**Recommendations by UN human rights mechanisms concerning the rights of persons with disabilities with respect to Madagascar**

**Main issues raised by TBs:**

* Discrimination against women and children, notably girls, with disabilities
* Lack of participation in social life of women with disabilities
* Awareness-raising campaigns to combat the stigmatization, prejudice and discrimination
* Violence against women with disabilities and abuse against children with disabilities
* Inclusive education: need to increase access to education of persons with disabilities
* Need for comprehensive and disaggregated data collection, including measurable indicators
* Need for budgetary lines in general and sectorial allocations for children with disabilities, including for affirmative actions and intangibility of those lines, even in economic crisis
* Access to appropriate health care for children with disabilities

Concluding observations of the Human Rights Committee, 2016

TO BE PUBLISHED IN OCTOBER/NOVEMBER 2016, 118TH SESSION

Concluding observations of the CEDAW Committee, [CEDAW/C/MDG/CO/6-7](http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/MDG/CEDAW_C_MDG_CO_6-7_20565_E.doc), 2015

**Women with disabilities**

44. The Committee is concerned about intersecting forms of discrimination against women and **girls with disabilities** who are often victims of prejudice, violence and neglect. The Committee notes with concern the obstacles faced by women and **girls with disabilities** to participate in social life and the absence of a clear strategy or policy for the promotion of their human rights.

45. The Committee recommends that the State party expedite the elaboration and adoption of the proposed plan to include a **disability** perspective in national policies and strategies and ensure its implementation, with a view to protect the rights of women and **girls with disabilities** and to eliminate discrimination and violence against them.

Data collection and analysis

50. The Committee is concerned at the general lack of gender-disaggregated data which is necessary for an accurate assessment of the situation of women and identification of discrimination, for informed and targeted policymaking, and for the systematic monitoring and evaluation of progress achieved towards the realization by women of substantive equality.

51. The Committee recommends that the State party enhance the collection, analysis and dissemination of comprehensive data, disaggregated by sex, age, **disability**, ethnicity, location and socioeconomic status, and the use of measurable indicators to assess trends in the situation of women and progress towards the realization by women of substantive equality in all areas covered by the Convention.

Concluding observations of the CRC Committee, [CRC/C/MDG/CO/3-4](http://www2.ohchr.org/english/bodies/crc/docs/co/CRC_C_MDG_CO_3-4.pdf), 2012

8. The Committee welcomes efforts by the State party to implement the Committee’s concluding observations on the State party’s second periodic report (CRC/C/15/Add.218). Nevertheless, the Committee notes with regret that several of these concluding observations

have not been sufficiently addressed or not addressed at all.

9. The Committee urges the State party to take all necessary measures to address those recommendations from the concluding observations of the second report that have not yet been implemented or sufficiently implemented, including on developing a comprehensive national plan of action on children’s rights, efficient and effective coordination, independent monitoring and **children with disabilities**, and also to provide adequate follow-up to the recommendations contained in the present concluding observations on the combined third and fourth periodic report.

18. Furthermore, the Committee recommends that the State party in planning its future budgets take into account its recommendations during the Day of General Discussion in 2007 on “Resources for the Rights of the Child - Responsibility of States” and specifically:

(a) Build capacity to utilize a child rights approach in the elaboration of the State budget and implement a tracking, monitoring and evaluation system for the allocation and the use of resources for children by all relevant sectors throughout the budget, thus providing visibility to the investment on children. The Committee also urges that this tracking system is used for impact assessments on how investments in any sector may serve the best interests of the child, ensuring that the differential impact of such investment on girls and boys is measured;

(b) Conduct a comprehensive assessment of budget needs and establish clear allocations for those areas that progressively address the disparities in indicators such as gender, **disability** and geographical location related to children’s rights; and

(c) Define strategic budgetary lines in general and sectorial allocations for children in disadvantaged or vulnerable situations (such as girls and **children with disabilities**) that may require social measures including affirmative action and make sure that those budgetary lines are protected even in situations of economic crisis, natural disasters or other emergencies.

Data collection

19. The Committee takes note of the efforts of the State party to improve data collection through the National Statistics Institute but is concerned that data in relevant areas are still

lacking or not sufficiently disaggregated. In particular, the Committee notes that data is lacking on children living with HIV, alcohol and drug consumption of children and percentage of **children with disabilities** enrolled in school, and children living on the streets. The Committee is also concerned about the lack of coordination of data collection between different ministries and between national and regional levels.

