The Court prescribed the appointment by the main political groups of the country in June 2018 of a consensus Prime Minister and the formation of a consensus Government which were tasked with organizing early presidential elections; and prohibited the impeachment of the President of the Republic as well as the dissolution of the Parliament as to secure institutional stability.

4. In application of *article 46 of the Constitution*, the President-in-Office Hery Rajaonarimampianina who was a candidate for the presidential elections, resigned two months ahead of the presidential election; and the President of the Senate served as Acting President of the Republic until the end of the electoral process.

5. It is against this legal, political and institutional background the presidential elections took place peacefully on 7 November with the participation of the main protagonists of the 2009 crisis, namely the former President Marc Ravalomanana, the former Head of the transition Andry Rajoelina, the former president Didier Ratsiraka, as well as the President in power Rajaonarimampianina Hery. The first round of the electoral process was not conclusive as none of the candidates obtained 50% of the total votes cast. The second round of the elections was contested by two candidates. On 19 January 2019, the winner of the elections president Andry Rajoelina took oath of allegiance and due execution of his office. He subsequently formed the new Government in January and committed himself to promoting peace and development; fighting against corruption, insecurity and impunity; and upholding rule of law.

6. Contrary to the various troubled post-election periods experienced by the country, the power transfer was peaceful and democratic given the positive combination of many factors including the Army’s position of political neutrality and respect for the Republican value, the increasing political maturity of Civil Society Organizations and citizens, as well as the vigilance and the strong support from the International Community.

7. The implementation of a national reconciliation process, which was recommended both by the 2011 road map, to end the crisis and the 2010 Constitution remains ‘unfinished business’. On 15 December 2016, the National Reconciliation Law was adopted, and in August 2017 the National Reconciliation Council (FFM second version) was set up and tasked to establish the truth around the different events occurring during the crises from 2002 to 2013, to examine the reparation and compensation of the victims of these crises, as well as to decide on the grant of amnesty. So far, not much progress has been realized.

8. As external investors continue to come to Madagascar the extractive industry has continued to raise a lot of complaints from local communities and civil society Organizations as having generated numbers

of human rights violations including land rights, right to health, right to a healthy environment, as well as non- consideration of the population's right to participation in any sector.

A. Constitutional and legislative framework

9. The country has put significant efforts to strengthen its national human rights protection and promotion system. The Government established the Senate and municipal councils in 2015 following the elections of senators and mayors, the National Independent Human Rights Commission (CNIDH) in 2016, the High Council for National Defense (HCDN) in 2017, the High Court of Justice (HCJ) and the High Council for the Defense of Democracy and the Rule of Law (HCDDDED) in 2018.

10. Following UNCT advocacy and support, Madagascar has ratified the African Charter on Democracy, Elections and Governance (in 2015); the 2015 COP 21 Agreement (United Nations Climate Change Conference held in Paris). Madagascar has also adopted: the law on the decriminalization of press offenses, the law on national reconciliation (in 2016), the communication code (in 2016), the law on nationality (in 2016), the law on the establishment of anti-corruption Court units (PAC) in 2016, as well as the law against money laundering and the financing of terrorism (in 2018). The country adopted also the Anti-Trafficking in Persons Act and established a National Plan to Combat Trafficking in Human Beings as well as a National Office against Trafficking in Human Beings in 2015.

11. However, to date, Madagascar has not adhered to the Convention against Enforced Disappearance; the Convention on the Prevention and Punishment of the Crime of Genocide, the 1967 Protocol relating to the Status of Refugees; the 1954 Convention relating to the Status of Stateless Persons, and the 1961 Convention on the Reduction of Statelessness. Madagascar made reservations on articles 7, 8, 9, and 17 of the 1951 Convention relating to the status of refugees. Madagascar does not have a national legal system or regulation establishing national procedures for refugee status determination. Madagascar has not ratified the 1969 AU Convention governing the specific aspect of refugee problem in Africa; the 2003 Maputo Protocol on women rights in Africa; the SADC Protocol on Gender and Development; and the Protocol on ICESCR, the Optional Protocol to the Convention on the Rights of the Child establishing a communications procedure.

