

COMMITTEE ON THE RIGHTS OF THE CHILD

**WRITTEN REPLIES BY THE GOVERNMENT OF MADAGASCAR
CONCERNING THE LIST OF ISSUES (CRC/C/Q/MDG/2) RECEIVED
BY THE COMMITTEE ON THE RIGHTS OF THE CHILD RELATING
TO THE CONSIDERATION OF THE SECOND PERIODIC REPORT
OF MADAGASCAR (CRC/C/70/Add.18)**

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REPUBLIC OF MADAGASCAR

MINISTRY OF POPULATION

Convention on the Rights of the Child

**Replies of the Government of Madagascar concerning the list of issues to
be taken up in connection with the consideration of the second periodic
report of Madagascar by the Committee on the Rights of the Child**

August 2003

PART I

A. Statistical data

1. Please provide demographic data of the number of the under-18 population, disaggregated by sex, age groups, urban or rural areas.

1. According to population projections based on the 1993 General Census of Population and Housing, the population of Madagascar in 2003 is estimated at 16,600,024.

Table 1

Structure of the population by age and sex, 2003

Age	Total	Men	Women
0-4	3 071 864	1 558 237	1 513 627
5-9	2 453 757	1 244 589	1 209 168
10-14	1 885 575	945 542	940 032
15-19	1 576 898	795 829	781 068
20-24	1 463 189	739 330	723 859
25-29	1 312 579	644 385	668 193
30-34	1 062 431	516 859	545 573
35-39	851 802	414 215	437 587
40-44	738 809	365 052	373 757
45-49	584 050	295 443	288 608
50-54	444 905	222 841	222 063
55-59	297 165	142 428	154 737
60-64	266 781	126 086	140 695
65-69	208 525	98 837	109 687
70-74	172 917	82 714	90 204
75-79	105 798	52 151	53 648
80 +	102 979	46 612	53 368
Total	16 600 024	8 294 150	8 305 875

Table 2

Structure of the population by age and sex, 2003 (Urban areas)

Age	Total	Men	Women
0-4	723 565	366 935	356 630
5-9	621 411	312 825	308 586
10-14	518 989	254 334	264 655

Table 2 (continued)

Age	Total	Men	Women
15-19	458 916	226 157	232 759
20-24	336 915	216 457	220 458
25-29	394 964	189 236	205 727
30-34	321 560	153 642	167 918
35-39	268 101	127 112	140 989
40-44	234 607	115 066	119 542
45-49	177 243	90 734	86 509
50-54	125 189	63 288	61 901
55-59	82 097	38 561	43 536
60-64	68 139	30 745	37 394
65-69	54 215	23 841	30 374
70-74	43 381	18 797	24 584
75-79	28 387	12 493	15 894
80 +	25 982	11 430	14 552
Total	4 583 661	2 251 653	2 332 008

Table 3

**Structure of the population by age and sex, 2003
(Rural areas)**

Age	Total	Men	Women
0-4	2 348 299	1 191 302	1 156 997
5-9	1 832 346	931 765	900 582
10-14	1 366 585	691 208	675 377
15-19	1 117 982	569 672	548 310
20-24	1 026 273	522 873	503 401
25-29	917 615	455 149	462 466
30-34	740 871	363 217	377 655
35-39	583 702	287 104	296 598
40-44	504 202	249 986	254 215
45-49	406 807	204 709	202 099
50-54	319 716	159 554	160 162
55-59	215 068	103 867	111 201
60-64	198 641	95 341	103 301
65-69	154 309	74 996	79 313
70-74	129 537	63 917	65 620
75-79	77 412	39 658	37 754
80 +	76 997	38 182	38 815
Total	12 016 362	6 042 500	5 973 866

2. In the light of article 4 on the implementation of the Convention, please provide additional information and disaggregated data (by age, sex, ethnic group and autonomous provinces) on the amount and proportion in percentage of national budget allocated to children at central, local levels, preferably in the last three years (2000-2002), evaluating also the order of priority given to these policies within the comprehensive budget to:

(a) Education (different types of education, i.e. pre-primary, primary and secondary education);

(b) Health care (different types of health services, i.e. primary health care, vaccination programmes, adolescent health care and other health-care services for children, including social insurance);

(c) Children with disabilities;

(d) The protection of children who are in need of alternative care, including the support of care institutions.

2. The following table shows the amount of resources allocated to education, health care, children with disabilities and the protection of children who are in need of alternative care.

Table 4**Amount of resources allocated to the various ministries whose activities affect children (in thousands of Malagasy francs (FMG))**

(a) Ministry of Secondary and Basic Education									
Sectors	Fiscal Year								
	2000			2001			2002		
	DR*	HIPCDI**	Operating costs***	DR*	HIPCDI**	Operating costs***	DR*	HIPCDI**	Operating costs***
Pre-primary		135 224 180	167 385 892		137 837 522	159 654 768		192 234 331	256 926 658
Primary									
Secondary		74 056 210	140 601 615		70 578 122	161 451 722		83 534 886	218 452 004
Total		209 280 390	307 987 507		208 415 644	321 106 490		275 769 217	475 378 662

(b) Ministry of Health									
Sectors	Fiscal Year								
	2000			2001			2002		
	DR*	HIPCDI**	Operating costs***	DR*	HIPCDI**	Operating costs***	DR*	HIPCDI**	Operating costs***
District health service	27 407 731	-	-	29 750 383	Treated as DR	-	26 629 894	Treated as DR	-
Vaccination programme	779 799	-	-	781 200	-	-	886 360	-	-
Total	28 187 530	-	-	30 531 583	-	-	27 516 254	-	-

(c) Ministry of Population									
Sectors	Fiscal Year								
	2000			2001			2002		
	DR*	HIPCDI**	Operating costs***	DR*	HIPCDI**	Operating costs***	DR*	HIPCDI**	Operating costs***
Children with disabilities	520 000	-	-	1 068 000	-	-	400 000	-	-
Promotion of childhood	600 000	-	73 541	143 000 000	-	53 210	260 000	-	53 210
Total	1 120 000	-	73 541	1 119 210	-	53 210	660 000	-	53 210

(d) Ministry of Justice									
Sectors	Fiscal Year								
	2000			2001			2002		
	DR*	HIPCDI**	Operating costs***	DR*	HIPCDI**	Operating costs***	DR*	HIPCDI**	Operating costs***
Re-education centre									
Criminal justice costs	6 000 000	-	-	1 800 000	-	-	690 000	-	-
Total									

* DR: Domestic resources (State participation in the public investment programme).

