



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

### **Concluding observations on the report submitted by Madagascar under article 8 (1) of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict\***

1. The Committee considered the initial report of Madagascar (CRC/C/OPAC/MDG/1) at its 2043rd and 2044th meetings (see CRC/C/SR.2043 and 2044), held on 28 September 2015, and adopted the following concluding observations at its 2052nd meeting (see CRC/C/SR.2052), held on 2 October 2015.

#### **I. Introduction**

2. The Committee welcomes the submission of the State party's initial report under the Optional Protocol and its written replies to the list of issues (CRC/C/OPAC/MDG/Q/1/Add.1). The Committee expresses its appreciation for the constructive dialogue held with the high-level and multisectoral delegation of the State party.

3. The Committee reminds the State party that the present concluding observations should be read in conjunction with the concluding observations on the combined third and fourth periodic reports submitted by the State party under the Convention (CRC/C/MDG/CO/3-4), adopted on 3 February 2012, and on the initial report of the State party submitted under the Optional Protocol on the sale of children, child prostitution and child pornography (CRC/C/OPSC/MDG/CO/1), adopted on 2 October 2015.

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\* Adopted by the Committee at its seventieth session (14 September-2 October 2015).



## II. General observations

### Positive aspects

4. The Committee welcomes the ratification by the State party of the following international instruments:

(a) The Rome Statute of the International Criminal Court, in March 2008;

(b) The Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime, in September 2005.

5. The Committee welcomes the declaration by the State party upon ratification of the Optional Protocol that the minimum age for voluntary recruitment into the armed forces is 18 years.

## III. General measures of implementation

### Coordination

6. The Committee notes that the State party has a national commission for international humanitarian law, but is concerned that it is not operational and does not have adequate human and financial resources.

7. **The Committee recommends that the State party take the measures necessary to ensure that the national commission for international humanitarian law can become operational and provide it with adequate human and financial resources for effective coordination.**

### Dissemination and awareness-raising

8. The Committee notes with concern that the principles and provisions of the Optional Protocol are not sufficiently known to children and the general public.

9. **The Committee recommends that the State party widely disseminate the principles and provisions of the Optional Protocol among the general public, and among children in particular, especially by involving the media in awareness-raising.**

### Training

10. The Committee is concerned that those responsible for law enforcement have received limited training, especially on the Optional Protocol.

11. **The Committee recommends that the State party develop training activities by including systematic and comprehensive education modules on the provisions of the Optional Protocol for all relevant professional groups, including those responsible for law enforcement.**

### Data

12. The Committee regrets the lack of disaggregated data on child victims of acts covered by the Optional Protocol, especially on children who have been recruited by or are involved in non-State armed groups called *dahalos*.

13. **The Committee recommends that the State party collect comprehensive data, disaggregated by sex, age, ethnicity and socioeconomic status, on all areas related to the implementation of the Optional Protocol in order to identify children who have**

been recruited by armed groups called *dahalos* who are eligible for demobilization, disarmament and reintegration.

## IV. Prevention

### Age-verification procedures

14. The Committee notes that the State party has instituted procedures to verify the age of recruits when they enlist but remains concerned about the low rate of birth registration in some parts of the State party.

15. **The Committee stresses the importance of birth registration in the context of prevention and reaffirms its recommendation made under the Convention (see CRC/C/MDG/CO/3-4, para. 34) advocating the strengthening of measures taken to ensure free and compulsory registration of all births on the entirety of the State party's territory.**

### Military schools

16. The Committee regrets that military school students do not have access to a mechanism that enables them to lodge complaints confidentially.

17. **The Committee recommends that the State party develop an adequate system to ensure that children attending military schools have access to complaints mechanisms and independent investigation.**

## V. Prohibition and related matters

### Criminal legislation and regulations in force

18. The Committee regrets that legislation does not specifically criminalize the recruitment and use of children in hostilities by armed forces and non-State armed groups.

19. **The Committee recommends that the State party expressly prohibit and criminalize the recruitment and use of children under the age of 18 in hostilities by armed forces and non-State armed groups.**

### Extraterritorial jurisdiction

20. The Committee regrets that laws do not provide for extraterritorial jurisdiction over all offences covered by the Optional Protocol.

21. **The Committee recommends that the State party take all measures necessary to ensure that its national legislation enables it to establish and exercise extraterritorial jurisdiction for all offenses under the Optional Protocol.**

## VI. Protection, recovery and reintegration

### Measures adopted to protect the rights of child victims

22. The Committee is concerned that the State party has not set up any mechanism to identify children incorporated in armed groups called *dahalos* and who have been demobilized, nor has it set up a procedure for their protection, rehabilitation and reintegration.

23. The Committee urges the State party to take all steps necessary to identify demobilized children and to:

(a) Provide the personnel responsible for this task with training on child rights, child protection and child-friendly interview techniques;

(b) Make available to children who have been involved in armed conflict appropriate assistance for their physical and psychological recovery and their social reintegration.

## **VII. International assistance and cooperation**

24. The Committee recommends that the State party continue and strengthen its cooperation with the International Committee of the Red Cross and with the Special Representative of the Secretary-General for Children and Armed Conflict, and that it explore increased cooperation with the United Nations Children's Fund and other United Nations entities with regard to the implementation of the Optional Protocol.

## **VIII. Ratification of the Optional Protocol on a communications procedure**

25. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the Optional Protocol on a communications procedure.

## **IX. Follow-up and dissemination**

26. The Committee recommends that the State party take all appropriate measures to ensure the full implementation of the present recommendations by, *inter alia*, transmitting them to the parliament, relevant ministries, including the Ministry of Defence, the Supreme Court and local authorities, for appropriate consideration and further action.

27. The Committee recommends that the report and written replies submitted by the State party and the present concluding observations be made widely available, including but not exclusively through the Internet, to the public at large, civil society organizations, youth groups, professional groups and children, in order to generate debate on and awareness of the Optional Protocol and its implementation and monitoring.

## **X. Next report**

28. In accordance with article 8 (2) of the Optional Protocol, the Committee requests the State party to include further information on the implementation of the Optional Protocol and the present concluding observations in its next periodic report, to be submitted in accordance with article 44 of the Convention.

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