C. Institutional and human rights infrastructure and policy measures

12. The Independent National Human Rights Commission (INHRC) was officially set-up in October 2016 with the view to ensuring a better compliance with the Paris Principles. OHCHR has supported the organization of an inclusive, democratic and transparent designation process of civil society organizations representatives and intensified advocacy actions towards relevant authorities for the designation of the other members. On 20 March 2019, the SCA (Sous-Comité d'Accréditation) of the GANHRI (Global Alliance of National Human Rights Institutions) recommended that the CNIDH (*Commission Nationale Indépendante des Droits de l'Homme*) be accredited with A status.

13. In 2015, the Government, with UNCT support, established an implementation and operationalization plan of recommendations issued by international and regional human rights mechanisms, including UPR. This operationalization plan has been disseminated to all stakeholders including Government Bodies, Parliamentarians, Donors' community, civil society organizations as well as all UN agencies aiming at its integration into their respective working plans. The Government extended the mandate of the intra-Governmental Committee in charge of drafting national reports to treaty bodies as to ensure monitoring of human rights mechanisms recommendations. In December 2016, the Government produced a mid-term report of the implementation of UPR recommendations.

II. Cooperation with human rights mechanisms

A. Cooperation with treaty bodies

14. As regards to human rights reports, Madagascar produced in 2017 its second report on the implementation of the Convention against Torture, its fourth periodic report on the implementation of the ICCPR, and its third periodic report on the implementation of the ICESCR. Its periodic report submitted to the Committee on the Rights of the Child in January 2019.

B. Responses to specific follow-up request by treaty bodies

15. In 2018, two specific requests including the operationalization of the High Court of Justice and the amendment of the *2014-007 Law on the Independent National Human Rights Commission (CNIDH)* to provide the latter with the national prevention mechanism against torture were successfully achieved. The specific request on the amendment of the 2008 law against torture is yet to be achieved.

C. Cooperation with special procedures

16. Madagascar received the visit of the Special Rapporteur on human rights and Environment in October 2016. Madagascar has issued standing invitations for the visit of any thematic mandate-holder.

D. Cooperation with the Office of the United Nations High Commissioner for Human Rights

17. OHCHR supported the establishment and effective operationalization of the INHRC through implementing all required actions that would lead to the INHRC's conformity to the Paris Principles including organizing capacity-building workshops for the commissioners, supporting the implementation of information campaigns across the country on the mandate of the INHRC, as well as providing financial and technical support for many investigation missions that were conducted by the INHRC. In 2015, OHCHR supported the establishment and operationalization plan of recommendations issued by international and regional human rights mechanisms, including UPR. In 2017 and 2018, OHCHR contributed to the implementation of two components of the "*Peace building Fund Project*", namely the IDIRC project (Credible, Representative, Ethical and Democratic Institutions), and the ARSSAM Project (Support to Security Sector Reform), which have jointly been developed with the national authorities. As for IDIRC, OHCHR supported the operationalization of the INHRC as to promote the denunciation of human rights violations and the conduct of investigations into such violations; enhanced the capacity of CSOs and journalists with the view to ensuring efficient advocacy and lobbying; and conducted a large civic education campaign at poor neighborhoods of the capital. As for ARSSAM, OHCHR has strengthened the capacity of the INHRC, civil society and the media as to ensure democratic control of the Defense and Security Forces; supported the capacity building and professionalization of Defense and Security Forces with view to enhancing their accountability towards citizens.

18. In 2018, with view to reducing human rights violations during the electoral process, the UN Country Team, with support from OHCHR implemented a Human Rights and Elections Strategy, which included advocacy, awareness-raising sessions, capacity-building activities for CSOs, journalists, and the Defense and Security Forces (DSF), as well as establishment of electoral monitoring structures within the 22 regions of the country which were tasked with compiling, alerting and providing timely response to allegations of human rights violations.

19. OHCHR supported the elaboration of a training manual on human rights for DSF, and offered technical and financial support to the drafting of the Media Code, the law abolishing Death Penalty, the law against human trafficking; the setting-up of a national plan against human trafficking and of a national bureau against human trafficking; the adoption of the revised law on nationality code; the law on children in conflict with the law; the law on National reconciliation, the revision of the law against torture ensuring prosecutions or investigations into alleged cases of torture to become systematic or mandatory and the elaboration of the draft law on the protection of human rights defenders. UNCT supported the establishment of OHCHR- backed Pools of Human Rights specialized trainers with the

Defense and Security Forces, the Bar Association, and youth groups, as well as the creation of human rights resources centers with a number of State and non-State institutions.