** HIPCDI: Heavily Indebted Poor Countries Debt Initiative (resources made available by debt cancellation).

*** Operating costs: Current operating expenditure for public services.

The appropriations mentioned in the preceding table relate solely to domestic resources. External resources received from various (bilateral and multilateral) financial partners are also used to support Madagascar's efforts to protect children.

Table 5

Finance Act 2003

General State Budget (in thousands of FMG)	Expenditure	Income
Appropriations	3 775 677 000	4 361 100 000
Investment	2 495 650 000	850 000 000
Total	6 271 327 000	5 211 100 000

FMG 5,211,100,000: products and revenues applicable to the 2003 budget.

FMG 6,271,327,000: ceiling on authorized appropriations for interest on debt, the public authorities, resources for the ministries, other allocated expenditure, allocations for the communes, investment expenditure of the 2003 General Budget.

3. Please provide disaggregated statistical data (by sex, age, minority groups or ethnic origin, autonomous provinces, urban or rural areas) covering the period 2000-2002 on the:

(a) Number and percentage of children with disabilities;

(b) Number of children with disabilities either taken care of at home or living in institutions;

(c) Number of children with disabilities being enrolled in regular education and how many benefit from the special education system.

In addition, please indicate the number of schools and teachers involved in the inclusive policy with regard to children with disabilities and provide information on the causes of disabilities.

3. The statistics on Malagasy children with disabilities are obtained from an estimate based on the 1993 General Census of Population and Housing, and an estimate made by the World Health Organization (WHO). If the rate of growth of the population remains 2.8 per cent

and if the overall structure of the 1993 population remains stable and the number of persons with disabilities is 7 per cent of the population according to WHO, the number and percentage of children with disabilities is as follows.

Table 6
Number and percentage of children with disabilities

2000

Number by age group and sex				Percentage in relation to the total number of persons with disabilities		
Age group	Male	Female	Combined	Male	Female	Combined
0-4	95 183	94 353	189 536	9.2	9.1	18.3
5-9	73 074	71 413	144 488	7.0	6.9	13.9
10-14	65 497	63 940	129 437	6.3	6.2	12.5
15-19	57 193	59 269	116 462	5.5	5.7	11.2
Total	290 947	288 975	579 923	28	27.9	55.9
All persons with disabilities			1 037 986			

2001

Number by age group and sex				Percentage in relation to the total number of persons with disabilities		
Age group	Male	Female	Combined	Male	Female	Combined
0-4	97 848	96 995	194 843	9.2	9.1	18.3
5-9	75 120	73 413	148 533	7.0	6.9	13.9
10-14	67 331	65 730	133 061	6.3	6.2	12.5
15-19	58 794	60 929	119 723	5.5	5.7	11.2
Total	299 093	297 067	596 160	28	27.9	55.9
All persons with disabilities			1 067 049			

2002

Number by age group and sex				Percentage in relation to the total number of persons with disabilities		
Age group	Male	Female	Combined	Male	Female	Combined
0-4	100 728	99 849	200 576	9.2	9.1	18.3
5-9	77 331	75 573	152 904	7.0	6.9	13.9
10-14	69 312	67 664	136 976	6.3	6.2	12.5
15-19	60 524	62 721	123 246	5.5	5.7	11.2
Total	307 895	305 807	613 702	28	27.9	55.9
All persons with disabilities			1 198 447			

The number of children with disabilities taken care of at home or living in institutions is 1,677.

In Madagascar, 10 per cent of children with disabilities are enrolled in regular education, or 57,992 in 2000, 59,616 in 2001 and 61,370 in 2002.

The number of children who benefit from the special education system is 1,677. Nine pilot schools and nine teachers are participating in the inclusive policy with regard to children with disabilities.

There are four major causes of disabilities:

- congenital and perinatal defects (15-20 per cent): genetic disorders, illnesses of the pregnant mother, complicated delivery;
- communicable diseases (approximately 20 per cent): poliomyelitis, trachoma, sexually transmitted diseases, infections, etc.;
- non-communicable somatic diseases (icterus, diabetes, etc.) and psychological disorders (drug dependence, mental illness) (40-45 per cent); and
- traumas, injuries and deficiencies caused by external conditions: traffic accidents, work-related accidents, household accidents, violence, malnutrition, etc. (approximately 15 per cent).

4. With reference to children deprived of a family environment and separated from parents, please provide disaggregated data (by age and gender) for the last three years on the number of children:

- (a) Separated from their parents;**
- (b) Placed in institutions;**
- (c) Placed with foster families;**
- (d) Adopted domestically or through intercountry adoptions.**

4. With regard to children deprived of a family environment and separated from their parents, the results of the Multiple Indicator Cluster Survey (MICS) 2000 gives an idea of the situation: 72.2 per cent of children between 0 and 14 years of age live with both parents; 7.6 per cent of children between 0 and 14 do not live with either of their biological parents, while both parents of 5.4 per cent of such children are living. In the capital, 81 per cent of children between 0 and 14 live with both parents, as opposed to 73 per cent in rural areas.

With regard to the number of children who were adopted through intercountry adoptions, the following table provides statistical data for the past three years concerning all nationalities combined:

Table 7

Number of children adopted through intercountry adoptions

Years	Number of children adopted
2000	250
2001	265
2002	373

Source: Ministry of Population, Department for the Promotion of the Family.