20. The Committee recommends that the State party continue strengthening its data collection system, to ensure coordination of data collection on all areas of the Convention and in all the regions and to analyse the data collected as a basis for assessing progress achieved in the realization of child rights and to help design policies and programmes to implement the Convention. The Committee encourages the State party to disaggregate data

by age, sex, geographic location, ethnicity and socio-economic background to facilitate analysis of the situation of children.

Non-discrimination

23. The Committee welcomes the efforts by the State party to address discrimination, including the adoption of Decree 2009-1147 on inclusive education and legislation against discrimination due to HIV status. However, the Committee remains concerned that discrimination is still widespread in the State party, in particular against girls, twins, **children with disabilities** and children living with HIV/AIDS.

24. The Committee recommends the State party to increase measures to combat discrimination, in particular against girls, twins, **children with disabilities** and children living with HIV/AIDS, through programs and policies to combat inequalities in access to education, health and development, raising awareness of discrimination and fostering an inclusive and tolerant environment in schools and other spaces for children.

**Children with disabilities**

47. The Committee is concerned about widespread discrimination against and social

exclusion of **children with disabilities** in the State party. The Committee is particularly

concerned about the situation of **children with disabilities** who are isolated in the home and about their particular vulnerability to abuse, including sexual abuse, and their reduced access to appropriate health care services. While welcoming efforts by the State party to facilitate access to education for **children with disabilities**, the Committee remains seriously concerned about the very low rate of access for education, where only 4 per cent of children with disabilities attend school.

48. The Committee recommends that the State party urgently address the high level of discrimination against **children with disabilities** and take all available measures to ensure that the rights of such children are realised, in line with the Committee’s general comment No. 9 (2006) on the rights of **children with disabilities**. In particular, the Committee recommends the State party to:

(a) Eradicate impunity for abuse of **children with disabilities**, through ensuring investigation, prosecution and appropriate sentencing of perpetrators of such abuse;

(b) Expand and strengthen awareness raising activities for the community at large, aimed at combating prejudice and discrimination against **children with disabilities**;

(c) Strengthening the monitoring of situations of **children with disabilities** in the home, including training social workers on detecting signs of sexual abuse, in particular in children with mental disabilities;

(d) Take all available measures to improve the access to education for **children with disabilities**;

(e) Strengthen implementation of programs and policies on inclusive education to improve the numbers of **children with disabilities** who have access to education;

(f) Increase access to appropriate health care for **children with disabilities**, including providing training in relevant skills to health care workers and encouraging families to access health care services to **children with disabilities**; and

(g) Ratify the Convention on the Rights of **Persons with disabilities**.

Concluding observations of the CAT Committee, [CAT/C/MDG/CO/1](http://www2.ohchr.org/english/bodies/cat/docs/co/CAT.C.MDG.CO.1_fr.doc), 2011

23. Le Comité invite l’État partie à ratifier les principaux instruments relatifs aux droits de l’homme de l’ONU auxquels il n’est pas encore partie, notamment la Convention internationale sur la protection des droits de tous les travailleurs migrants et des membres de leur famille, la Convention relative aux droits des personnes handicapées et la Convention internationale pour la protection de toutes les personnes contre les disparitions forcées.

Concluding observations of the CESCR Committee, [E/C.12/MDG/CO/2](http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=4slQ6QSmlBEDzFEovLCuW2YzVRrmjV5ZGpj%2fi0fjDsq28RlGL%2b8lzd0EzdSsF7LzECdN9UD%2fx9wtF4%2bWFaCcAbPVdtUwLdhbqdf0HLWzd83ejax4zicIQmE7X8ceve9L), 2009

31. The Committee is concerned that access to schools remains a problem for children living in rural and remote areas. It is also concerned about the high rate of repetition and dropouts, in particular for girls attending secondary schools. The Committee is further concerned that the status of teachers is less favourable than the status of other public servants in terms of salaries and benefits, and that the budget allocated to education remains insufficient. Furthermore, the Committee is concerned about the situation of **children with disabilities** in the school system. (art. 13)

The Committee urges the State party to strengthen its various measures and programmes in order to:

(a) Address the problem of access to schools for children living in rural and remote areas;

(b) Take appropriate measures to ensure regular school attendance and reduce the dropout rate of children in particular in secondary schools;

(c) Strengthen the capacity of teachers through training and review their status;

(d) Develop programmes aimed at integrating **children with disabilities** into formal schooling.

The Committee also recommends that the State party increase its budget for education and seek international assistance to deal with the above-mentioned issues, in particular those related to **children with disabilities**.