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

A. Equality and non-discrimination

20. In its mid-term progress report, the State referred to promulgation of the Law 2016-036 related to code of nationality that allows Malagasy woman to transmit her nationality to her children, as men. This law provides for a retroactive effect. In practice, women face administrative difficulties and financial barrier since they have to pay the fees of a lawyer to enforce these rights. Discrimination based on gender is not yet clearly defined neither in the constitution nor in a specific law.

21. Discrimination against twins remains a taboo in the district of Mananjary. Civil society organizations are working on care and support for twins, and with United Nations support sensitization and capacity building activities on this topic have been organized in the region in 2015 and 2016. However, there is not yet a systematic effort by the State to change the social norms and behaviors towards twins in this region.

B. Right to life, liberty and security of the person

22. Extrajudicial, summary or arbitrary executions in the framework of pacification missions in remote areas where dahalo (zebu raiders) operate are also very frequent and increasing as well as in urban areas during arrests. During the period under review, many allegations of tortures, extrajudicial, summary and arbitrary executions perpetrated by defense and security forces as reprisals and revenge towards rural communities like in Antsakabary and Betroka have also been reported and investigated by the Independent National Human Rights Commission and journalists. However, very few cases of prosecution against such acts have been reported which enhances the general perception of impunity. Furthermore, local regulations on defense and security forces status are highly constraining and limiting as regard to prosecution procedures and no concrete accountability mechanisms for defense and security forces violations does exist.

23. Madagascar has made significant structural reform to fight against gender-based violence. With the support of partners, Madagascar has, *inter alia*: adopted the national strategy to fight against gender-based violence (GBV) with its national action plan in 2016 but the implementation of this strategy is facing limited funding and coordination between sectors; set up GBV platform at national and subnational level to coordinate prevention and response to GBV; developed a national protocol for clinical management of sexual violence and conducted trainings for health service providers in 2016, 2017 and 2018; adopted the standard of services to address GBV for Police and Gendarmerie and incorporate gender and human rights modules into their curricula in 2018; set up counseling and legal centers where direct assistance to GBV survivors have been provided since 2015; and developed the capacity of social workers on GBV case management in 2016, 2017 and 2018. The drafting of a specific law to address GBV was initiated in 2016 with UNCT support. Adoption process slowed down due to frequent change of government officials. Services that address GBV (psychosocial, health and legal) are available at regional capitals and in some districts. They have limited geographical coverage. The draft national action plan on SCR 1325 is still awaiting validation.

24. The National Child Protection Committee (CNPE) still does not receive funding from the state for its functioning. But its subcommittees are effective in overseeing ad hoc processes including the elaboration of the national child marriage strategy. In 2018, Madagascar adopted the report of the national evaluation of the civil registration and vital statistics (CRVS) system as well as a strategic plan

for its improvement. A new law on CRVS has been adopted by the Parliament and is awaiting promulgation.

25. Four one stop centers for children victims of sexual violence (with psychosocial, judicial and medical care under one roof) have been set up since 2014 and two more will be functional before July 2019. Child Protection Networks exist in several districts to improve prevention, reporting and management of cases of violence and exploitation against children. A national toll-free child helpline (147) is functional with free calls from all mobile operators in Madagascar. A persistent challenge in the protection of children and women is the lack of social workers in the public sector, despite the existence of a training institute. UNICEF is supporting the Government in its efforts to establish a social service workforce.

26. A national study on violence against children in Madagascar was published in 2018, and the recommendations are being integrated into the National Child Protection Policy, currently under development through a multi-sectorial consultative process. 300 tourist operators have signed a code of conduct on sexual exploitation in 2015 and 2016.