5. Please provide disaggregated statistical data (by sex, age, autonomous provinces, urban or rural areas) covering the period 2000-2002 in percentage of the relevant age group on the:

- (a) Rates of literacy, below and over 18 years;**
- (b) Enrolment in percentage of children in primary and secondary schools;**
- (c) Percentage of children completing primary and secondary education;**
- (d) Number and percentage of dropouts, repetition and retention;**
- (e) Ratio teacher per children and number of children per class;**
- (f) Number of children in boarding schools and number and locations of these schools;**

(g) Number of schools and teachers;

(h) Number of children who attend pre-school education.

5. The literacy rates of individuals by age groups, area and sex are as follows:

Table 8

Literacy rates by age group and area

Age group	Urban		Rural	
	Narrow rate	Broad rate	Narrow rate	Broad rate
Under 18	79.2	84.2	42.4	50.6
Over 18	84.2	82.2	51.4	57.6

Source: Ministry of Secondary and Basic Education - United Nations Children's Fund (UNICEF), October 1998.

Table 9

Percentage of children (between 5 and 12 years of age) currently attending primary school in Madagascar 2000

Province/Area of residence	Boys %	Girls %	Combined %
Province			
Antananarivo	58.5	60.3	59.4
Fianarantsoa	41.2	43.3	42.2
Toamasina	49.7	49.1	49.4
Mahajanga	39.9	43.2	41.7
Toliara	29.3	32.8	31.1
Antsiranana	49.2	53.2	51.2
Area of residence			
Capital	64.1	63.0	63.6
Other urban area	57.0	58.3	57.6
Rural area	42.7	45.7	44.2

Age	Boys %	Girls %	Combined %
5 years	6.7	6.7	6.7
6 years	20.5	27.1	23.7
7 years	44.4	47.7	46.1
8 years	59.9	66.2	63.0

Table 9 (continued)

Age	Boys %	Girls %	Combined %
9 years	65.8	63.2	65.5
10 years	66.5	67.7	67.1
11 years	67.1	66.1	66.6
12 years	59.2	61.6	60.5
Total	45.8	48.2	47.0

Source: MICS 2000.

The proportion of children who start in the first year and complete the fifth year of primary school was 39.8 per cent in 2000.

Table 10

Survival rate in primary school in 1999/2000 by sex, grade and area

Rate	11th	10th	9th	8th	7th
1. By sex:					
Boys	100	81.9	64.6	54.8	40.1
Girls	100	82.3	67.0	38.4	30.1
Boys and girls	100	82.1	65.7	46.9	35.5
2. By area:					
Rural area (boys and girls)	100	80.5	62.9	43.0	31.2
Urban area (boys and girls)	100	96.7	92.7	82.4	75.6

Source: Ministry of Secondary and Basic Education, Department of Statistics.

Data on the school dropout rate and repetition are as follows:

Table 11

**Repetition and dropout rates in primary education
in 1999/2000 by area and grade**

Rate	11th	10th	9th	8th	7th
Rural area	47.7	56.1	47.9	55.0	73.3
Urban area	77.4	78.6	70.0	73.1	78.5
Repetition rate					
Rural area	40.9	28.4	30.6	24.9	26.7
Urban area	20.0	17.9	21.3	20.4	21.5
Dropout rate					
Rural area	11.4	15.5	21.5	20.1	
Urban area	2.6	3.4	8.7	6.6	

Source: Ministry of Secondary and Basic Education, Department of Statistics.

Table 12

**Promotion, repetition and dropout rates in secondary education
1999/2000 by sex and grade**

Rate	6th	5th	4th	3rd	2nd	1st	Term
Promotion rate							
Boys	70.5	78.0	80.7		73.7	94.2	
Girls	71.1	75.5	81.0		75.1	94.1	
Combined	70.8	76.7	80.9		74.4	94.1	
Repetition rate							
Boys	16.1	12.5	13.2	26.2	10.3	11.6	32.5
Girls	15.5	12.8	13.7	26.9	10.0	10.3	31.0
Combined	15.8	12.6	13.5	26.6	10.1	10.9	31.8
Dropout rate							
Boys	13.5	9.6	6.1	35.9	16.0	5.8	
Girls	13.4	11.7	5.2	35.7	14.9	4.4	
Combined	13.4	10.6	8.7	35.8	15.5	6.0	

Source: Ministry of Secondary and Basic Education, *Annuaire statistique*.

Table 13

Student/teacher ratio in primary education, 1998/99 to 2000/01

	Antananarivo	Antsiranana	Fianarantsoa	Mahajanga	Toamasina	Toliara	Combined
1998/99							
Private	32	37	35	36	35	41	34
Public	48	76	45	63	62	47	53
Combined	40	66	43	58	57	45	47
1999/2000							
Private	32	43	42	35	39	34	35
Public	50	71	47	62	63	46	54
Combined	41	64	46	56	59	42	48
2000/01							
Private	30	33	36	32	39	33	32
Public	50	71	47	61	61	45	53
Combined	40	60	45	55	58	42	47

Source: Ministry of Secondary and Basic Education, *Annuaire statistique*.

Table 14

Trends in the primary and secondary student population, 1998/99 to 2000/01

		1998/99			1999/2000			2000/01		
		Male	Female	Total	Male	Female	Total	Male	Female	Total
Primary	Public	803 342	767 940	1 572 388	875 900	832 935	1 708 835	925 479	883 135	1 808 614
	Private	224 001	223 424	440 028	250 409	249 077	499 486	250 649	248 237	498 886
	Total	1 027 343	991 364	12 018 707	1 126 309	1 082 012	2 208 321	1 176 128	1 131 371	2 307 500
Secondary	Public 1st cycle	77 834	73 462	151 296	82 735	76 769	159 504	90 754	84 244	174 999
	2nd cycle	16 600	14 971	31 571	18 081	17 162	35 243	17 722	15 994	33 716
	Total	94 434	88 433	182 867	100 816	93 931	194 747	108 476	100 238	208 715
	Private 1st cycle	60 236	62 081	122 317	63 044	65 325	128 369	68 897	72 488	141 385
	2nd cycle	13 964	15 102	29 066	14 845	16 293	31 138	15 147	16 948	32 095
	Total	74 200	77 183	151 383	77 889	81 618	159 507	84 044	89 436	173 480
Combined	Public	897 776	856 373	1 755 255	976 716	926 866	1 903 582	1 033 955	983 373	2 017 329
	Private	298 201	300 607	591 411	328 298	330 695	658 993	334 693	337 673	672 366
	Total	1 195 977	1 156 980	2 346 666	1 305 014	1 257 561	2 562 575	1 368 648	1 321 046	2 689 695

The number of children enrolled in boarding schools and the locations of these schools are not available.

