



AI Index: AFR 35/8932/2025

Date: January 6, 2025

## Madagascar: Suggested Recommendations to Madagascar for its Review during the 48th Session of the UPR Working Group, January 20-31, 2025

### Key Amnesty International Documents on Madagascar for Reference:

- Madagascar: Punished for being poor: Pre-trial detention in Madagascar, October 23, 2018, <https://www.amnesty.org/en/latest/campaigns/2018/10/madagascar-prison/>
- Madagascar: It will be too late to help us once we are dead: The human rights impact of climate change in drought-stricken southern Madagascar, October 26, 2021, <https://www.amnesty.org/en/documents/afr35/4874/2021/en/>
- Madagascar: Executive Director of Transparency International Initiative Madagascar summoned after denouncing corruption, November 23, 2022, <https://www.amnesty.org/en/latest/news/2022/11/ketakandriana-rafitson-summoned/>
- Madagascar: Environmental rights defender at risk: Angélique Decampe, July 21, 2023, <https://www.amnesty.org/en/documents/afr35/7018/2023/en/>
- Madagascar: Authorities must repeal the legalization of chemical and surgical castration of rapists, February 8, 2024, <https://www.amnesty.org/en/latest/news/2024/02/madagascar-authorities-must-repeal-the-legalization-of-chemical-and-surgical-castration-of-rapists/>
- Madagascar: Weak Human Rights Protection: Amnesty International Submission for the Universal Periodic Review, 34<sup>th</sup> Session of the UPR Working Group, November 2019, <https://www.amnesty.org/en/wp-content/uploads/2021/05/AFR3505632019ENGLISH.pdf>

### Torture, Inhumane, and Degrading Treatment

- Repeal Law n°2024-001 providing for castration as the penalty for the crime of rape against children and instead adopt a survivor-centered approach that prioritizes the safe reporting of crimes, free from stigmatization or retaliation. Ensure accountability for perpetrators and implement criminal justice reforms that allow survivors timely access to justice and remedies. Additionally, strengthen prevention efforts to address and eliminate the root causes of such crimes.

### Women's and girls' Rights

- Provide adequate, affordable, and accessible healthcare goods and services for women and girls, including education and accessible and age-appropriate information on healthcare goods and services
- Strengthen pre-natal, delivery, and post-natal health and nutritional services for pregnant and breastfeeding women and protect reproductive rights by authorizing medical abortion in cases of sexual assault, rape, incest, or where the pregnancy endangers the mental or physical health of the mother or the life of the mother or foetus.
- Ratify and domesticate the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, signed over 20 years ago.

### Detainees' rights

- Implement the African Commission on Human and Peoples' Rights' Principles on the Decriminalisation of Petty Offences in Africa by decriminalizing vagrancy and petty offenses related to it and that disproportionately target impoverished individuals based on their social and economic status.



- Address prison overcrowding by decriminalizing vagrancy and petty offenses related to it as well by ensuring that all arrested persons are brought promptly before a judge to determine the lawfulness of detention within a period never exceeding 48 hours, as required by international human rights standards.

## **Human Rights Defenders and Freedom of Expression**

- Enact a law protecting human rights defenders and whistle-blowers, with a gender-sensitive approach that aligns with Madagascar's regional and international human rights obligations.
- Adopt a freedom of information law to enhance protections for human rights defenders, environmental defenders, and whistle-blowers, who face intimidation, imprisonment, exile, and, in some cases, killing.
- Respect, protect and fulfil the rights to freedom of expression and information, including by refraining from the misuse of charges such as "defamation," "threat to public order," and "rebellion against the state" to harass or silence human rights defenders and whistle-blowers.

## **Freedom of Association and Peaceful Assembly**

- Repeal Ordonnance No. 60-082 of 13 August 1960, which grants authorities excessive discretion to restrict the rights to freedom of peaceful assembly and association, particularly during electoral periods.

## **Economic and Social Rights**

- Ensure corporate actors respect local communities' rights by conducting transparent environmental and social impact assessments and providing fair compensation for any harm caused.
- Ensure public access to information on the allocation of the national budget, taxation, and sovereign debt toward fulfilling economic and social rights, including food, housing, and health, over short, medium, and long-term timelines.

## **Internally Displaced Persons**

- Conduct comprehensive needs assessments for internally displaced persons (IDPs), particularly those displaced by droughts by establishing rigorous data collection systems to disaggregate data by gender, age, and ability, ensuring tailored assistance.
- Ensure family reunification and empower displaced men, women, persons with disabilities, the elderly, and children to exercise their rights to freedom of movement and residence within Madagascar.
- Update Nationally Determined Contributions (NDCs) and the National Adaptation Plan (NAP) to address the specific needs of people displaced by climate change and extreme weather events, including droughts, floods, and cyclones.
- Ratify the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) to strengthen collaboration with other African nations on internal displacement. Actively convene the Convention's Conference of the Parties to develop unified strategies for addressing displacement challenges across the continent.