27. Madagascar enacted Law 2016-018 on the measures and procedures applicable to children in conflict with the law, which favors alternative measures to detention, and provides for the treatment of children in detention according to international standards. Justice system actors have been trained on the application of this law, and prosecutors and judges for children have been designated in most jurisdictions. A tracking mechanism for children's files has been put in place. About 250 children have already benefited from diversion measures in Antananarivo, with the support of civil society. In 2018, the government has doubled the budget allocated to the prisons and reactivated the *Comité des Garanties Judiciaires* to monitor and improve the judicial conditions of inmates.

28. There are few social reintegration activities for children in conflict with the law, conducted by civil society, for lack of resources on the part of the state. There are still some prisons where there is no separation between boys and adult men, and there is no separation between girls and adult women anywhere. In all prisons there are young children in prison with their mothers. More than 70% of children in prison are in pre-trial detention, despite the 2016 law that requires shortened pre-trial detention periods and the ongoing efforts to implement this law. Access to justice for child victims of violence remains limited because of the tendency for cases to be settled between the perpetrators and the families of the victims as well as mistrust of the judicial system's population due to cumbersome procedures and frequent examples of impunity of perpetrators.

29. The *Pôle Anti-Corruption* (PAC) is operational in Antananarivo and tasked to handle corruption files, including economic and financial offences. General perception is that the PAC is proceeding well with carrying out these responsibilities. Political interference and corrupt practices in public affairs undermine key rule of law principles. In the absence of access to justice and confidence in the formal legal system, segments of the population resort to traditional justice mechanisms (*Dina*), and cases of mob justice remained unabated. In September 2018, UNCT produced a thematic report on mob justice.

30. Significant delays in the administration of justice are evidenced by the large number of judicial decisions that are rendered; are yet unenforced. In certain cases, the rights of litigants are undermined because they are never notified of the decision. In the criminal law context, the consequences of delays are severe for accused persons on remand in detention centers with poor living conditions and overcrowding.

C. Right to privacy, marriage and family life

31. Madagascar is one of the countries in the world most affected by child marriage, with 41% of women aged 20-24 having been married before the age of 18. Early marriage is rooted in cultural practice, in gender inequality and in poverty of parents. Madagascar adopted a National Strategy

against Child Marriage in 2018, with a cost operational plan, which aims to reduce the rate of child marriage to 21% by 2024. A national campaign to end child marriage has been conducted since 2015.

D. Freedom of expression, and right to participate in public and political life

32. Madagascar has taken steps to enhance the freedom of journalists by decriminalizing defamation and press offences. The Association of Journalists of Madagascar is operational and a Charter for journalistic ethics has been put in place. A national strategy relating to gender and elections was developed and implemented to increase women's participation in public and political life. The population at large is not fully aware of their civil and political rights. While CSOs present an opportunity for citizens' participation in public and political life, many organizations remain dependent on support from technical and financial partners. In the electoral field, the management and reliability of electoral lists, in particular voter registration remains a primary challenge. Issues with civil registry systems, and a lack of awareness particularly affect youth and women, registered at rate of 41.98% and 46.05% respectively in the 2018 presidential elections.

33. Issues with transparency in the financing of electoral campaigns have emerged in the last election cycle. A challenge for the elections ahead will be to encourage the participation of women, both as candidates and as electors, as well as the participation of people living with disabilities.

34. The communication code which was adopted in 2016 was highly controversial, leading to deterioration of relations between the media and the executive. Many of the conclusions of the UN facilitated consultations were not adopted in the draft law by the Government. The current Government has initiated a process to review this law.

E. Right to social security and to an adequate standard of living

35. A National Social Protection Policy has been developed and validated with an Implementation Strategy for the period 2019-2023. The social protection strategy prioritizes targeted programs for the most vulnerable groups and in extreme poverty to ensure an acceptable level of consumption and access to social services. The challenge remains the financing of this strategy, which is currently only partially assured by donors.

36. The government has tripled the water access targets in its performance contract for the year 2019 compared to 2018 and plans to reach 55% after five years (in 2023). The eradication of open defecation in 2025 is also included in the government performance contract. In partnership with stakeholders in the sector, including UNICEF, the government is developing a water, sanitation and hygiene sector plan that will consider vulnerable groups and the gender and equity approach and which will be finalized by June 2019. The budget of the Ministry of Water, Sanitation and Hygiene has increased by 35% compared to 2018. Construction of two pipelines in the south is underway and will be completed by June 2019.