The following table shows the number of teachers in public and private schools.

Table 15
Trends in the number of teachers not in the classroom by level of study
and by sector from 1996/97 to 2000/01

	1996/97	1997/98	1998/99	1999/2000	2000/01
Primary					
Total	4 876	3 718	3 657	4 708	4 096
Public	3 197	2 216	2 034	2 662	2 103
Private	1 679	1 502	1 623	2 046	1 993
Secondary, first cycle					
Total	3 835	3 844	4 032	3 918	4 272
Public	3 165	3 040	3 125	2 969	3 197
Private	670	804	907	949	1 075
Secondary, second cycle					
Total	1 831	1 874	1 877	2 029	1 958
Public	1 358	1 344	1 302	1 335	1 384
Private	473	530	575	694	574
Combined (primary and secondary)					
Total	1 542	9 436	9 566	1 655	1 326
Public	7 720	6 600	6 461	6 966	6 684
Private	2 822	2 836	3 105	3 689	3 642

Source: Ministry of Secondary and Basic Education, *Annuaire statistique*.

Pre-school education suffers from a lack of clarity in the definition of the specific body responsible for such education. It is therefore difficult to collect data on this sector.

Table 16

Statistics on pre-school education in Madagascar

Provinces	Number of private PAC*	Number of public PAC	Number of PAC under the Ministry of Population	Number of children in PAC	Number of teachers
Antananarivo	336	27	03	50 291	-
Fianarantsoa	311	-	01	2 599	125
Toliara	65	-	04	2 403	72
Toamasina	164	-	04	12 677	355
Antsiranana	110	-	02	6 607	182
Mahajanga	94	-	02	6 303	212
Total	1 580	27	16	80 880	946

* PAC: Pre-school activity centres.

Source: Ministry of Population, Pre-school Activities Service.

6. Please provide disaggregated statistical data on adolescent health, including sexually transmitted diseases (STDs), HIV/AIDS, early pregnancy, early and forced marriages, drug and alcohol abuse, violence and physical abuse, suicide and mental health concerns.

6. There are no statistical data available on adolescent health, including sexually transmitted diseases, HIV/AIDS, early pregnancy, early and forced marriages, drug and alcohol abuse, suicide and mental health concerns.

The statistics obtained from the Department of Police do not indicate the extent of the problem of child victims of sexual exploitation but rather the number of children victims of sexual abuse in general.

Table 17
Offences against minors, 2000-2001

Offences	2000	2001
Crimes and offences against children		
Child abduction	36	7
Abandonment	16	1
Corruption	303	7
Other	25	313
Prosecutions for sexual offences against minors		
Cases received	752	816
Cases dealt with	639	576
Persons involved	331	560
- arrest warrants	204	287
- pre-trial release	127	273
Indecent assault		
Persons involved	302	331
Cases dealt with/cases received	311/372	318/463
Arrest warrants	191	177
Pre-trial release	111	154
Corruption of minors		
Persons involved	224	224
Cases dealt with/cases received	256/303	256/303
Arrest warrants	137	137
Pre-trial release	87	87
Breach of trust		4
Ill-treatment		16
Attempted abduction		4
Incitement of minors to debauchery		1
Subtotal		353

7. Please provide the following statistical data of children (disaggregated by sex, age, type of crime) for the last three years (2000-2002):

(a) Number of minors who allegedly committed a crime reported to the police;

(b) Number of minors who were sentenced by courts to sanctions; the nature of sanctions (community service; detention; other types of sanctions);

(c) The number of juveniles detained and imprisoned, the location of their detention or imprisonment (e.g. police station, jail or other place) and the lengths of their detention or imprisonment, including pre-trial detention;

(d) Number of suspended sentences;

(e) Percentage of recidivism cases.

7. The following statistics relate to the problem of children in conflict with the law.

Table 18

Number of minors suspected of committing an offence reported to the Antananarivo Juveniles and Vice Police

Sex	Men		Women		Total
Type of offence	Arrest warrants	Pre-trial release	Arrest warrants	Pre-trial release	
2000					
Rape	19	3	-	-	22
Incest	-	-	-	-	0
Indecent assault	8	4	-	-	12
Corruption of minor	15	10	3	6	34
Theft	125	30	29	19	203
Attempted rape	1	2	-	-	3
Grievous bodily harm	20	20	6	18	64
Use of cannabis	3	1	-	-	4
Destruction of other people's property	-	2	-	1	3
Abortion	-	-	-	-	0
Fraud	2	1	-	4	7
Embezzlement	1	1	2	1	5
Total	194	74	40	49	357
2001					
Rape	38	17	-	-	55
Incest	5	1	-	-	6
Indecent assault	13	11	-	-	24
Corruption of minor	58	18	18	9	103
Theft	99	27	25	6	157
Attempted rape	6	11	-	-	17
Grievous bodily harm	36	33	9	25	103

Table 18 (continued)

Sex	Men		Women		Total
Type of offence	Arrest warrants	Pre-trial release	Arrest warrants	Pre-trial release	
Use of cannabis	8	-	-	-	8
Destruction of other people's property	-	1	-	3	4
Abortion	-	-	-	-	0
Fraud	2	2	1	-	5
Embezzlement	2	1	-	-	3
Total	267	122	53	43	585
2002					
Rape	23	15	-	-	38
Incest	2	1	-	-	3
Indecent assault	5	2	-	-	7
Corruption of minor	34	18	8	19	79
Theft	62	52	24	29	167
Attempted rape	-	3	-	-	3
Grievous bodily harm	28	25	8	23	84
Use of cannabis	3	1	-	-	4
Destruction of other people's property	1	3	1	2	7
Abortion	-	-	-	1	1
Fraud	1	2	2	1	6
Embezzlement	2	1	1	2	6
Total	161	123	44	77	405

Source: Ministry of Justice.

As regards the number of minors sentenced by courts and the nature of the penalties imposed (community service; imprisonment; other types of penalties), only the statistics for 1999 are available.

Table 19
Number of minors sentenced by courts, 1999

Sentence	Number
Placement with a reliable person	1
Placement in a re-education centre	5
Release under supervision	4
Fine	4
Imprisonment	272
Total	286

The following statistics relate to children placed in re-education centres.

Table 20
Statistics on children placed in re-education centres in Antananarivo

Category	Arrest	Placement				Prison	Duration
Year 2002	Police station	Akany Avoko Faravohitra	Anjanamasina	Akany VNT Ankadivato	Akany Avoko Amb/trimo	Antanimora jail	
	13						24 to 48 hours
Girls		2 15					2 years 1 to 8 months
Boys			8				1 to 4 months
Boys				2 8			3 months 1 to 8 months
Girls					1		8 months
Girls						1	3 days
Boys						2	1 month

Table 21
Juveniles in conflict with the law, by region

December 2001

Regional departments/Prison administration	Convicted		Pre-trial		Total prison population
	Boys	Girls	Boys	Girls	
Antananarivo	9	-	58	5	3 542
Antsirabe	1	-	22	-	1 017
Antsiranana	2	-	22	3	1 188
Antalaha	6	-	13	-	770
Fianarantsoa	-	-	41	5	1 474
Farafangana	0	0	23	0	1 256
Mahajanga	13	-	42	3	3 024
Maintirano	1	-	8	-	773
Antsohihy	-	-	-	-	-
Toamasina	7	-	33	-	1 751
Ambatondrazaka	2	-	8	1	1 144
Toliara	3	-	19	1	973
Morondava	-	-	10	1	624
Tolagnaro	1	-	5	-	834
Total	45	0	304	19	18 370
Percentage	0.24	-	1.65	0.10	

Summary

Category	Convicted	Pre-trial	Total
Boys	45	304	349
Girls	-	19	19

December 2002

Regional departments/Prison administration	Convicted		Pre-trial		Total prison population
	Boys	Girls	Boys	Girls	
Antananarivo	7	-	43	2	3 741
Antsirabe	-	-	17	-	944
Antsiranana	1	-	15	-	1 144
Antalaha	2	-	17	-	679
Fianarantsoa	-	-	22	-	1 537

Table 21 (continued)

Regional departments/Prison administration	Convicted		Pre-trial		Total prison population
	Boys	Girls	Boys	Girls	
Farafangana	-	-	19	-	1 333
Mahajanga	2	-	16	1	1 194
Maintirano	-	-	12	-	757
Antsohihy	11	4	24	-	1 767
Toamasina	5	-	16	1	1 869
Ambatondrazaka	3	-	5	-	1 232
Toliara	2	-	14	-	898
Morondava	-	-	10	1	620
Tolagnaro	1	-	10	-	725
Total	34	4	240	5	18 440
Percentage	0.18	0.02	1.30	0.02	100

Summary

Category	Convicted	Pre-trial	Total
Boys	34	240	274
Girls	4	5	9

No information is available on the number of suspended sentences or the rate of recidivism.

8. With reference to special protection measures, please provide statistical data (including by sex, age, urban/rural areas) per year between 2000 and 2002 on the number of children:

(a) Involved in sexual exploitation, including prostitution, pornography, sale and trafficking and the number of those children who were provided access with rehabilitation treatments;

(b) Involved in substance abuse and the number of those children who received rehabilitation treatments;

(c) Living in the streets and the number of them receiving social (re-)integration;

(d) Involved in child labour (formal or informal sectors, and domestic work).

8. A study on the sexual exploitation of children, carried out in two tourist towns on the coast, Toamasina and Nosy Be, shows the extent of the commercial sexual exploitation of children. The results of the study, which will be published in the very near future, put the number of girls aged 10 to 17 involved in prostitution at between 1,309 and 2,217 in Toamasina (estimated population, 1,700,000) and between 700 and 800 in Nosy Be (estimated population, 50,000).

As regards rehabilitation treatment, the purpose of the study is to serve as a working document in the preparation of a programme of action to combat the sexual exploitation of children.

The Ministry of Population, with the support of UNICEF, has launched a project to combat violence, including sexual exploitation. A partnership network to trace and treat cases has been set up in Antananarivo and Toamasina.

As to the number of children involved in substance abuse and the number of those receiving rehabilitation treatment, the following data have been provided by the Central Narcotics Services of the Police and the Gendarmerie:

Table 22

2002		
	Number of children involved in substance abuse	Number of children receiving treatment
Boys	25	19
Girls	5	5

Source: Central Narcotics Services of the Police and the Gendarmerie.

The exact number of street children is not available. However, a study carried out in 2000 to evaluate the capacities of non-governmental organizations (NGOs) working with street children in the capital yielded a profile of Antananarivo's street children: 37 per cent have completely broken away from their families and from any socializing institution, while 60 per cent spend the entire day in the streets and return home to sleep. The total population of street children in Antananarivo is put at 700, but this figure is probably a gross underestimate.

The distribution of street children by age and sex varies depending on the places they frequent.

Table 23
Street children by age, sex and locality

Base	Age			Sex	
	7-10 years	11-13 years	14-16 years	M	F
	%	%	%	%	%
Anosibe Lalamby ¹	25	50	25	75	25
Antaninarenina ²	10	40	50	70	30
Under Behoririka bridge	50	50	-	83	17
Tsaralalana ³	-	80	20	20	80

¹ Market.

² Business and administrative district.

³ Business district.