37. In December 2018, the country validated the revised version of the National Nutrition Policy (PNN). The general objective of this policy is to contribute to the improvement of the nutritional status of the Malagasy population, especially the most vulnerable. This policy supports the third edition of the National Action Plan for Nutrition (PNAN-III), 2017-2021. The goal of PNAN-III is to reduce chronic malnutrition by 2021 from 47% to 38% in children under 5 years of age. It is estimated that Madagascar loses US \$ 740 million annually because of the limited ability to learn in school and work in adulthood, which is a direct consequence of unaddressed chronic malnutrition during the first 1,000 days of life.

F. Right to health

38. Following advocacy by UNAIDS and WHO on the Test and Treat initiative, in 2017 about 79% of HIV-positive people monitored were treated with ART and in 2018 around 85% are being treated. At

the national level, the coverage rate on ART has increased slightly to 9% (7% in 2017). The main challenges are to increase the HIV testing on HIV and to fight against stigma towards PLHIV and Key population at risk.

39. Madagascar has made significant efforts to made available universal access to sexual and reproductive health and rights. These include structural and operational reforms. With the support of its partners, Madagascar: adopted specific law on reproductive health and family planning in 2018. This law allows adolescent girl and young people to have information and services related to reproductive health, including contraceptives. 24,511 young girls aged 15-24 have used injectable contraceptives; made available free access to family planning services and to contraceptive, the contraceptive prevalence rate was 33.3% in 2012 and 38,9 % in 2017; developed a roadmap to Accelerate the Reduction of Maternal and Neonatal Mortality during the period 2015-2019. In the Southern part of Madagascar where population are in severe food insecurity, 36 718 pregnant women had access to prenatal care, 11 645 deliveries of which 315 obstetrical complications were managed.

40. Many challenges remain including: any form of abortion including therapeutic abortion is still prohibited and penalized. This deprives women at risk of pregnancy-related death the right to life. This penalization of therapeutic abortion will not allow the country to eliminate avoidable maternal death; limited national resources are available to have the right coverage functioning and quality basic emergency obstetric and newborn care; geographic and financial barriers to access to health facilities are persistent; lack of national expertise to take care of complicated case of obstetric fistula results in failure of fistula surgery.

41. Madagascar is moving towards Universal Health Coverage (UHC). The district of Vatomandry, in the East part of the country, has been identified as pilot for its implementation. Thus, after the setting up of the “*Caisse Nationale de Solidarité pour la Santé*” (CNSS) at central level, a district component has been created in Vatomandry. It is now operational, and adherents are now benefitting health services package offered through UHC in the country. Madagascar has achieved a major success in 2018, as the country has been declared “*polio free*”, after years of efforts towards global polio eradication. National campaigns combined with routine immunization and surveillance with partners’ support have contributed to this achievement. Epidemic and health emergencies responses interventions have been undertaken these last years, to rapidly reduce mortality and morbidity burdens related to major communicable diseases, such as plague, measles, malaria.

42. In 2018, the National Community Health Policy has been validated by the stakeholders and the Minister of Health. This document confirms the Government's desire to consolidate community health as the spearhead of health development. This document will facilitate the search for solutions for the poor, vulnerable population living in isolated and remote areas.

43. Bi-annual mother and child weeks have been maintained and reinforced to improve their quality, with free services to mothers and children under 5, especially those living in areas difficult to access. African Vaccination Week is organized annually to promote immunization services benefits all over the life and health service integration for better health. The health system has been strengthened through provision of solar refrigerators to ensure the continuous availability of quality vaccines in the most remote health centers. These interventions helped to create the conditions necessary for the implementation of the strategy to reach every child, as well as a tailored approach to the urban area of the capital. As part of the intensification of measures and actions for the benefit of vulnerable women and children by promoting their access to health, the Family Planning Act was passed in the National Assembly in 2018.