As regards the social rehabilitation of street children, the above-mentioned evaluation of NGO capacities shows that there are a number of services on offer to Antananarivo's street children, although the approach varies depending on the methodology adopted. The NGOs that deal with the problem of street children within their families have the best chances of rehabilitating the children. These NGOs deal with the children together with their families. Unfortunately, there are few of these in the capital. One NGO, Akamasoa, counted 11,000 children, 8,000 of whom were registered in seven primary and secondary schools in the same centre (2000).

The Antananarivo urban district provides assistance for street children in a social centre. Unfortunately, the centre's capacity is extremely limited.

A relatively large number of children work. Out of the 4,200,000 children between 7 and 17 years of age recorded in the 1999 household survey, 1,400,000 were noted as working (all sectors).

It has not been possible to determine the number of domestic workers, since the relevant bodies and social authorities receive no notification of such employment.

No data are available for 2000-2002. A survey would be needed to establish the number of children working as domestic servants.

B. General measures of implementation

Monitoring of the implementation of the Convention

Madagascar's initial report was prepared with the help of a working group comprising representatives of the Ministries and of children's NGOs, an experience that gave rise to a follow-up committee for the Convention. The follow-up committee has unfortunately been dormant owing to a series of staffing changes in the Ministries concerned.

However, as part of the UNICEF cooperation programme, an Inter-Ministerial Follow-up and Coordination Committee (CISC) was established by decree No. 13888/99 of 30 December 1999, and this body has to some extent taken on the task of monitoring the implementation of the Convention, insofar as cooperation with UNICEF is based on the implementation of the Convention.

The members of CISC have received training in various areas, including, in April 2001, the *Child Info* database and analytical tools to help strengthen information capabilities.

Also in 2001, regional offices of CISC were established in three of Madagascar's autonomous provinces.

Cultural traditions

CISC is well aware of the situation regarding the cultural traditions of the various regions and, on 21 February 2001, it organized a workshop on the traditions and customs of each region of Madagascar. Several topics were discussed:

(a) A study on the rejection of twins in the Mananjary region, in the context of article 6 of the Convention: "States parties recognize that every child has the inherent right to life". The aim is to find solutions to the problems raised by local customs regarding twins;

(b) Malagasy history and traditions: historical landmarks and major cultural movements. A round table was held on the subject;

(c) Family, children and women: the place and role of women in various societies; the evolution of Malagasy family structures and family roles; traditions and customs and the Convention on the Rights of the Child; our changing society; communicative participation and social mobilization.

The results of these discussions will provide guidelines for the strategies to be adopted with a view to altering behaviours with regard to twins.

Juvenile justice

As part of the UNICEF cooperation programme for the development of a policy on child protection, the Ministry of Justice recently organized a workshop to review Madagascar's legislation on children's rights with a view to identifying any gaps vis-à-vis the Convention and setting in motion the necessary legislative reforms.

The recommendations that emerged from this workshop included the following:

- Order No. 62-038 of 19 September 1962, on the protection of children, should be revised. The Order deals mainly with juvenile offenders and does not highlight the need for specific protection measures for children in moral danger. A clear distinction needs to be made between the two categories: juvenile offenders and children in moral danger;
- Special centres should be established in order to achieve the aforementioned objective;
- A State social work college should be established;
- Educators and social workers should receive training.

Further information on cases in which the Convention has been invoked in the courts

According to an Antananarivo juvenile court judge, the cases in which he is most frequently requested to apply the provisions of the Convention chiefly concern abandoned children, child victims of rape or ill-treatment, and children of parents in common-law relationships.

In cases of abandonment, rape or ill-treatment of children, the solutions usually proposed by this judge are placement with a reliable person or a foster family or with a charitable order of nuns.

In many cases, the parents of children who are abandoned are extremely poor or simply irresponsible.

Children who are victims of rape or ill-treatment are generally domestic servants or orphans.

The same judge considers that the main problem continues to be the lack of reception centres. For example, Isotry's capacity is very restricted owing to the 10-day time limit on stays.

In the case of children of common-law unions, the judge usually suggests that the parents legalize the marriage.

Incompatibilities between customary law and statutory law and the principles and provisions of the Convention on the Rights of the Child

- 2001: Draft decree on the establishment of a provincial intersectoral coordination and follow-up committee for the Madagascar-UNICEF cooperation programme (for Antananarivo autonomous province).

Workshops organized:

- Adoption of a document on strategies for the integrated development of young children: seven broad strategies, including the strengthening and enhancement of family and community practices and roles, and presentations and sensitization;
- Community-based diagnosis;

- Global Movement for Children:

Campaign to collect at least one million signatures;

Campaign slogan: “Say Yes for children”;

Aim: to help children to understand their rights and parents to recognize the existence of those rights.

- Making parents aware of the value of their signature: it constitutes a commitment;
- Reinforcement of efforts to combat child labour:

Aims: to identify the gaps in current legislation and reinforce the legal framework and consistency of legislation, and to produce a collected volume of the legislative texts relating to child labour;

- Studies on the abandonment of children in Mananjary

A traditional practice in the region where it is traditionally believed that twins bring bad luck and should be abandoned;

Aim of the study: to identify possible solutions.

Action now being taken by domestic NGOs in cooperation with international NGOs to find foster families: measures to assist victims.

Information on budgetary allocations for children to the maximum extent of the State party’s available resources

- For the Ministries of Health and Education, budget allocations are established in the Finance Act. Each department must observe the applicable legislation in executing the budget;

- As regards allocations for disabled children, the Finance Act establishes only a global amount for persons with disabilities without indicating how this amount is distributed among children, young people and adults;
- The same applies to expenditure on criminal justice: the Act provides only for a global allocation for all criminal matters but does not indicate the amounts allocated to juvenile and adult justice.

Information on measures undertaken to ensure that financial resources allocated to the implementation of the Convention are efficiently used to this purpose

- A schedule for the use of budget allocations is established for all operations;
- Internal oversight of budget execution (inspection, monitoring, evaluation);
- Mandatory financial undertakings for all operations;
- Preparation of a central accounting form every two months;
- External oversight of actual expenditure by the Department of Financial Commitments.

MINISTRY OF SECONDARY AND BASIC EDUCATION (MINESEB)
BUDGET SUMMARY
 (Thousands of FMG)

Description (0)	2000 (2)	2001 (3)	2002 (4)
A. Not including HIPCDI	100 052 205	104 117 000	107 635 000
1. Operating budget (Not including salaries)			
Credit available*			51 989 336
Allocation for public primary schools (EPPs)	33 993 130	33 189 706	25 685 172
Assistance to disadvantaged school districts	20 335 217	11 788 838	
2. EPPs not including HIPCDI	54 328 347	44 978 544	25 685 172
As percentage (2/1)	54.3%	43.2%	49.4%

Description (0)	2000 (2)	2001 (3)	2002 (4)
B. Including HIPCDI MINESEB HIPCDI budget	100 052 205	104 117 000 32 171 290	51 989 360 30 000 000
3. Total MINESEB budget	100 052 205	136 288 290	81 989 360
4. Allocation for EPPs under HIPCDI As percentage (4/3)	54 328 347 54.3%	77 149 834 56.6%	55 685 172 67.9%

Note: FMG 68,250 billion were allocated to MINESEB under HIPCDI. In addition to appointments to 4,000 posts during 2001, FMG 32,171 billion were allocated to EPPs for the improvement of multi-year classes and the promotion of school canteens.

* Credit available: Under the Finance Act, FMG 107,635 billion were authorized for 2002, As a result of the crisis FMG 51.9 billion were available after the freeze. The full FMG 30 billion authorized were allocated to EPPs.

For 2003, FMG 51.5 billion will be earmarked for primary education activities.

National Human Rights Commission

(a) Term of office

The term of office of the members of the National Human Rights Commission is four years.

(b) Human resources

- The administrative staff is composed of the President, who represents the Commission at the national and international levels, and the Secretary-General, who is the head of administration;
- The technical staff consists of the Coordinating Committee, which is the supreme deliberating and decision-making body. The Committee comprises six members, who also chair the special subcommittees responsible for the various areas of the Commission's work;

- The General Assembly, which endorses decisions, is composed of:
 - All 25 members, representatives of various bodies working in the area of human rights, including members of their staff;
 - Members of human rights activist organizations;
 - Members of NGOs;
 - Eminent persons;
 - Representatives of the authorities (observer status);
- General staff: three secretariat staff, two messengers and two guards.

(c) Financial resources

- Between 2000 and 2002, the Commission was funded from the State budget;
- As of 2003, the Ministry of Justice helps fund the Commission through its operating budget.

(d) Activities of the Commission

- Training and awareness-raising; human rights education;
- Consultation;
- Assistance with ratification of international agreements and with the harmonizing of domestic legislation with international instruments;
- Assistance with preparation of Madagascar's initial and periodic reports;
- Education of public opinion;
- Consideration of individual and group complaints.

(e) Specific contribution to the implementation and monitoring of the rights of the child

- Continuing education of adults on the rights and duties of the “good citizen”, with particular emphasis on the most important rights to be recognized as applying to all children without exception;
- Training of NGOs in efforts to prevent child labour, paedophilia and discrimination against women and girls;
- Regular training for the general public:
 - Two annual training sessions for closed groups: information and education on the law and human rights, particularly the rights of the child;
 - Social events open to all: involvement of citizens in various types of action and activities relating to human rights, particularly the rights of the child. Sketches, short plays, radio competitions, folk singing, sports events, meetings and debates;
- Education specifically aimed at adults, young people and children:
 - National competitions in the field of human rights, particularly the rights of the child;
- Observance of Children’s month: media coverage, open days, discussions on key topics, support for action to assist homes for disadvantaged children;
- Close cooperation with women’s and children’s NGOs in the form of exchanges, information and advice as needed.

(f) Individual complaints lodged by children

- Individual complaints relating to the rights and lives of children may be transmitted to the National Human Rights Commission through adults (parents, guardians, teachers);

- Complaints concerning offences that cannot be resolved through an amicable settlement are referred to the competent courts;
- Under Malagasy law, only persons who have reached the age of 21 may bring a civil action in the courts.

2. The Médiateur

(a) Term of office: the Médiateur's term of office is six years.

(b) Human resources

- The Médiateur; the Office of the Médiateur comprises six mission officers and one head of secretariat;
- The Deputy Médiateur;
- The Secretary-General, one head of secretariat, one secretary and one head of protocol;
- Three departments:
 - Department of Administration and Finance;
 - Department of Studies;
 - Department of Recommendations and Intervention;
- A regional office in each *faritany* (autonomous province).

(c) Financial resources

- Initially, the budget was included in the Finance Act (State C);
- From 1992 to date: State intervention budget (Office of the President);
- The Office of the Médiateur receives no external funding.

(d) Activities of the Office of the Médiateur

Principal activities

- Receipt of complaints concerning relations between citizens and the central administration, submitted by the territorial communities, State institutions or any other public service;
- Although complaints should in principle be submitted in writing, the Office also receives many verbal complaints, particularly in times of crisis or when there is a change of government;
- The Office may take action only under two conditions:
 - When there are two parties to a dispute;
 - As a neutral body, the Office must be accepted by both parties.

Other activities

- In addition to administrative mediation, the Office of the Médiateur also intervenes in other areas:
 - Political mediation (for example, Mahambo I and II, 1992-1993);
 - Social mediation (for example, a church dispute);
- The Office of the Médiateur is represented on the National Human Rights Commission and the National Election Board.

(e) Specific contribution to the implementation and monitoring of the rights of the child

- The majority of initiatives taken by the Office relate to the creation of a civil registration service (Project to reinstate the civil registration service), and preliminary awareness-raising activities.

(f) Individual complaints lodged by children

- The Office of the Médiateur receives claims rather than complaints. These may be lodged directly, unlike in France, for example, where they must be transmitted through the Parliament;
- However, any complaints that are received are referred to the competent courts;
- Complaints relating to violations of children's rights are lodged by adults.