44. Numerous interventions are being implemented according to the “*Roadmap to accelerate the reduction of maternal and neonatal mortality 2015-2019*”, including the scaling up of Basic and Comprehensive Emergency Obstetric and Newborn Care. Madagascar is committed at the highest level to the Action Plan for Every Newborn (ENAP Every Newborn Action Plan)

G. Right to work

45. Implemented in the framework of the National Strategic Plan 2018-2022 on HIV/AIDS, the world of work took concrete action by the evaluation of the National Policy to fight against HIV and Aids in the workplace. Targeting informal economy that represents 90% of workers in Madagascar remains a challenge.

46. Three value chains have been chosen as starting point action by the government in order to protect worker's rights on safety and health at works. These are agriculture (lychees and cotton); Buildings and Public Works, textiles. New tools have been developed based on studies conducted in these values chains and applied for workers in these areas. Besides, capacity of SME (*Services Médicaux des Entreprises*) and those of CNAPS have been strengthened to enable services to provide better health care and social security to workers and families.

H. Right to education

47. Madagascar continues to intensify its action to tackle child labour. The engagement of the government is witnessed by the decision taken to be a Pathfinder country in Alliance 8.7. The country pursues its effort to fight against child labour in the vanilla sector. Major achievements included: the adoption and signature by 40 vanilla exporters of the Code of Conduct on Combating Child Labour; the development of a guidance of Code of Conduct for its effective implementation before the starting of the 2019 campaign; the development and signing of commitment letter by vanilla collectors-preparers; the implementation of a traceability system; the amendment of Dinam-paritra (regional convention) by including articles on combating child labour in the vanilla sector; the development of a procedural manual on the application of child labour laws in the SAVA region; the setting up and capacity building of Local Councils for Combating Child Labour (CLLTE), at local and municipalities levels; capacity building of Regional Committee to Fight against child labour in the SAVA region. Some challenges remain including low capacity of labour administration to enable it to play effective role in the monitoring of child labour and traffic in persons, and low action at the regional level in the absence of technical and financial support of donors.

48. Comprehensive sexuality education program has been named education to harmonious life by Ministry of education. Four political documents have been produced namely the guidance framework for sexuality education, teachers 'guide, the training curriculum on sexuality education and the communication document for parents in sexuality education sexual. 66 senior trainers from 7 regions were trained on the use of the comprehensive sexuality education curriculum. Prevention of HIV/AIDS is integrated in the curriculum. Resistances from inside the ministry of education are still persistent. The lack of qualified human resources is also a challenge to the scaling up of the comprehensive sexuality education program.

49. The education sector plan was endorsed in June 2017. The government has embarked on a reform to extend compulsory education from 5 to 9 years. The entire primary cycle must be accessible to all children. This reform is in line with the Labor Act, which prohibits work for all children under 15 years of age. The budget for basic education represents 15% of the state budget. This proportion continues to decrease even if the budget increases in absolute value. The unit cost is also falling steadily. Decentralization poses major challenges, since 90% of budget allocations are made at the central level. A study on the traceability of public expenditure is underway with the Ministry of Education and the Ministry of Finance. The results will help identify malfunctions and propose improvements. An audit for the payment of FRAM teachers (recruited by communities, not the Ministry of Education) is planned, but the biggest question remains the modalities and criteria for their integration into the public service.

50. Regarding out-of-school children, every year the CRAN program supports school reintegration. However, it does not take incorporate children who have been out of school for more than two years and is not implemented in all regions because of lack of resources.

51. The project "*Cash transfers for human development - vatsin'ankohonana*" in partnership with UNICEF and the World Bank is being implemented in 7 regions of the country and targets children in primary and in some localities secondary schools. It is a priority program of the 2019-2023 national social protection strategy, which aims to significantly increase coverage in the next 5 years (more than 400,000 households by 2023).

G. Persons with disabilities

52. In its mid-term progress report, the State referred to implementation of a 2014 model plan pertaining to primary school infrastructure for children with disabilities. In reality, all the actors who support school construction do not use this plan but is the subject of consultation and discussion for its possible improvement based on concrete experience. No initiative for harmonization of national laws for better compliance and enforcement of the Covenant has been initiated so far. Access to justice remains weak and challenging for persons with disabilities. Persons with disabilities are highly exposed to natural disasters risks while no initiative to include their specific needs into responses to natural disasters policies has been undertaken so far. Data and statistics on persons with disabilities are not available. The Directorate of Persons with Disabilities within the Ministry of Population, Women Promotion and Social Protection was abrogated in 2018 and put under the Social Protection Directorate and combined with the Service of elderly persons while the establishment of such Ministerial Directorate was a significant step for the promotion and the protection of the rights of persons with disabilities. The National Committee for Disability has not been set-up yet.