Data collection

A management information system is being set up as part of the Education for All programme. The system will collect all information relating to the survival, development and protection of children.

Information on the consideration of the report by the Committee

An awareness-raising campaign is to be conducted before the departure of the delegation responsible for presenting Madagascar's report to the Committee on the Rights of the Child in Geneva, as well as on its return. This will take the form of a television and radio interview and an article in the press.

Training and awareness-raising in the area of children's rights

Further to the information provided in paragraph 6 concerning the National Human Rights Commission, which frequently organizes workshops to popularize the rights of the child, the National College of Magistrates and Clerks of the Court organizes an annual in-service training session for judges on the Convention on the Rights of the Child. Some 30 judges take part in each session. However, the Convention is also studied as part of magistrates' initial training.

The State's priorities

The State party's current priorities are education (full enrolment of all school-age children), the health and vaccination of children, and registration of births.

PART III

New legislation

1. Act No. 98-024 of 25 January 1999 on the revision of the Criminal Code concerning paedophilia.

(a) The Act introduces more severe penalties for such acts as indecent exposure in the presence of a minor; non-violent indecent assault of a child of either sex under 14 years of age, and indecent or unnatural acts with a minor of the same sex under the age of 21;

(b) The provisions concerning the exploitation of prostitution, including profiting from sex tourism, have also been supplemented and strengthened;

(c) The exploitation of minors for pornographic purposes has hitherto not been punished under the Criminal Code. The new Act therefore incorporates into the Criminal Code provisions concerning the dissemination, fixing, recording or transmission of pornographic images, in particular when the message may be seen or discovered by a minor;

2. Act No. 2000-021 of 28 November 2000 amending and supplementing certain provisions of the Criminal Code relating to violence against women, and sexual offences.

In general, the Act reinforces the punishment of violence against women by the inclusion of pregnancy as an aggravating circumstance. It also redefines the criteria for rape, which now means any act of sexual penetration committed [text missing]. Finally, it provides for the punishment of sexual harassment committed either in the workplace or in an educational establishment.

Draft legislation

1. Draft legislation to combat HIV/AIDS and safeguard the rights of those living with HIV/AIDS (currently before the Council of Ministers).

The draft establishes an overall framework for action to prevent and combat AIDS and safeguards the rights of persons living with HIV/AIDS. In addition to measures to protect

persons in educational establishments living with HIV/AIDS, the new text also provides for programmes to prevent mother-child transmission of the virus, implementation of which will ensure improved pre- and post-natal care.

The draft also establishes very severe penalties for those who knowingly transmit the virus to others if the victim is a minor under 18 years of age or if the perpetrator is a parent or any other person with authority over the victim.

2. Draft legislation on the Labour Code (about to be submitted to the Government Council by the Ministry of Labour and Social Legislation).

New provisions, such as respect for all aspects of the dignity of the human person, have been included in the draft.

The draft includes a special section on child labour, which regulates work performed by minor children and apprentices aged under the age of 18. The legal age of admission to employment is set at 15, in accordance with International Labour Organization (ILO) Convention No. 138 concerning Minimum Age for Admission to Employment. Night work and overtime are also prohibited for children under 18.

New institutions

- Social Action Committee, known as the “Platform for Coordination, Information and Monitoring of Children in Difficult Situations in the *Fivondronana* of Antananarivo Renivohitra”, established by Decree No. 764 Fivren/DLA/95 of 23 August 1995;
- Inter-Ministerial Follow-up and Coordination Committee for the Madagascar-UNICEF Cooperation Programme, established by Decree No. 13888/99 of 30 December 1999;
- Steering Committee for National Vaccination Days, established by Decree No. 97-657 of 7 May 1997, which also governs the Committee’s powers, structure and functioning;

- National Anti-HIV/AIDS Committee, established by Decree No. 2002-1156 of 2 October 2002;
- Inter-Ministerial Commission on Adoption, established by Decree No. 94-272 of 19 April 1994, to carry out a preliminary consideration of applications by foreign nationals for the legal adoption of Malagasy children;
- National Education Improvement Programme, phase II (PNAE II).

Contemplated projects and plans of action

- Preparation of a national policy on the social protection of children;
- Preparation of a national plan of action to combat sexual exploitation:
 - publication of a report on sexual exploitation;
 - organization of a workshop on sexual exploitation;
- National programme to reinstate registration of births: campaign and awareness raising;
- Development of legislation in the area of protection of children:
 - ratification of the two optional protocols to the Convention on the Rights of the Child (in progress);
 - development of legislation on intercountry adoption;
 - review of legislation on procedures to protect child victims;
- Development of legislation relating to children affected by HIV/AIDS;
- Strengthening of the legal and social systems for the protection of children in need of special protection measures;
- Strengthening of human resources in social work, including specialized educators and social workers;

- Development of training materials for the police concerning sexual exploitation of children; and training of trainers;
- Awareness-raising and training for juvenile court judges and public prosecutors concerning the protection of children, particularly against violence and sexual exploitation.

Recently launched programmes

- Workshop on sex tourism and sexual exploitation of children and HIV/AIDS (28-30 November 2002);
- Combating violence against women and girls in Madagascar (25 November-10 December 2002):
 - Open days;
 - Presentation of a report on violence against women and girls;
- Report on the study of the sexual exploitation of children (September 2001);
- In-service training of magistrates in the area of protection of child victims of ill-treatment, violence and sexual abuse, in partnership with UNICEF (December 2002).

Joint action by the Ministry of Justice and UNICEF:

- Compilation of all legal texts on children, both domestic and international;
- Release of publication entitled *Droit de l'enfant* (“Child rights and the law”) (current data up to and including 28 December 2001);
- Workshop to identify gaps in Malagasy legislation vis-à-vis the Convention on the Rights of the Child;

- Participation in an international conference on intercountry adoption in Réunion with a view to:
 - ratifying the Hague Convention;
 - preparing draft legislation on intercountry adoption;
- Presentation of report on the current state of Malagasy legislation on children in the light of the Convention.