H. Migrants, refugees and asylum seekers

53. Following UNCT advocacy, the government has ratified a number of ILO Conventions including: *C.143 - Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)*; *Convention concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers (Entry into force: 09 Dec 1978)*; *C181 - Private Employment Agencies Convention, 1997 (No. 181)*; *C189 - Domestic Workers Convention, 2011 (No. 189)*, *P029 - Protocol of 2014 to the Forced Labour Convention, 1930*. At the institutional level, the government has set up focal points in four (4) regions namely SAVA, DIANA, Analamanga and Haute Matsiatra, whose responsibilities are to undertake sensitization and information, Education and Communication to migrant workers before their departure. Capacity building for Trade Unions and Employers' organizations and civil society on fair recruitment for migrant workers in four regions namely SAVA, DIANA, Analamanga and Haute Matsiatra was conducted.

54. A National labour migration policy is yet to be developed. A national labour migration policy can be understood as a sectorial policy arising from a national migration policy, or a labour and employment strategy. The sector of labour migration remains insufficiently regulated, and a ban imposed on would-be migrant workers in 2013 has proved counterproductive.

55. Madagascar has made important strides and efforts in recent years to structure and institutionalize the fight against trafficking in persons (TIP). The Government of Madagascar has, with the support of partners, *inter alia*: adopted the National Law No. 2014-040 punishing TIP in January 2015; developed and released its first National Action Plan on TIP in March 2015; and set up of the National Bureau to Combat TIP (BNLTEH) in June 2015. With the view to reducing vulnerabilities of labour migrants to forms of abuse and exploitation in the countries of destination, the Government of Madagascar has – with the support of partners – made limited advances towards a comprehensive restructuring of the sector.

56. Recent TIP efforts appear insufficient to address the scope of the issues of TIP, both in its national and transnational forms; and the scope of issues related to labour migration of Malagasy nationals, particularly women. Paradoxically, some of the measures implemented by the Government of

Madagascar and intended to reduce exploitation and abuse of Malagasy migrant workers have had counterproductive effects.

57. Lack of a national labour migration strategy or alternative structured mechanisms, and limited presence of diplomatic representations of Madagascar continues to be detrimental to the migrant workers and alleged victims of trafficking who face limitations in seeking assistance and support for their State. Lack of established communication channels and/or repatriation agreement between Madagascar and some destination countries has led to cases of Malagasy migrant workers stranded in administrative detention centers for extended periods of time, or dependent on the good will of the State of destination, as happened recently in Kuwait where close to 100 Malagasy women, all of whom had been subsequently identified by IOM as victims of trafficking, were able to return to Madagascar under an amnesty granted by the Government of Kuwait to migrant workers in irregular situations. Lack of technical and financial means to conduct prevention and awareness-raising activities makes difficult to reduce the prevalence of both internal and transnational TIP, to ensure that the victims are aware of their fundamental rights and request the necessary assistance to meet their needs.

58. Another significant challenge remains the low rate of prosecution and conviction of traffickers under the National Law No. 2014-040. The exact number of convictions since the adoption of the law has not been determined, but consulted jurisdictions report very few cases of traffickers prosecuted under this law.

I. Right to development, and environmental issues

59. A 4-year national development plan has been established in 2015, which encompasses human rights promotion, and protection at the strategic level but with no specific relating details at the operation levels nor established on a human-rights based approach basis.

60. Madagascar is implementing different interventions related to health and environment, including climate change and health, chemical products and health, the introduction of environmental - friendly initiatives for health care management, and recently, air pollution prevention. The national committee for Health and Environment has been revitalized to coordinate these interventions. In Madagascar, the GEF Small Grants Programme is providing financial and technical support to projects that conserve and restore the environment while enhancing people's well-being and livelihoods. Combating illegal trafficking of protected species remains a huge challenge.